

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2034
94TH GENERAL ASSEMBLY

Reported from the Committee on Agriculture, Conservation, Parks and Natural Resources, May 1, 2008, with recommendation that the Senate Committee Substitute do pass.

4708S.08C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 537.294, 571.010, 571.020, 571.070, and 571.101, RSMo, and to enact in lieu thereof nine new sections relating to weapons, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 537.294, 571.010, 571.020, 571.070, and 571.101, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 537.294, 537.355, 571.010, 571.014, 571.020, 571.070, 571.072, 571.093, and 571.101, to read as follows:

537.294. 1. As used in this section, the [term] **following terms shall mean:**

(1) "Firearm range" [means], any rifle, pistol, silhouette, skeet, trap, blackpowder or other similar range in this state used for discharging firearms in a sporting event or for practice or instruction in the use of a firearm, or for the testing of a firearm;

(2) "Hunting preserve", any hunting preserve or licensed shooting area operating under a permit granted by the Missouri department of conservation.

2. All owners **and authorized users** of firearm ranges [in existence on August 13, 1988,] shall be immune from any criminal **and civil** liability arising out of or as a consequence of noise or sound emission resulting from the [normal] use of any such firearm range. Owners **and users** of such firearm ranges shall not be subject to any **civil action in tort or subject to any action** for public

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

15 or private nuisance or trespass and no court in this state shall enjoin the use or
16 operation of such firearm ranges on the basis of noise or sound emission resulting
17 from the [normal] use of any such firearm range. [The term "normal use" of a
18 firearm range, as used in this subsection, means the average level of use of the
19 firearm range during the twelve months preceding August 13, 1988] **Any actions**
20 **by a court in this state to enjoin the use or operation of such firearm**
21 **ranges and any damages awarded or imposed by a court, or assessed by**
22 **a jury, in this state against any owner or user of such firearm ranges**
23 **for nuisance or trespass are null and void.**

24 3. [All owners of firearms ranges placed in operation after August 13,
25 1988, shall be immune from any criminal liability and shall not be subject to any
26 action for public or private nuisance or trespass arising out of or as a consequence
27 of noise or sound emission resulting from the normal use of any such firearm
28 range, if such firearm range conforms to any one of the following requirements:

29 (1) Any area from which any firearm may be properly discharged is at
30 least one thousand yards from any occupied permanent dwelling on adjacent
31 property;

32 (2) Any area from which any rifle or pistol may be properly discharged is
33 enclosed by a permanent building or structure that absorbs or contains the sound
34 energy escaping from the muzzle of firearms in use; or

35 (3) If the firearm range is situated on land otherwise subject to land use
36 zoning, the firearm range is in compliance with the requirements of the zoning
37 authority regarding the sound deflection or absorbent baffles, barriers, or other
38 sound emission control requirements] **All owners and authorized users of**
39 **existing hunting preserves or areas that are designated as hunting**
40 **preserves after the effective date of this section shall be immune from**
41 **any criminal and civil liability arising out of or as a consequence of**
42 **noise or sound emission resulting from the normal use of any such**
43 **hunting preserve. Owners or authorized users of such hunting**
44 **preserves shall not be subject to any action for public or private**
45 **nuisance or trespass, and no court in this state shall enjoin the use or**
46 **operation of such hunting preserves on the basis of noise or sound**
47 **emission resulting from normal use of any such hunting preserve.**

48 4. **Notwithstanding any other provision of law to the contrary,**
49 **nothing in this section shall be construed to limit civil liability for**
50 **compensatory damage arising from physical injury to another human,**

51 **physical injury to tangible personal property, or physical injury to**
52 **fixtures or structures placed on real property.**

537.355. An owner of land who either directly or indirectly
2 **invites or permits without charge any person to use such property for**
3 **hunting or fishing purposes or other recreational purpose, including**
4 **but not limited to, any aircraft or ultralight vehicle activity, does not**
5 **thereby:**

