

SECOND REGULAR SESSION

SENATE BILL NO. 884

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR NIEVES.

Read 1st time March 1, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

6116S.011

AN ACT

To repeal sections 571.020, 571.101, and 571.111, RSMo, and to enact in lieu thereof three new sections relating to weapons, with existing penalty provisions.

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

Section A. Sections 571.020, 571.101, and 571.111, RSMo, are repealed
2 and three new sections enacted in lieu thereof, to be known as sections 571.020,
3 571.101, and 571.111, to read as follows:

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

- 3 (1) An explosive weapon;
- 4 (2) An explosive, incendiary or poison substance or material with the
5 purpose to possess, manufacture or sell an explosive weapon;
- 6 (3) A gas gun;
- 7 (4) A switchblade knife;
- 8 (5) A bullet or projectile which explodes or detonates upon impact because
9 of an independent explosive charge after having been shot from a firearm; or
- 10 (6) Knuckles; or
- 11 (7) Any of the following in violation of federal law:
 - 12 (a) A machine gun;
 - 13 (b) A short-barreled rifle or shotgun; or
 - 14 (c) A firearm silencer.

15 2. A person does not commit a crime pursuant to this section if his
16 conduct involved any of the items in subdivisions (1) to (6) of subsection 1, the
17 item was possessed in conformity with any applicable federal law, and the
18 conduct **was incident to:**

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

19 (1) [Was incident to the performance of] **Performing an** official duty by
20 the armed forces, national guard, a governmental law enforcement agency, or a
21 penal institution; or

22 (2) [Was incident to] Engaging in a lawful commercial or business
23 transaction with an organization enumerated in subdivision (1) of this section; or

24 (3) [Was incident to] Using an explosive weapon in a manner reasonably
25 related to a lawful industrial or commercial enterprise; or

26 (4) [Was incident to] Displaying the weapon in a public museum or
27 exhibition; or

28 (5) [Was incident to] Using the weapon in a manner reasonably related
29 to a lawful dramatic performance; or

30 **(6) Dealing with the weapon solely as a curio, ornament, or**
31 **keepsake.**

32 3. A crime pursuant to subdivision (1), (2), (3) or (7) of subsection 1 of this
33 section is a class C felony; a crime pursuant to subdivision (4), (5) or (6) of
34 subsection 1 of this section is a class A misdemeanor.

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, cancelled, 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-one years of age, is a citizen of the United States
18 and either:

19 (a) Has assumed residency in this state; or

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, or a similar institution located in another
50 state following a hearing at which the defendant was represented by counsel or
51 a representative;

52 (8) Submits a completed application for a certificate of qualification as
53 described 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 has assumed residency in Missouri
65 or is a member of the armed forces stationed in Missouri or the spouse of such a
66 member of the armed forces and is a citizen of the United States;

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

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

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

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

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

92 (8) An affirmation that the applicant is not adjudged mentally

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

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

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

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

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

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

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

120 5. Before an application for a certificate of qualification for a concealed
121 carry endorsement is approved, the sheriff shall make only such inquiries [as he
122 or she deems] necessary [into the accuracy of] **to verify** the statements made in
123 the application. The sheriff may require that the applicant display a Missouri
124 driver's license or nondriver's license or military identification and orders
125 showing the person being stationed in Missouri. In order to determine the
126 applicant's suitability for a certificate of qualification for a concealed carry
127 endorsement, the applicant shall be fingerprinted. The sheriff shall request a
128 criminal background check through the appropriate law enforcement agency

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

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

156 7. If the application is approved, the sheriff shall issue a certificate of
157 qualification for a concealed carry endorsement to the applicant within a period
158 not to exceed three working days after his or her approval of the application. The
159 applicant shall sign the certificate of qualification in the presence of the sheriff
160 or his or her designee and shall within seven days of receipt of the certificate of
161 qualification take the certificate of qualification to the department of
162 revenue. Upon verification of the certificate of qualification and completion of a
163 driver's license or nondriver's license application pursuant to chapter 302, the
164 director of revenue shall issue a new driver's license or nondriver's license with

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

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

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

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

198 11. For processing a renewal for a certificate of qualification for a
199 concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff
200 in each county shall charge a nonrefundable fee not to exceed fifty dollars which

201 shall be paid to the treasury of the county to the credit of the sheriff's revolving
202 fund.

