

FIRST REGULAR SESSION

SENATE BILL NO. 83

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATORS CAUTHORN, KLINDT, FOSTER AND STEELMAN.

Pre-filed December 1, 2002, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

0071S.01I

AN ACT

To repeal section 571.030, RSMo, and to enact in lieu thereof three new sections relating to concealable weapons, with penalty provisions.

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

Section A. Section 571.030, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 50.535, 571.030, and 571.094, to read as follows:

50.535. 1. Notwithstanding the provisions of sections 50.525 to 50.745 the fee collected pursuant to subsection 7 of section 571.090, RSMo, or section 571.094, RSMo, shall be deposited by the county treasurer into a separate interest-bearing fund to be known as the "County Sheriff's Revolving Fund" to be expended at the direction of the county or city sheriff or his or her designee as provided in this section.

2. No prior approval of the expenditures from this fund shall be required by the governing body of the county or city not within a county, nor shall any prior audit or encumbrance of the fund be required before any expenditure is made by the sheriff from this fund. This fund may be audited by the state auditor's office.

3. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of the general revenue fund.

571.030. 1. A person commits the crime of unlawful use of weapons if he or she knowingly:

(1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or

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

(2) Sets a spring gun; or

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, RSMo, or any building or structure used for the assembling of people; or

(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

(5) Possesses or discharges a firearm or projectile weapon while intoxicated; or

(6) Discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building; or

(7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or

(8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof[, or into any public assemblage of persons met for any lawful purpose]; or

(9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, RSMo, [while within any city, town, or village, and] discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense **or was on private property with the owner's permission**; or

(10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.

2. Subdivisions (1), (3), (4), (6), (7), (8), (9), and (10) of subsection 1 of this section shall not apply to or affect any of the following:

(1) All state, county and municipal [law enforcement] **peace** officers possessing the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, **whether such officers are within or outside their jurisdictions or on or off duty**, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, **or correctional officers pursuant to arrest powers in section 217.280, RSMo**;

(3) Members of the armed forces or national guard while performing their official duty;

(4) Those persons vested by article V, section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by article III of the Constitution of the

United States with the judicial power of the United States, the members of the federal judiciary;

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

(6) Any federal probation officer;

(7) Any state probation or parole officer, including supervisors and members of the board of probation and parole; and

(8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the board of police commissioners under section 84.340, RSMo.

3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not [readily accessible] **within lunging distance** or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply **to any person twenty-one years of age or older transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor** when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his **or her** dwelling unit or upon [business] premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event.

4. **Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any person who has a valid permit issued pursuant to section 571.094 or a valid permit issued by another state or political subdivision of another state.**

5. **Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031, RSMo.**

[4.] 6. Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any **other** function or activity sponsored or sanctioned by school officials or the district school board.

[5.] 7. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision [(5,] (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or subdivision **(5) or (10)** of subsection 1 of this section, in which case it is a class A misdemeanor if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of subsection 1 of this section, in which case it is a class B felony, except that if

the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

[6.] 8. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

(1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony;

(2) For any violation by a prior offender as defined in section 558.016, RSMo, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years;

(3) For any violation by a persistent offender as defined in section 558.016, RSMo, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release;

(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony.

[7.] 9. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons.

571.094. 1. All applicants for permits to carry concealed firearms must satisfy the following requirements. If the said applicant can show qualification as provided by this section, the county or city sheriff shall issue a permit. Any person who has been issued a permit may carry concealed firearms on or about his or her person. Permits shall be valid for a period of three years from the date of issuance or renewal. The permit is valid throughout this state.

2. A permit shall be issued by the sheriff or his designee of the city or county in which the applicant resides, if the applicant:

(1) Is at least twenty-one years of age, is a citizen of the United States and has resided in this state for at least six months;

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

(3) Has not been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a concealed handgun license or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the

possession or abuse of a controlled substance within a five-year period immediately preceding application for a concealed handgun license.

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

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

(6) Is not known to the sheriff after inquiry to be habitually in an intoxicated or drugged condition;

(7) Is not currently adjudged mentally incompetent or has not been committed to a mental health facility, as defined in section 632.005, RSMo, or a similar institution located in another state following a hearing at which the defendant was represented by counsel or a representative;

(8) Submits a completed application for a permit as defined in subsection 3 of this section;

(9) Submits to and clears a background check conducted by the Federal Bureau of Investigation using the National Instant Check System (NICS);

(10) Submits an affidavit attesting that the applicant complies with the permit to carry concealed firearms safety training requirement pursuant to subsection 24 of this section.