6 **(1) Confer upon such person the legal status of an invitee or**
7 **licensee and owes to such person only the duty of care as is owed to a**
8 **trespasser under the law;**

9 **(2) Without the failure to exercise just ordinary care, assume**
10 **responsibility for or incur liability for any injury to persons or**
11 **property caused by an act or omission of such persons while hunting**
12 **or fishing or engaging in other recreational activities, such as**
13 **operating aircraft or ultralight vehicles;**

14 **(3) Without the failure to exercise just ordinary care, assume**
15 **responsibility for or incur liability for any injury to persons or**
16 **property, wherever such persons or property are located, caused while**
17 **hunting or fishing or engaging in other recreational activities, such as**
18 **operating aircraft or ultralight vehicles.**

571.010. As used in this chapter, the following terms shall mean:

2 **(1) "Antique, curio or relic firearm" [means], any firearm so defined by the**
3 **National Gun Control Act, 18 U.S.C. Title 26, Section 5845, and the United States**
4 **Treasury/Bureau of Alcohol Tobacco and Firearms, 27 CFR Section 178.11:**

5 **(a) Antique firearm is any firearm not designed or redesigned for using**
6 **rim fire or conventional center fire ignition with fixed ammunition and**
7 **manufactured in or before 1898, said ammunition not being manufactured any**
8 **longer; this includes any matchlock, wheel lock, flintlock, percussion cap or**
9 **similar type ignition system, or replica thereof;**

10 **(b) Curio or relic firearm is any firearm deriving value as a collectible**
11 **weapon due to its unique design, ignition system, operation or at least fifty years**
12 **old, associated with a historical event, renown personage or major war;**

13 **(2) "Blackjack" [means], any instrument that is designed or adapted for**
14 **the purpose of stunning or inflicting physical injury by striking a person, and**
15 **which is readily capable of lethal use;**

16 **(3) "Blasting agent", any material or mixture, consisting of fuel**

17 **and oxidizer that is intended for blasting, but not otherwise defined as**
18 **an explosive under this section, provided that the finished product, as**
19 **mixed for use of shipment, cannot be detonated by means of a**
20 **numbered 8 test blasting cap when unconfined;**

21 (4) "Concealable firearm" [means], any firearm with a barrel less than
22 sixteen inches in length, measured from the face of the bolt or standing breech;
23 [(4)] (5) "Deface" [means], to alter or destroy the manufacturer's or
24 importer's serial number or any other distinguishing number or identification
25 mark;

26 (6) "Detonator", any device containing a detonating charge that
27 is used for initiating detonation in an explosive, including but not
28 limited to, electric blasting caps of instantaneous and delay types, non-
29 electric blasting caps for use with safety fuse or shock tube and
30 detonating-cord delay connectors;

31 [(5)] (7) "Explosive weapon" [means], any explosive, incendiary, or poison
32 gas bomb or similar device designed or adapted for the purpose of inflicting death,
33 serious physical injury, or substantial property damage; or any device designed
34 or adapted for delivering or shooting such a weapon. **For the purposes of this**
35 **subdivision, the term "explosive" shall mean any chemical compound**
36 **mixture or device, the primary or common purpose of which is to**
37 **function by explosion, including but not limited to, dynamite and other**
38 **high explosives, pellet powder, initiating explosives, detonators, safety**
39 **fuses, squibs, detonating cords, igniter cords, and igniters or blasting**
40 **agents;**

41 [(6)] (8) "Firearm" [means], any weapon that is designed or adapted to
42 expel a projectile by the action of an explosive;

43 [(7)] (9) "Firearm silencer" [means], any instrument, attachment, or
44 appliance that is designed or adapted to muffle the noise made by the firing of
45 any firearm;

46 [(8)] (10) "Gas gun" [means], any gas ejection device, weapon, cartridge,
47 container or contrivance other than a gas bomb, that is designed or adapted for
48 the purpose of ejecting any poison gas that will cause death or serious physical
49 injury, but not any device that ejects a repellant or temporary incapacitating
50 substance;

