

SECOND REGULAR SESSION

SENATE BILL NO. 1176

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BARNITZ.

Read 1st time February 25, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

4882S.011

AN ACT

To repeal section 571.101, RSMo, and to enact in lieu thereof one new section relating to concealed carry endorsements, with penalty provisions.

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

Section A. Section 571.101, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 571.101, to read as follows:

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] six** years from the date of issuance or renewal. The concealed
13 carry 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 in this state for at least six months; or

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

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

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

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

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

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

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

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

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

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

56 section 571.111;

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

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

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

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

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

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

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

84 (6) An affirmation that the applicant is not a fugitive from justice or
85 currently charged in an information or indictment with the commission of a crime
86 punishable by imprisonment for a term exceeding one year under the laws of any
87 state or of the United States other than a crime classified as a misdemeanor
88 under the laws of any state and punishable by a term of imprisonment of two
89 years or less that does not involve an explosive weapon, firearm, firearm silencer
90 or gas gun;

91 (7) An affirmation that the applicant has not been discharged under

92 dishonorable conditions from the United States armed forces;

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

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

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

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

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

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

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

121 5. Before an application for a certificate of qualification for a concealed
122 carry endorsement is approved, the sheriff shall make only such inquiries as he
123 or she deems necessary into the accuracy of the statements made in the
124 application. The sheriff may require that the applicant display a Missouri
125 driver's license or nondriver's license or military identification and orders
126 showing the person being stationed in Missouri. In order to determine the
127 applicant's suitability for a certificate of qualification for a concealed carry

128 endorsement, the applicant shall be fingerprinted. The sheriff shall request a
129 criminal background check through the appropriate law enforcement agency
130 within three working days after submission of the properly completed application
131 for a certificate of qualification for a concealed carry endorsement. If no
132 disqualifying record is identified by the fingerprint check at the state level, the
133 fingerprints shall be forwarded to the Federal Bureau of Investigation for a
134 national criminal history record check. Upon receipt of the completed background
135 check, the sheriff shall issue a certificate of qualification for a concealed carry
136 endorsement within three working days. The sheriff shall issue the certificate
137 within forty-five calendar days if the criminal background check has not been
138 received, provided that the sheriff shall revoke any such certificate and
139 endorsement within twenty-four hours of receipt of any background check that
140 results in a disqualifying record, and shall notify the department of revenue.

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

157 7. If the application is approved, the sheriff shall issue a certificate of
158 qualification for a concealed carry endorsement to the applicant within a period
159 not to exceed three working days after his or her approval of the application. The
160 applicant shall sign the certificate of qualification in the presence of the sheriff
161 or his or her designee and shall within seven days of receipt of the certificate of
162 qualification take the certificate of qualification to the department of
163 revenue. Upon verification of the certificate of qualification and completion of a

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

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

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

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

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

200 fund.

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

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Bill

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