3. The application for a permit shall contain only the following information:

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

(2) An affirmation of any of the provisions of subsection 2 of this section;

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

4. Application for a permit shall be made to the sheriff of the county or any city not within a county in which the applicant resides. An application shall be filed in writing, signed under oath and under the penalties of perjury, and shall state whether the applicant complies with each of the requirements specified in subsection 2 of this section. In addition to the completed application, the applicant for a permit must also submit the following:

(1) A head and shoulder color photograph measuring one inch by one inch and taken within thirty days preceding the date on which the application is submitted;

(2) A photocopy of a firearm safety training certificate of completion or other

evidence of completion of a firearm safety training course that meets the standards established in subsection 24 of this section; and

(3) A nonrefundable permit fee as provided by subsections 11 and 12 of this section.

5. Before an application for a permit is approved, the sheriff shall make only such inquiries as he or she deems necessary into the accuracy of the statements made in the application. Applicant must be able to produce a current Missouri operator's license or other suitable form of identification to the sheriff.

6. The sheriff is required to either approve or deny the application for a permit within thirty days of submission of the completed application including Saturdays, Sundays or holidays observed by the state of Missouri.

7. The sheriff may refuse to approve an application for a permit if he or she determines that any of the requirements specified in subsection 2 of this section have not been met, or if he or she has reason to believe that the applicant has rendered a false statement regarding any of the provisions of this section. If the applicant is found to be ineligible, the sheriff is required to deny the application, and notify the applicant in writing, stating the grounds for denial and informing the applicant of the right to submit, within thirty days, any additional documentation relating to the grounds of the denial. Upon receiving any additional documentation, the sheriff shall reconsider his or her decision and inform the applicant within thirty days of the result of the reconsideration. The applicant shall further be informed in writing of the right to appeal the denial pursuant to subsections 30, 31, 32, and 33 of this section.

8. If the application is approved, the sheriff shall issue a permit to the applicant within a period not to exceed seven days after his or her approval of the application excluding Saturdays, Sundays or holidays observed by the state of Missouri.

9. The permit issued pursuant to this section shall bear a photograph, date of birth and physical description of the applicant on the front of the permit. The permit shall recite the date of issuance, the date of expiration and the name and address of the person to whom the permit has been issued. The applicant shall sign the permit in the presence of the sheriff or his or her designee. The sheriff shall keep a record of all applications for permits and his or her action thereon. The sheriff shall report the issuance of permits to the Missouri uniform law enforcement system.

10. No person shall in any manner transfer, alter or change a permit issued pursuant to this section, or make a false notation thereon, or obtain a permit upon any false representation, or use, or attempt to use a permit issued to another. Violation of this subsection is a class A misdemeanor.

11. For processing an application for a permit pursuant to this section, the sheriff in each county shall charge a nonrefundable fee not to exceed fifty dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

12. For processing a renewal for a permit pursuant to this section, the sheriff in each county shall charge a nonrefundable fee not to exceed ten dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

13. A permit issued pursuant to this section shall be suspended or revoked if the permit holder becomes ineligible for a permit under the criteria established in this section. When an order of protection is issued against a person holding a permit issued pursuant to this section, the holder of the permit shall surrender the permit to the court or to the officer serving the order. The officer to whom the permit is surrendered shall forthwith transmit the permit to the court issuing the order. The permit shall be suspended until the order is terminated. Any sheriff suspending or revoking any permit shall report the change in status of the permit to the Missouri uniform law enforcement system.

14. Not later than one hundred twenty days before the expiration of any permit issued pursuant to this section, the sheriff shall notify the permit holder in writing of the expiration of the permit and furnish an application for renewal of the permit.

15. A permit shall be renewed for a qualified applicant upon receipt of the properly completed renewal application and the required renewal fee. The renewal application shall contain the same required information as set forth in subsection 3 of this section, except that in lieu of the firearm safety training, the applicant need only display his or her current permit.

16. A person who has been issued a permit who fails to file a renewal application on or before its expiration date must pay an additional late fee of ten dollars. Any permit holder who fails to renew his or her application within six months after the expiration date must reapply for a new permit and pay the fee for a new application.