51 [(9)] (11) "Intoxicated" [means], substantially impaired mental or
52 physical capacity resulting from introduction of any substance into the body;

53 [(10)] **(12)** "Knife" [means], any dagger, dirk, stiletto, or bladed hand
54 instrument that is readily capable of inflicting serious physical injury or death
55 by cutting or stabbing a person. For purposes of this chapter, "knife" does not
56 include any ordinary pocketknife with no blade more than four inches in length;

57 [(11)] **(13)** "Knuckles" [means], any instrument that consists of finger
58 rings or guards made of a hard substance that is designed or adapted for the
59 purpose of inflicting serious physical injury or death by striking a person with a
60 fist enclosed in the knuckles;

61 [(12)] **(14)** "Machine gun" [means], any firearm that is capable of firing
62 more than one shot automatically, without manual reloading, by a single function
63 of the trigger;

64 [(13)] **(15)** "Projectile weapon" [means], any bow, crossbow, pellet gun,
65 slingshot or other weapon that is not a firearm, which is capable of expelling a
66 projectile that could inflict serious physical injury or death by striking or piercing
67 a person;

68 [(14)] **(16)** "Rifle" [means], any firearm designed or adapted to be fired
69 from the shoulder and to use the energy of the explosive in a fixed metallic
70 cartridge to fire a projectile through a rifled bore by a single function of the
71 trigger;

72 [(15)] **(17)** "Short barrel" [means], a barrel length of less than sixteen
73 inches for a rifle and eighteen inches for a shotgun, both measured from the face
74 of the bolt or standing breech, or an overall rifle or shotgun length of less than
75 twenty-six inches;

76 [(16)] **(18)** "Shotgun" [means], any firearm designed or adapted to be
77 fired from the shoulder and to use the energy of the explosive in a fixed shotgun
78 shell to fire a number of shot or a single projectile through a smooth bore barrel
79 by a single function of the trigger;

80 [(17)] **(19)** "Spring gun" [means], any fused, timed or nonmanually
81 controlled trap or device designed or adapted to set off an explosion for the
82 purpose of inflicting serious physical injury or death;

83 [(18)] **(20)** "Switchblade knife" [means], any knife which has a blade that
84 folds or closes into the handle or sheath, and:

85 (a) That opens automatically by pressure applied to a button or other
86 device located on the handle; or

87 (b) That opens or releases from the handle or sheath by the force of
88 gravity or by the application of centrifugal force.

571.014. 1. A person commits the crime of unlawful refusal to transfer by denying sale of a firearm to a non-licensee, who is otherwise not prohibited from possessing a firearm under state or federal law, solely on the basis that the non-licensee purchased a firearm that was later the subject of a trace request by law enforcement.

2. Violation of subsection 1 of this section shall be a class A misdemeanor.

3. Notwithstanding any other provision of law to the contrary, no federal firearms dealer licensed under 18 U.S.C. Section 923 who engages in the sale of firearms within this state shall fail or refuse to complete the sale of a firearm to a customer in every case in which the sale is authorized by federal law.

4. The provisions of this section shall not apply to any individual federal firearms license holder, his agents, or employees to the extent they chose in their individual judgment to not complete the sale or transfer of a firearm for articulable reasons specific to that transaction, so long as those reasons are not based on the race, gender, religion, creed of the buyer.

571.020. 1. A person commits a crime if such person knowingly possesses, manufactures, transports, repairs, or sells:

(1) An explosive weapon;

(2) An explosive, incendiary or poison substance or material with the purpose to possess, manufacture or sell an explosive weapon;

(3) A machine gun;

(4) A gas gun;

(5) A short barreled rifle or shotgun;

(6) A firearm silencer;

(7) A switchblade knife;

(8) A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm; or

(9) Knuckles.

