

## DIRECTIVE 2024-03-19

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### CITY OF ST. LOUIS ORDINANCE [71717](#) (OPEN CARRY OF FIREARMS)

#### **Temporary Directive in effect until further notice**

New Ordinance [71717](#) prohibits persons from openly carrying or displaying any firearm capable of lethal use within the City unless the person possesses and displays a valid concealed carry endorsement or permit upon demand of a law enforcement officer. The ordinance also sets forth thirteen exceptions to this ordinance based on employment and official duties. Officers may arrest individuals for violations of [71717](#).

Note: Ordinance [71717](#) does not repeal Revised City Code [15.130.040](#) – “Exposed in whole or in part.” **However, Ordinance [71717](#) should be used instead for any open-carry violations.**

#### **Relevant State Statutes**

RSMo. [§ 21.750.1](#) states that an ordinance may not prohibit a person from openly carrying a firearm, subject to the following:

- Any person with a valid concealed carry endorsement or permit who is openly carrying a firearm shall be required to have a valid concealed carry endorsement or permit from this state, or a permit from another state that is recognized by this state, in his or her possession at all times;
- Any person open carrying a firearm in such jurisdiction shall display his or her concealed carry endorsement or permit upon demand of a law enforcement officer;
- In the absence of any reasonable and articulable suspicion of criminal activity, no person carrying a concealed or unconcealed firearm shall be disarmed or physically restrained by a law enforcement officer unless under arrest; and
- Any person who violates this subdivision shall be subject to the penalty provided in [§ 571.121](#).

RSMo. [§ 571.037](#) allows any person with a valid concealed carry permit who is lawfully carrying a firearm in a concealed manner to “briefly and openly display the firearm to the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner, not in necessary self-defense.”

#### **Concealed Carry Permits**

Individuals at least nineteen years of age, or at least eighteen years of age and a member of the U.S. Armed Forces or honorably discharged from the U.S. Armed Forces, may obtain a concealed carry permit, valid for five years, ten years, twenty-five years, or the individual’s lifetime. (RSMo. §§ [571.101](#), [571.205](#)).

Individuals with concealed carry permits are required to carry the permit at all times the person is carrying a firearm and are required to display the permit and a state or federal government-issued photo identification upon the request of any peace officer. See RSMo. [§ 571.121](#) and [§ 571.230](#).

Individuals are allowed to carry concealed firearms without a permit unless otherwise prohibited by law. It is an offense if a person without a concealed carry permit enters a location where firearms are restricted. Individuals with a concealed carry permit may be denied entry to prohibited locations or may be asked to leave and may be given a citation if the person refuses to leave. See RSMo. [§ 571.107](#) and RSMo. [§ 571.215](#) concerning prohibited locations for individuals with a concealed carry permit and penalties.

If the location is not listed in § [571.107](#), the individual may carry a concealed weapon unless the person is otherwise prohibited by law from doing so. See RSMo. § [571.030](#) (Unlawful Use of Weapons statute) for additional prohibitions on being in possession of a firearm (including while being intoxicated or while in possession of a controlled substance that is sufficient for a felony violation of § [579.015](#)).

### **Record Keeping Requirement**

SLMPD has implemented the “Open Carry Contact Form” (MPD Form GEN-455), located on the Intranet > Forms, to meet record keeping and reporting requirements imposed by Ordinance [71717](#).

### **Public Record Requests**


Public record requests may be made by following the instructions published on the SLMPD website Sunshine Law Information section. SLMPD provides public access to all open records in accordance with applicable Missouri law, including RSMo. § 571.013, Chapter 610 of the Missouri Sunshine Law, Special Order 9-13 and other governing SLMPD policies. Each request will be acted on in a timely fashion as required by RSMo. § [610.023.3](#).

### **Enforcement Procedures**

- A. Police officers encountering anyone who is openly carrying firearms will notify dispatch according to the procedures in SO 9-04 and provide any other relevant information.
- B. Officers should remain alert for, and address, any other potential violations of the law that may coincide with the open carry situation and that provide legal grounds to disarm the person.
- C. Officers are reminded to use smart tactics and common sense when dealing with individuals openly carrying firearms in the city. As always, officers should exercise caution and discretion. Safety is of paramount importance.
- D. Police officers may require any person openly carrying a firearm in the city to display their concealed carry permit and state or federal government-issued photo identification upon request.
- E. Concealed carry permit holders who do not display the concealed carry permit and a state or federal government-issued photo identification may be punishable by a state citation for violating RSMo. § [571.121](#) or § [571.230](#). Absent other violations, RSMo. § [21.750](#) prohibits individuals in violation of RSMo. § [571.121](#) or § [571.230](#) from being disarmed or arrested because such violations are not criminal offenses.
- F. Individuals in violation of Ordinance [71717](#) may be arrested and the openly carried firearm may be seized. An example of individuals who violate Ordinance 71717 include individuals who are not eligible for a concealed carry permit.
- G. In the case of open carry by juveniles, the State charge “Behavior Injurious – Status Offense” and/or Ordinance [71717](#) “Open Carry of a Firearm” are appropriate.
- H. **Officers must complete and submit the “Open Carry Contact Form” (MPD Form GEN-455), located on the Intranet > Forms, when Ordinance 71717 applies.**

Attachment A: “Open Carry Contact Form” (MPD Form GEN-455)

Attachment B: ORDINANCE [71717](#)

+ Contact Date and Time	<input type="text"/> <input type="text"/> Time: <input type="text"/>	↕
+ Contact Address or Intersection	<input type="text"/>	↕
+ Contact District	<input type="text"/>	↕
+ Number of Persons Stopped 	<input type="text"/>	↕

Information will be collected on up to 5 persons stopped in any single contact.