17. Any person issued a permit shall notify the sheriff of the permit holder's new county of residence of the permit holder's change of residence within thirty days after the changing of a permanent residence. The permit holder shall furnish proof to the sheriff that the permit holder has changed his or her residence and display his or her current permit. Within seven days of being notified by the permit holder of his or her change of residence, the sheriff shall issue a new permit with the permit holder's new residence and shall take custody of the old permit. The reissued permit shall contain the same expiration date as the surrendered permit but shall reflect the

change of residence. The sheriff shall report the change of address information to the Missouri uniform law enforcement system. For processing the reissued permit, the sheriff of the county of the permit holder's new residence shall charge a fee not to exceed ten dollars. The reissue fee shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

18. Any person issued a permit shall notify the sheriff or his or her designee of the permit holder's county or city of residence within fifteen days after the loss or destruction of his or her permit. The permit holder shall furnish a statement to the sheriff that the permit has been lost or destroyed. After notification of the loss or destruction of a permit, the sheriff shall reissue a new permit within fifteen days of being notified by the permit holder of its loss or destruction. The reissued permit shall contain the same personal information, including expiration date, as the lost or destroyed permit. For processing the reissued permit, the sheriff shall charge a fee not to exceed ten dollars. The reissue fee shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

19. If a person issued a permit changes his or her name, the person to whom the permit was issued may obtain a corrected permit with a change of name. The permit holder shall furnish a Missouri operator's license or other form of identification with the permit holder's new name and display his or her current permit. Within seven days of being notified by the permit holder of his or her change of name, the sheriff shall issue a new permit with the permit holder's new name and shall take custody of the old permit. The expiration date on the reissued permit shall be the same date as on the surrendered permit. The sheriff shall report the change of name information to the Missouri uniform law enforcement system. For processing the reissued permit, the sheriff of the county shall charge a fee not to exceed ten dollars. The reissue fee shall be paid into the treasury of the county to the credit of the sheriff's revolving fund.

20. A permit shall be automatically invalid after thirty days if the permit holder has changed his or her name or changed his or her residence and not notified the sheriff of a change of name or residence.

21. A permit shall authorize the person in whose name the permit is issued on or about his or her person or vehicle throughout the state. No permit issued pursuant to this section or issued by another state or political subdivision of another state shall authorize any person to carry concealed firearms into:

(1) Any police, sheriff, or highway patrol office or station without the consent of the chief law enforcement officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal

offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(2) Any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(3) The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of a correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(4) Any courthouse, solely occupied by the circuit, appellate, or supreme court or a courtroom of any of those courts, or court proceeding, except that nothing in this subdivision shall preclude a judge or other officer of the court, holding a valid permit, from carrying a concealed firearm within a courthouse. Possession of a firearm in a vehicle on the premises of the courthouse shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(5) Any meeting of the governing body of a unit of local government; or any meeting of the general assembly or a committee of the general assembly, except that nothing in this subdivision shall preclude a member of the body, holding a valid permit from carrying a concealed firearm at a meeting of the body which he or she is a member;

(6) The general assembly, county, or municipality may by statute, administrative regulation, or ordinance, prohibit or limit the carrying of concealed firearms by permit holders in that portion of a building owned, leased or controlled by that unit of government. Any portion of a building in which the carrying of concealed firearms is prohibited or limited shall be clearly identified by signs posted at the entrance to the restricted area. The statute or ordinance shall exempt any building used for public housing by private persons, highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled by that unit of government from any restriction on the carrying or possession of a firearm. The statute or ordinance shall not specify any criminal penalty for its violation but may specify that persons violating the statute or ordinance may be denied entrance to the building, ordered to leave the building and if employees of the unit of government, be subjected to disciplinary measures for violation of the provisions of the statute or ordinance. The provisions of this subdivision shall not apply to any other unit of government;

(7) Any portion of an establishment licensed to dispense beer or alcoholic beverages for consumption on the premises, which portion of the establishment is primarily devoted to that purpose without the consent of the owner or manager. This subdivision of the subsection does not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty persons and that receives at least fifty percent of its gross annual income from the dining facilities by the sale of food. This subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision authorizes any individual who has been issued a permit to possess any firearm while intoxicated;

(8) Any area of an airport;

(9) Any place where the carrying of a firearm is prohibited by federal law;

(10) Any elementary or secondary school facility without the consent of a school official or the district school board. Possession of a firearm in a vehicle on the premises of any elementary or secondary school facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(11) Any portion of a building used as a child care facility without the consent of the manager. Nothing in this subdivision shall prevent the operator of a child care facility in a family home from owning or possessing a firearm or permit;

(12) Any riverboat gambling operation accessible by the public without the consent of the owner or manager pursuant to rules promulgated by the gaming commission. Possession of a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(13) Any gated area of an amusement park;

(14) Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(15) Any private property whose owner has posted the premises as being off limits to concealed firearms. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity, or person may prohibit persons holding a permit from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a permit from

carrying concealed firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a permit from carrying a concealed firearm in vehicles owned by the employer;

(16) Any sports arena or stadium with a seating capacity of five thousand;

(17) Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

22. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17) of subsection 21 of this section by a permit holder shall not be a criminal act but may subject the person to denial to the premises or removal from the premises. If the permit holder refuses to leave the premises and a peace officer is summoned, the permit holder may be issued a citation for an amount not to exceed one hundred dollars for the first offense. If a second citation for a similar violation occurs within a six-month period, the permit holder shall be fined an amount not to exceed two hundred dollars and his or her permit shall be suspended for a period of six months. If a third citation for a similar violation is issued within one year of the first citation, the permit holder shall be fined an amount not to exceed five hundred dollars and shall have his or her permit revoked for a period of three years.