2. A person does not commit a crime pursuant to this section if his conduct:

(1) Was incident to the performance of official duty by the armed forces, national guard, a governmental law enforcement agency, or a penal institution;

18 or

19 (2) Was incident to engaging in a lawful commercial or business
20 transaction with an organization enumerated in subdivision (1) of this section; or

21 (3) Was incident to using an explosive weapon in a manner reasonably
22 related to a lawful industrial or commercial enterprise; or

23 (4) Was incident to displaying the weapon in a public museum or
24 exhibition; or

25 (5) Was incident to dealing with the weapon solely as a curio, ornament,
26 or keepsake, or to using it in a manner reasonably related to a lawful dramatic
27 performance; but if the weapon is a type described in subdivision (1)[,] **or** (4) [or
28 (6)] of subsection 1 of this section it must be in such a nonfunctioning condition
29 that it cannot readily be made operable. No short barreled rifle, short barreled
30 shotgun, [or] machine gun, **or firearm silencer** may be possessed,
31 manufactured, transported, repaired or sold as a curio, ornament, or keepsake,
32 unless such person is an importer, manufacturer, dealer, or collector licensed by
33 the Secretary of the Treasury pursuant to the Gun Control Act of 1968, U.S.C.,
34 Title 18, or unless such firearm is an "antique firearm" as defined in subsection
35 3 of section 571.080, or unless such firearm has been designated a "collectors
36 item" by the Secretary of the Treasury pursuant to the U.S.C., Title 26, Section
37 5845(a).

38 3. A crime pursuant to subdivision (1), (2), (3), (4), (5) or (6) of subsection
39 1 of this section is a class C felony; a crime pursuant to subdivision (7), (8) or (9)
40 of subsection 1 of this section is a class A misdemeanor.

571.070. 1. A person commits the crime of unlawful possession of a
2 [concealable] firearm if [he] **such person knowingly** has any [concealable]
3 firearm in his **or her** possession and:

4 (1) [He has pled guilty to or] **Such person** has been convicted of a
5 [dangerous] felony[, as defined in section 556.061, RSMo, or of an attempt to
6 commit a dangerous felony] **under the laws of this state**, or of a crime under
7 the laws of any state or of the United States which, if committed within this
8 state, would be a [dangerous] felony[, or confined therefor in this state or
9 elsewhere during the five-year period immediately preceding the date of such
10 possession]; or

11 (2) [He] **Such person** is a fugitive from justice, is habitually in an
12 intoxicated or drugged condition, or is currently adjudged mentally incompetent.

13 2. Unlawful possession of a [concealable] firearm is a class C felony.

571.072. 1. A person commits the crime of unlawful possession
2 of an explosive weapon if he or she has any explosive weapon in his or
3 her possession and:

4 (1) He or she has pled guilty to or has been convicted of a
5 dangerous felony, as defined in section 556.061, RSMo, or of an attempt
6 to commit a dangerous felony, or of a crime under the laws of any state
7 or of the United States which, if committed within this state, would be
8 a dangerous felony, or confined therefor in this state or elsewhere
9 during the five-year period immediately preceding the date of such
10 possession; or

11 (2) He or she is a fugitive from justice, is habitually in an
12 intoxicated or drugged condition, or is currently adjudged mentally
13 incompetent.

14 2. Unlawful possession of an explosive weapon is a class C felony.

571.093. If any sheriff retains records of permits to obtain
2 concealable firearms issued under former section 571.090, as repealed
3 by senate bills nos. 62 and 41 of the ninety-fourth general assembly,
4 then such records shall be closed to the public. No such record shall be
5 made available for any purpose whatsoever unless its disclosure is
6 mandated by a valid court order relating to a criminal investigation.