Person 1 Information	
+ Person 1 a Juvenile	<input type="radio"/> No <input type="radio"/> Yes
+ Declared Race of Person 1	<input type="radio"/> Asian/Pacific Islander <input type="radio"/> Black <input type="radio"/> Hispanic <input type="radio"/> Middle Eastern <input type="radio"/> Native American <input type="radio"/> White <input type="radio"/> Other
+ Declared Gender of Person 1	<input type="radio"/> Male <input type="radio"/> Female <input type="radio"/> Other
+ Enforcement Action for Person 1	<input type="checkbox"/> No Action - Legal Open Carry <input type="checkbox"/> No Action - Person Fled <input type="checkbox"/> Citation Issued for Open Carry <input type="checkbox"/> Arrested Check all that apply

This segment will be duplicated for up to 5 persons based on the number entered for Number of Persons Stopped field.

**ORDINANCE 71717**

**BOARD BILL NUMBER 29 COMMITTEE SUBSTITUTE AS AMENDED  
INTRODUCED BY ALDERWOMAN CARA SPENCER  
COSPONSORS: PRESIDENT MEGAN GREEN/ ALDERWOMAN ANNE  
SCHWEITZER/ ALDERMAN THOMAS OLDENBURG/ ALDERMAN SHANE COHN/  
ALDERMAN BRET NARAYAN/ ALDERMAN JOSEPH VOLLMER/ ALDERWOMAN  
DANIELA VELAZQUEZ/ ALDERWOMAN ALISHA SONNIER/ ALDERMAN  
MICHAEL BROWNING/ ALDERWOMAN SHAMEEM CLARK - HUBBARD/  
ALDERWOMAN LAURA KEYS/ ALDERWOMAN SHARON TYUS/ ALDERWOMAN  
PAMELA BOYD/ ALDERMAN RASHEEN ALDRIDGE**

1 An ordinance to prohibit persons from openly carrying or displaying any firearm readily capable  
2 of lethal use within the City unless the person possesses a valid concealed carry endorsement or  
3 permit as provided herein; and containing a severability clause and emergency clause.

4 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

5 **SECTION ONE. Unlawful Display of a Weapon.**

6 A. A person commits the ordinance violation of unlawful display of a weapon if he or she  
7 knowingly openly carries or displays a firearm readily capable of lethal use within the City of St.  
8 Louis unless the person possesses a valid Missouri concealed carry endorsement, or a valid  
9 concealed carry endorsement or permit issued by another state or political subdivision of another  
10 state that is recognized by the State of Missouri and displays the concealed carry endorsement or  
11 permit upon demand of a law enforcement officer except as provided in Subsection B of this  
12 Section.

13 B. Subsection A of this Section One shall not apply to or affect any of the following:

14 1. All state, county and municipal peace officers who have completed the training  
15 required by the police officer standards and training commission pursuant to RSMo

1           590.030 to 590.050 and who possess the duty and power of arrest for violation of the  
2           general criminal laws of the state or for violation of ordinances of counties or  
3           municipalities of the state, whether such officers are on or off duty, and whether such  
4           officers are within or outside of the law enforcement agency's jurisdiction, or all  
5           qualified retired peace officers, as defined in RSMo 571.030.12, and who carry the  
6           identification defined in RSMo 571.030.13, or any person summoned by such officers  
7           to assist in making arrests or preserving the peace while actually engaged in assisting  
8           such officer;

9           2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other  
10           institutions for the detention of persons accused or convicted of crime;

11           3. Members of the armed forces or national guard while performing their official duty;

12           4. Those persons vested by article V, section 1 of the Constitution of Missouri with the  
13           judicial power of the state and those persons vested by article III of the Constitution  
14           of the United States with the judicial power of the United States, the members of the  
15           federal judiciary;

16           5. Any person whose bona fide duty is to execute process, civil or criminal;

17           6. Any federal probation officer or federal flight deck officer as defined under the federal  
18           flight deck officer program, 49 U.S.C. Section 44921, regardless of whether such  
19           officers are on duty, or within the law enforcement agency's jurisdiction;