23. An applicant for a permit shall demonstrate knowledge of firearm safety training. This requirement shall be fully satisfied if the applicant for a permit:

(1) Submits a photocopy of a certificate of firearm safety training course completion, as defined in subsection 24 of this section, signed by a qualified firearms safety instructor as defined in subsection 29 of this section; or

(2) Submits a photocopy of a certificate that shows the applicant completed a firearm safety course given by or under the supervision of any state, county, municipal or federal law enforcement agency; or

(3) Is a qualified firearm safety instructor as defined in subsection 27 of this section.

24. A certificate of firearm safety training course completion may be issued to any applicant by any qualified firearm safety instructor. On the certificate of course completion the qualified firearm safety instructor shall affirm that the applicant for a permit has taken and passed a firearm safety course taught by the instructor that

included:

- (1) Eight hours of classroom instruction covering handgun safety in the classroom, at home, on the firing range and while carrying the firearm;
- (2) A physical demonstration performed by the applicant that demonstrated his or her ability to safely load and unload a revolver and a semiautomatic pistol;
- (3) The basic principles of marksmanship;
- (4) Care and cleaning of handguns;
- (5) Safe storage of firearms at home;
- (6) The requirements for obtaining a permit in this state;
- (7) The laws relating to firearms as prescribed in this chapter;
- (8) The laws relating to the justifiable use of force as prescribed in chapter 563, RSMo;

(9) A live firing exercise of sufficient duration for each applicant to fire a handgun a minimum of fifty rounds from a standing position or its equivalent at a distance from a B-27 silhouette target, or an equivalent target, of seven yards;

(10) A written test administered to the applicant while the instructor was present of no less than fifty questions covering the subjects listed in subdivisions (1) to (6) of this subsection and twenty-five questions covering the subjects listed in subdivisions (7) and (8) of this subsection. The instructor shall review any questions answered incorrectly by the applicant on the test;

(11) A live fire test administered to the applicant while the instructor was present of ten rounds from a standing position or its equivalent at a distance from a B-27 silhouette target, or an equivalent target, of seven yards and ten rounds from a standing position or its equivalent at a distance from a B-27 silhouette target, or an equivalent target, of fifteen yards.

25. A qualified firearm safety instructor shall not give a grade of "passing" to an applicant for a permit who:

- (1) Does not follow the orders of the qualified firearms instructor or cognizant range officer; or
- (2) Handles a firearm in a manner that, in the judgement of the qualified firearm safety instructor, poses a danger to the applicant or to others; or
- (3) During the live fire testing portion of the course fails to hit the silhouette portion of the target with at least fifteen rounds; or
- (4) Answers less than seventy percent of the written examination questions correctly; or
- (5) Answers less than twenty questions of the written examination relating to topics listed in subdivisions (7) and (8) of subsection 25 of this section correctly.

26. Qualified firearm safety instructors who provide firearm safety instruction to any person who applies for a permit shall:

- (1) Make the applicant's course records available upon request to the sheriff of the county in which the applicant resides;
- (2) Maintain all course records on students for a period of no less than four years from course completion date; and
- (3) Not have more than forty students in the classroom portion of the course or more than five students per range officer engaged in range firing.

27. A firearm safety instructor shall be considered to be a qualified firearm safety instructor by any sheriff issuing a permit pursuant to this section if the instructor:

- (1) Is a valid firearms safety instructor certified by the National Rifle Association holding a rating as a Personal Protection Instructor or Pistol Marksmanship Instructor; or
- (2) Submits a photocopy of a certificate from a firearms safety instructor's course offered by a state or federal governmental agency; or
- (3) Submits a photocopy of a certificate from a firearm safety instructor course approved by the department of public safety; or
- (4) Has successfully completed a firearm safety instructor course given by or under the supervision of any state, county, municipal or federal law enforcement agency; or
- (5) Is a certified police officer firearm safety instructor.

28. Any firearm safety instructor who knowingly provides any sheriff with false information concerning an applicant's performance on either the written test or the live fire test administered to the applicant by the instructor pursuant to this section shall be guilty of a class C misdemeanor.