571.101. 1. All applicants for concealed carry endorsements issued
2 pursuant to subsection 7 of this section must satisfy the requirements of sections
3 571.101 to 571.121. If the said applicant can show qualification as provided by
4 sections 571.101 to 571.121, the county or city sheriff shall issue a certificate of
5 qualification for a concealed carry endorsement. Upon receipt of such certificate,
6 the certificate holder shall apply for a driver's license or nondriver's license with
7 the director of revenue in order to obtain a concealed carry endorsement. Any
8 person who has been issued a concealed carry endorsement on a driver's license
9 or nondriver's license and such endorsement or license has not been suspended,
10 revoked, canceled, or denied may carry concealed firearms on or about his or her
11 person or within a vehicle. A concealed carry endorsement shall be valid for a
12 period of three years from the date of issuance or renewal. The concealed carry
13 endorsement is valid throughout this state.

14 2. A certificate of qualification for a concealed carry endorsement issued
15 pursuant to subsection 7 of this section shall be issued by the sheriff or his or her
16 designee of the county or city in which the applicant resides, if the applicant:

17 (1) Is at least twenty-three years of age, is a citizen of the United States
18 and either:

19 (a) Has [resided] **assumed residency** in this state [for at least six
20 months]; or

21 (b) Is a member of the armed forces stationed in Missouri, or the spouse
22 of such member of the military;

23 (2) Has not pled guilty to or entered a plea of nolo contendere or been
24 convicted of a crime punishable by imprisonment for a term exceeding one year
25 under the laws of any state or of the United States other than a crime classified
26 as a misdemeanor under the laws of any state and punishable by a term of
27 imprisonment of one year or less that does not involve an explosive weapon,
28 firearm, firearm silencer or gas gun;

29 (3) Has not been convicted of, pled guilty to or entered a plea of nolo
30 contendere to one or more misdemeanor offenses involving crimes of violence
31 within a five-year period immediately preceding application for a certificate of
32 qualification for a concealed carry endorsement or if the applicant has not been
33 convicted of two or more misdemeanor offenses involving driving while under the
34 influence of intoxicating liquor or drugs or the possession or abuse of a controlled
35 substance within a five-year period immediately preceding application for a
36 certificate of qualification for a concealed carry endorsement;

37 (4) Is not a fugitive from justice or currently charged in an information
38 or indictment with the commission of a crime punishable by imprisonment for a
39 term exceeding one year under the laws of any state of the United States other
40 than a crime classified as a misdemeanor under the laws of any state and
41 punishable by a term of imprisonment of two years or less that does not involve
42 an explosive weapon, firearm, firearm silencer, or gas gun;

43 (5) Has not been discharged under dishonorable conditions from the
44 United States armed forces;

45 (6) Has not engaged in a pattern of behavior, documented in public
46 records, that causes the sheriff to have a reasonable belief that the applicant
47 presents a danger to himself or others;

48 (7) Is not adjudged mentally incompetent at the time of application or for
49 five years prior to application, or has not been committed to a mental health
50 facility, as defined in section 632.005, RSMo, or a similar institution located in
51 another state following a hearing at which the defendant was represented by
52 counsel or a representative;

53 (8) Submits a completed application for a certificate of qualification as
54 defined in subsection 3 of this section;

55 (9) Submits an affidavit attesting that the applicant complies with the
56 concealed carry safety training requirement pursuant to subsections 1 and 2 of
57 section 571.111;

58 (10) Is not the respondent of a valid full order of protection which is still
59 in effect.

60 3. The application for a certificate of qualification for a concealed carry
61 endorsement issued by the sheriff of the county of the applicant's residence shall
62 contain only the following information:

63 (1) The applicant's name, address, telephone number, gender, and date
64 and place of birth;

65 (2) An affirmation that the applicant is a resident of the state of Missouri
66 and has been a resident thereof for the last six months or is a member of the
67 armed forces stationed in Missouri or the spouse of such a member of the armed
68 forces and is a citizen of the United States;

69 (3) An affirmation that the applicant is at least twenty-three years of age;

70 (4) An affirmation that the applicant has not pled guilty to or been
71 convicted of a crime punishable by imprisonment for a term exceeding one year
72 under the laws of any state or of the United States other than a crime classified
73 as a misdemeanor under the laws of any state and punishable by a term of
74 imprisonment of one year or less that does not involve an explosive weapon,
75 firearm, firearm silencer, or gas gun;