- 1           7. Any state probation or parole officer, including supervisors and members of the board  
2           of probation and parole;
- 3           8. Any corporate security advisor meeting the definition and fulfilling the requirements  
4           of the regulations established by the Missouri department of public safety under  
5           RSMo 590.750;
- 6           9. Any coroner, deputy coroner, medical examiner, or assistant medical examiner,
- 7           10. Any municipal or county prosecuting attorney or assistant prosecuting attorney;  
8           circuit attorney or assistant circuit attorney; municipal, associate, or circuit judge; or  
9           any person appointed by a court to be a special prosecutor who has completed the  
10          firearms safety training course required under RSMo 571.111.2;
- 11          11. Any member of a fire department or fire protection district who is employed on a full-  
12          time basis as a fire investigator and who possesses a valid Missouri concealed carry  
13          endorsement, when such uses are reasonably associated with or are necessary to the  
14          fulfillment of such person's official duties; and
- 15          12. Upon the written approval of the governing body of a fire department or fire protection  
16          district, any paid fire department or fire protection district member who is employed  
17          on a full-time basis and who possesses a valid Missouri concealed carry endorsement,  
18          when such uses are reasonably associated with or are necessary to the fulfillment of  
19          such person's official duties.
- 20          13. Any persons who are engaged in a lawful act of defense pursuant to RSMo 563.031.

1 C. Subsection A of this Section One shall not be construed to preclude the use of a firearm in  
2 accordance with RSMo 252.243.

3 **SECTION TWO.** Penalty for Violations.

4 A. For those individuals 18 years of age or older, a violation of the provisions of this Ordinance  
5 may be punished by a fine of not more than \$500.00, period of incarceration not to exceed  
6 thirty (30) days, or both such fine and period of incarceration or community service for a  
7 period of hours to be determined by the court.

8 B. For those individuals under 18 years of age, a violation of the provisions of this Ordinance  
9 may be punished by a fine of not more than \$500.00, or community service for a period of  
10 hours to be determined by the court..

11 C. Subsection A of this Section Two shall not apply under the following circumstances:

12 1. A person who holds a valid Missouri concealed carry endorsement; or a valid concealed  
13 carry endorsement or permit issued by another state or political subdivision of another state  
14 that is recognized by the State of Missouri who openly carries a firearm readily capable of  
15 lethal use without having their concealed carry endorsement of permit in their possession,  
16 in which circumstances they may be punished by a fine of not more than \$35.00.

17 2. A person who holds a valid Missouri concealed carry endorsement; or a valid concealed  
18 carry endorsement or permit issued by another state or political subdivision of another state  
19 that is recognized by the State of Missouri who openly carries a firearm readily capable of  
20 lethal use who fails to display their concealed carry permit of endorsement upon demand

1 of a law enforcement officer, in which circumstances they may be punished by a fine of  
2 not more than \$35.00

3 **SECTION THREE. Record Keeping and Annual Reporting.** The City’s Metropolitan  
4 Police Department (the “Department”) shall establish a policy and clear procedures to  
5 record and track the number and locations of stops where citations are not issued and stops  
6 where citations are issued for violations of Section One of this ordinance and stops that  
7 result in arrests, and the race and gender of all persons who are stopped. Records of stops  
8 shall be made using a standard form to be developed by the Department. The policy shall  
9 include procedures for:

- 10 1. Receiving and maintaining records of stops where a citation is not issued and stops  
11 where a citation is issued for a violation of Section One of this ordinance and stops  
12 result in arrests, and the race and gender of all persons who are stopped.
- 13 2. Making records available to the public as requested using a standard request for  
14 records form developed by the Department, and for receiving and responding to  
15 requests for records in a timely fashion.

16 The Department shall compile an annual report of the information collected pursuant to  
17 This Section Three, during the preceding twelve-month period, and any related information the  
18 Department deems relevant and necessary. Provided, however, that the initial report shall



1 contain information compiled during the period-of-time from the effective date of this  
2 ordinance and the reporting deadline. The Department shall complete the report and  
3 publish a copy thereof on the Department’s website by January 1, of each year.

4 **SECTION FOUR. Enforcement Policy.** The Police Division shall, in consultation with  
5 the Director of Public Safety and the City Counselor, develop a policy document or special  
6 order consistent with federal, state, and local laws outlining the procedures for enforcement  
7 of this ordinance no later than and, in any event, before any enforcement action.

8 **SECTION FIVE. Severability Clause.**

9 The Sections of this Ordinance shall be severable. In the event that any Section of this  
10 Ordinance is found by a court of competent jurisdiction to be illegal or unconstitutional,  
11 the remaining Sections of this Ordinance are valid, unless the court finds the valid Sections  
12 of this Ordinance are so essentially and inseparably connected with, and so dependent  
13 upon, the void Section that it cannot be presumed that the Board of Aldermen would have  
14 enacted the valid Sections without the void Sections; or unless the court finds the valid  
15 Sections, standing alone, are incomplete and incapable of being executed in accordance  
16 with the legislative intent.

17 **SECTION SIX. Emergency Clause.**

18 This being an ordinance for the preservation of public peace, health and safety and

1 providing for public work or improvements and repairs thereof, it is hereby declared to be  
2 an emergency measure within the meaning of Sections 19 and 20 of Article IV of the  
3 Charter, and, therefore, this Ordinance shall become effective immediately upon its passage  
4 and approval of the Mayor of the City.