29. In any case when the sheriff refuses to issue or to act on an application for a permit, the denied applicant shall have the right to appeal the denial within thirty days of receiving written notice of the denial. Such appeals shall be heard in small claims court.

30. A denial of or refusal to act on an application for permit may be appealed by filing with the clerk of the small claims court a copy of the sheriff's written refusal and a form substantially similar to the appeal form provided in this section. Appeal forms shall be provided by the clerk of the small claims court free of charge to any person:

SMALL CLAIMS COURT

In the Circuit Court of..... Missouri

DENIAL OF PERMIT APPEAL

The denied applicant states that his or her properly completed application for a permit to carry concealed firearms was denied by the sheriff of County, Missouri, without just cause. The denied applicant affirms that all of the statements in the application are true.

....., Denied Applicant

31. The notice of appeal in a denial of permit appeal shall be made to the sheriff in a manner and form determined by the small claims court judge.

32. If at the hearing the person shows he or she is entitled to the requested permit, the court shall issue an appropriate order to cause the issuance of the permit. Costs shall not be assessed against the sheriff unless the action of the sheriff is determined by the judge to be arbitrary and capricious.

33. Any person aggrieved by any final judgment rendered by a small claims court in a denial of permit appeal may have a right to trial de novo as provided in sections 512.180 to 512.320, RSMo.

34. Any person who has knowledge that another person, who was issued a permit pursuant to this section, never was or no longer is eligible for such permit under the criteria established in this section, may file a petition with the clerk of the small claims court to revoke that person's permit. The petition shall be in a form substantially similar to the petition for revocation of permit to carry concealed firearms provided in this section. Appeal forms shall be provided by the clerk of the small claims court free of charge to any person;

SMALL CLAIMS COURT

In the Circuit Court of....., Missouri

Sheriff of Issuance)

PERMIT FOR REVOCATION OF PERMIT TO CARRY CONCEALED FIREARMS

Plaintiff states to the court that the defendant,, has a permit to carry concealed firearms issued pursuant to section 571.094, RSMo, and that the defendant's permit should now be revoked because the defendant either never was or no longer is eligible for such a permit pursuant to the provisions of section 571.094, RSMo, specifically plaintiff states that defendant,, never was or no longer is eligible for such permit for one or more of the following reasons:

CHECK BELOW EACH REASON THAT APPLIES TO THIS DEFENDANT

- Defendant is not at least twenty-one years of age.
- Defendant is not a citizen of the United States.
- Defendant had not resided in this state for at least six months prior to issuance of the permit.
- Defendant has pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun.
- Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a concealed handgun license or if the applicant has been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a concealed handgun license.
- Defendant is a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun.
- Defendant has been discharged under dishonorable conditions from the United States armed forces.
- Defendant is publically known to be habitually in an intoxicated or drugged condition.
- Defendant is currently adjudged mentally incompetent or has been committed

to a mental health facility, as defined in section 632.005, RSMo, or a similar institution located in another state

- Defendant failed to submit a completed application for a permit to carry a concealed firearm as defined in subsection 3 of section 571.094, RSMo.
- Defendant failed to submit to or failed to clear a background check conducted by the Federal Bureau of Investigation using the National Instant Check System. (NCICS)
- Defendant failed to submit an affidavit attesting that the applicant complies with the permit to carry concealed firearms safety training requirement pursuant to subsection 26 of section 571.094, RSMo.

The plaintiff states that the information contained in this petition is true and correct to the best of petitioner's knowledge.

....., PLAINTIFF

35. If at the hearing the plaintiff shows that the defendant was not eligible for the permit at the time of issuance or renewal or is no longer eligible for a permit pursuant to the provisions of this section, the court shall issue an appropriate order to cause the revocation of the permit. Costs shall not be assessed against the sheriff.

36. Any person aggrieved by any final judgment rendered by a small claims court in a petition for revocation of permit may have a right to trial de novo as provided in sections 512.180 to 512.320, RSMo.

37. The department of public safety shall design and provide a permit to be issued pursuant to this section to the sheriff of each county no later than thirty business days after enactment of this section.

38. The office of the county sheriff or any employee or agent of the county sheriff shall not be liable for damages in any civil action arising from alleged wrongful or improper granting, renewing, or failure to revoke permits issued pursuant to this section.

39. Any person issued a permit pursuant to this section shall carry the permit at all times the person is carrying a concealed firearm and shall display the permit upon the request of any peace officer. Failure to comply with this subsection shall not be a criminal offense but the permit holder may be issued a citation for an amount not to exceed thirty-five dollars.