76 (5) An affirmation that the applicant has not been convicted of, pled guilty
77 to, or entered a plea of nolo contendere to one or more misdemeanor offenses
78 involving crimes of violence within a five-year period immediately preceding
79 application for a certificate of qualification to obtain a concealed carry
80 endorsement or if the applicant has not been convicted of two or more
81 misdemeanor offenses involving driving while under the influence of intoxicating
82 liquor or drugs or the possession or abuse of a controlled substance within a
83 five-year period immediately preceding application for a certificate of qualification
84 to obtain a concealed carry endorsement;

85 (6) An affirmation that the applicant is not a fugitive from justice or
86 currently charged in an information or indictment with the commission of a crime
87 punishable by imprisonment for a term exceeding one year under the laws of any
88 state or of the United States other than a crime classified as a misdemeanor

89 under the laws of any state and punishable by a term of imprisonment of two
90 years or less that does not involve an explosive weapon, firearm, firearm silencer
91 or gas gun;

92 (7) An affirmation that the applicant has not been discharged under
93 dishonorable conditions from the United States armed forces;

94 (8) An affirmation that the applicant is not adjudged mentally
95 incompetent at the time of application or for five years prior to application, or has
96 not been committed to a mental health facility, as defined in section 632.005,
97 RSMo, or a similar institution located in another state, except that a person
98 whose release or discharge from a facility in this state pursuant to chapter 632,
99 RSMo, or a similar discharge from a facility in another state, occurred more than
100 five years ago without subsequent recommitment may apply;

101 (9) An affirmation that the applicant has received firearms safety training
102 that meets the standards of applicant firearms safety training defined in
103 subsection 1 or 2 of section 571.111;

104 (10) An affirmation that the applicant, to the applicant's best knowledge
105 and belief, is not the respondent of a valid full order of protection which is still
106 in effect; and

107 (11) A conspicuous warning that false statements made by the applicant
108 will result in prosecution for perjury pursuant to the laws of the state of
109 Missouri.

110 4. An application for a certificate of qualification for a concealed carry
111 endorsement shall be made to the sheriff of the county or any city not within a
112 county in which the applicant resides. An application shall be filed in writing,
113 signed under oath and under the penalties of perjury, and shall state whether the
114 applicant complies with each of the requirements specified in subsection 2 of this
115 section. In addition to the completed application, the applicant for a certificate
116 of qualification for a concealed carry endorsement must also submit the following:

117 (1) A photocopy of a firearms safety training certificate of completion or
118 other evidence of completion of a firearms safety training course that meets the
119 standards established in subsection 1 or 2 of section 571.111; and

120 (2) A nonrefundable certificate of qualification fee as provided by
121 subsection 10 or 11 of this section.

122 5. Before an application for a certificate of qualification for a concealed
123 carry endorsement is approved, the sheriff shall make only such inquiries as he
124 or she deems necessary into the accuracy of the statements made in the

125 application. The sheriff may require that the applicant display a Missouri
126 driver's license or nondriver's license or military identification and orders
127 showing the person being stationed in Missouri. In order to determine the
128 applicant's suitability for a certificate of qualification for a concealed carry
129 endorsement, the applicant shall be fingerprinted. The sheriff shall request a
130 criminal background check through the appropriate law enforcement agency
131 within three working days after submission of the properly completed application
132 for a certificate of qualification for a concealed carry endorsement. If no
133 disqualifying record is identified by the fingerprint check at the state level, the
134 fingerprints shall be forwarded to the Federal Bureau of Investigation for a
135 national criminal history record check. Upon receipt of the completed background
136 check, the sheriff shall issue a certificate of qualification for a concealed carry
137 endorsement within three working days. The sheriff shall issue the certificate
138 within forty-five calendar days if the criminal background check has not been
139 received, provided that the sheriff shall revoke any such certificate and
140 endorsement within twenty-four hours of receipt of any background check that
141 results in a disqualifying record, and shall notify the department of revenue.