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

 571.111. 1. An applicant for a concealed carry endorsement shall
2 demonstrate knowledge of firearms safety training. This requirement shall be
3 fully satisfied if the applicant for a concealed carry endorsement:

4 (1) Submits a photocopy of a certificate of firearms safety training course
5 completion, as defined in subsection 2 of this section, signed by a qualified
6 firearms safety instructor as defined in subsection 5 of this section; or

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

10 (3) Is a qualified firearms safety instructor as defined in subsection 5 of
11 this section; or

12 (4) Submits proof that the applicant currently holds any type of valid
13 peace officer license issued under the requirements of chapter 590; or

14 (5) Submits proof that the applicant is currently allowed to carry firearms
15 in accordance with the certification requirements of section 217.710; or

16 (6) Submits proof that the applicant is currently certified as any class of
17 corrections officer by the Missouri department of corrections and has passed at
18 least one eight-hour firearms training course, approved by the director of the
19 Missouri department of corrections under the authority granted to him or her by
20 section 217.105, that includes instruction on the justifiable use of force as
21 prescribed in chapter 563; or

22 **(7) Submits a photocopy of a certificate of firearms safety**
23 **training course completion that was issued on August 27, 2011, or**
24 **earlier so long as the certificate met the requirements of subsection 2**
25 **of this section that were in effect on the date it was issued.**

26 2. A certificate of firearms safety training course completion may be
27 issued to any applicant by any qualified firearms safety instructor. On the
28 certificate of course completion the qualified firearms safety instructor shall
29 affirm that the individual receiving instruction has taken and passed a firearms
30 safety course of at least eight hours in length taught by the instructor that

31 included:

32 (1) Handgun safety in the classroom, at home, on the firing range and
33 while carrying the firearm;

34 (2) A physical demonstration performed by the applicant that
35 demonstrated his or her ability to safely load and unload a revolver and a
36 semiautomatic pistol and demonstrated his or her marksmanship with both;

37 (3) The basic principles of marksmanship;

38 (4) Care and cleaning of concealable firearms;

39 (5) Safe storage of firearms at home;

40 (6) The requirements of this state for obtaining a certificate of
41 qualification for a concealed carry endorsement from the sheriff of the individual's
42 county of residence and a concealed carry endorsement issued by the department
43 of revenue;

44 (7) The laws relating to firearms as prescribed in this chapter;

45 (8) The laws relating to the justifiable use of force as prescribed in
46 chapter 563;

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

51 (10) A live fire test administered to the applicant while the instructor was
52 present of twenty rounds from each handgun from a standing position or its
53 equivalent at a distance from a B-27 silhouette target, or an equivalent target,
54 of seven yards.

55 3. A qualified firearms safety instructor shall not give a grade of passing
56 to an applicant for a concealed carry endorsement who:

57 (1) Does not follow the orders of the qualified firearms instructor or
58 cognizant range officer; or

59 (2) Handles a firearm in a manner that, in the judgment of the qualified
60 firearm safety instructor, poses a danger to the applicant or to others; or

61 (3) During the live fire testing portion of the course fails to hit the
62 silhouette portion of the targets with at least fifteen rounds, with both handguns.

63 4. Qualified firearms safety instructors who provide firearms safety
64 instruction to any person who applies for a concealed carry endorsement shall:

65 (1) Make the applicant's course records available upon request to the
66 sheriff of the county in which the applicant resides;

67 (2) Maintain all course records on students for a period of no less than
68 four years from course completion date; and

69 (3) Not have more than forty students in the classroom portion of the
70 course or more than five students per range officer engaged in range firing.

71 5. [A firearms safety] **Any** instructor shall be considered to be a qualified
72 firearms safety instructor [by any sheriff issuing a certificate of qualification for
73 a concealed carry endorsement pursuant to sections 571.101 to 571.121 if the
74 instructor] **under this section if he or she:**

75 (1) Is a valid firearms safety instructor certified by the National Rifle
76 Association holding a rating as a personal protection instructor or pistol
77 marksmanship instructor; or

78 (2) Submits a photocopy of a certificate from a firearms safety instructor's
79 course offered by a local, state, or federal governmental agency; or

80 (3) Submits a photocopy of a certificate from a firearms safety instructor
81 course approved by the department of public safety; or

82 (4) Has successfully completed a firearms safety instructor course given
83 by or under the supervision of any state, county, municipal, or federal law
84 enforcement agency; or

85 (5) Is a certified police officer firearms safety instructor.

86 6. Any firearms safety instructor who knowingly provides any sheriff with
87 any false information concerning an applicant's performance on any portion of the
88 required training and qualification shall be guilty of a class C misdemeanor.

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