142 6. The sheriff may refuse to approve an application for a certificate of
143 qualification for a concealed carry endorsement if he or she determines that any
144 of the requirements specified in subsection 2 of this section have not been met,
145 or if he or she has a substantial and demonstrable reason to believe that the
146 applicant has rendered a false statement regarding any of the provisions of
147 sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff
148 is required to deny the application, and notify the applicant in writing, stating
149 the grounds for denial and informing the applicant of the right to submit, within
150 thirty days, any additional documentation relating to the grounds of the
151 denial. Upon receiving any additional documentation, the sheriff shall reconsider
152 his or her decision and inform the applicant within thirty days of the result of the
153 reconsideration. The applicant shall further be informed in writing of the right
154 to appeal the denial pursuant to subsections 2, 3, 4, and 5 of section
155 571.114. After two additional reviews and denials by the sheriff, the person
156 submitting the application shall appeal the denial pursuant to subsections 2, 3,
157 4, and 5 of section 571.114.

158 7. If the application is approved, the sheriff shall issue a certificate of
159 qualification for a concealed carry endorsement to the applicant within a period
160 not to exceed three working days after his or her approval of the application. The

161 applicant shall sign the certificate of qualification in the presence of the sheriff
162 or his or her designee and shall within seven days of receipt of the certificate of
163 qualification take the certificate of qualification to the department of
164 revenue. Upon verification of the certificate of qualification and completion of a
165 driver's license or nondriver's license application pursuant to chapter 302, RSMo,
166 the director of revenue shall issue a new driver's license or nondriver's license
167 with an endorsement which identifies that the applicant has received a certificate
168 of qualification to carry concealed weapons issued pursuant to sections 571.101
169 to 571.121 if the applicant is otherwise qualified to receive such driver's license
170 or nondriver's license. The requirements for the director of revenue to issue a
171 concealed carry endorsement pursuant to this subsection shall not be effective
172 until July 1, 2004, and the certificate of qualification issued by a county sheriff
173 pursuant to subsection 1 of this section shall allow the person issued such
174 certificate to carry a concealed weapon pursuant to the requirements of
175 subsection 1 of section 571.107 in lieu of the concealed carry endorsement issued
176 by the director of revenue from October 11, 2003, until the concealed carry
177 endorsement is issued by the director of revenue on or after July 1, 2004, unless
178 such certificate of qualification has been suspended or revoked for cause.

179 8. The sheriff shall keep a record of all applications for a certificate of
180 qualification for a concealed carry endorsement and his or her action
181 thereon. The sheriff shall report the issuance of a certificate of qualification to
182 the Missouri uniform law enforcement system. All information on any such
183 certificate that is protected information on any driver's or nondriver's license
184 shall have the same personal protection for purposes of sections 571.101 to
185 571.121. An applicant's status as a holder of a certificate of qualification or a
186 concealed carry endorsement shall not be public information and shall be
187 considered personal protected information. Any person who violates the
188 provisions of this subsection by disclosing protected information shall be guilty
189 of a class A misdemeanor.

190 9. Information regarding any holder of a certificate of qualification or a
191 concealed carry endorsement is a closed record.

192 10. For processing an application for a certificate of qualification for a
193 concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff
194 in each county shall charge a nonrefundable fee not to exceed one hundred dollars
195 which shall be paid to the treasury of the county to the credit of the sheriff's
196 revolving fund.

197 11. For processing a renewal for a certificate of qualification for a
198 concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff
199 in each county shall charge a nonrefundable fee not to exceed fifty dollars which
200 shall be paid to the treasury of the county to the credit of the sheriff's revolving
201 fund.

202 12. For the purposes of sections 571.101 to 571.121, the term "sheriff"
203 shall include the sheriff of any county or city not within a county or his or her
204 designee and in counties of the first classification the sheriff may designate the
205 chief of police of any city, town, or municipality within such county.

Unofficial ✓

Bill

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