

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 656

AN ACT

To repeal sections 21.750, 84.340, 571.030, 571.101, 571.107, 571.111, 571.117, 575.153, 590.010, and 590.205, RSMo, and to enact in lieu thereof sixteen new sections relating to firearms, with penalty provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Sections 21.750, 84.340, 571.030, 571.101,
2 571.107, 571.111, 571.117, 575.153, 590.010, and 590.205, RSMo,
3 are repealed and sixteen new sections enacted in lieu thereof, to
4 be known as sections 21.750, 84.340, 160.665, 571.012, 571.030,
5 571.101, 571.107, 571.111, 571.117, 571.510, 575.153, 590.010,
6 590.200, 590.205, 590.207, and 590.750, to read as follows:

7 21.750. 1. The general assembly hereby occupies and
8 preempts the entire field of legislation touching in any way
9 firearms, components, ammunition and supplies to the complete
10 exclusion of any order, ordinance or regulation by any political
11 subdivision of this state. Any existing or future orders,
12 ordinances or regulations in this field are hereby and shall be
13 null and void except as provided in subsection 3 of this section.

14 2. No county, city, town, village, municipality, or other

1 political subdivision of this state shall adopt any order,
2 ordinance or regulation concerning in any way the sale, purchase,
3 purchase delay, transfer, ownership, use, keeping, possession,
4 bearing, transportation, licensing, permit, registration,
5 taxation other than sales and compensating use taxes or other
6 controls on firearms, components, ammunition, and supplies except
7 as provided in subsection 3 of this section.

8 3. (1) Except as provided in subdivision (2) of this
9 subsection, nothing contained in this section shall prohibit any
10 ordinance of any political subdivision which conforms exactly
11 with any of the provisions of sections 571.010 to 571.070, with
12 appropriate penalty provisions, or which regulates the open
13 carrying of firearms readily capable of lethal use or the
14 discharge of firearms within a jurisdiction, provided such
15 ordinance complies with the provisions of section 252.243. No
16 ordinance shall be construed to preclude the use of a firearm in
17 the defense of person or property, subject to the provisions of
18 chapter 563.

19 (2) In any jurisdiction in which the open carrying of
20 firearms is prohibited by ordinance, the open carrying of
21 firearms shall not be prohibited in accordance with the
22 following:

23 (a) Any person with a valid concealed carry endorsement or
24 permit who is open carrying a firearm shall be required to have a
25 valid concealed carry endorsement or permit from this state, or a
26 permit from another state that is recognized by this state, in
27 his or her possession at all times;

28 (b) Any person open carrying a firearm in such jurisdiction

1 shall display his or her concealed carry endorsement or permit
2 upon demand of a law enforcement officer;

3 (c) In the absence of any reasonable and articulable
4 suspicion of criminal activity, no person carrying a concealed or
5 unconcealed firearm shall be disarmed or physically restrained by
6 a law enforcement officer unless under arrest; and

7 (d) Any person who violates this subdivision shall be
8 subject to the penalty provided in section 571.121.

9 4. The lawful design, marketing, manufacture, distribution,
10 or sale of firearms or ammunition to the public is not an
11 abnormally dangerous activity and does not constitute a public or
12 private nuisance.

13 5. No county, city, town, village or any other political
14 subdivision nor the state shall bring suit or have any right to
15 recover against any firearms or ammunition manufacturer, trade
16 association or dealer for damages, abatement or injunctive relief
17 resulting from or relating to the lawful design, manufacture,
18 marketing, distribution, or sale of firearms or ammunition to the
19 public. This subsection shall apply to any suit pending as of
20 October 12, 2003, as well as any suit which may be brought in the
21 future. Provided, however, that nothing in this section shall
22 restrict the rights of individual citizens to recover for injury
23 or death caused by the negligent or defective design or
24 manufacture of firearms or ammunition.

25 6. Nothing in this section shall prevent the state, a
26 county, city, town, village or any other political subdivision
27 from bringing an action against a firearms or ammunition
28 manufacturer or dealer for breach of contract or warranty as to

1 firearms or ammunition purchased by the state or such political
2 subdivision.

3 84.340. Except as provided under section 590.750, the
4 police commissioner of the said cities shall have power to
5 regulate and license all private watchmen, private detectives and
6 private policemen, serving or acting as such in said cities, and
7 no person shall act as such private watchman, private detective
8 or private policeman in said cities without first having obtained
9 the written license of the president or acting president of said
10 police commissioners of the said cities, under pain of being
11 guilty of a misdemeanor.

12 160.665. 1. Any school district within the state may
13 designate one or more elementary or secondary school teachers or
14 administrators as a school protection officer. The
15 responsibilities and duties of a school protection officer are
16 voluntary and shall be in addition to the normal responsibilities
17 and duties of the teacher or administrator. Any compensation for
18 additional duties relating to service as a school protection
19 officer shall be funded by the local school district, with no
20 state funds used for such purpose.

21 2. Any person designated by a school district as a school
22 protection officer shall be authorized to carry concealed
23 firearms or a self-defense spray device in any school in the
24 district. A self-defense spray device shall mean any device that
25 is capable of carrying, and that ejects, releases, or emits, a
26 nonlethal solution capable of incapacitating a violent threat.
27 The school protection officer shall not be permitted to allow any
28 firearm or device out of his or her personal control while that

1 firearm or device is on school property. Any school protection
2 officer who violates this subsection may be removed immediately
3 from the classroom and subject to employment termination
4 proceedings.

5 3. A school protection officer has the same authority to
6 detain or use force against any person on school property as
7 provided to any other person under chapter 563.

8 4. Upon detention of a person under subsection 3 of this
9 section, the school protection officer shall immediately notify a
10 school administrator and a school resource officer, if such
11 officer is present at the school. If the person detained is a
12 student then the parents or guardians of the student shall also
13 be immediately notified by a school administrator.

14 5. Any person detained by a school protection officer shall
15 be turned over to a school administrator or law enforcement
16 officer as soon as practically possible and shall not be detained
17 by a school protection officer for more than one hour.

18 6. Any teacher or administrator of an elementary or
19 secondary school who seeks to be designated as a school
20 protection officer shall request such designation in writing, and
21 submit it to the superintendent of the school district which
22 employs him or her as a teacher or administrator. Along with
23 this request, any teacher or administrator seeking to carry a
24 concealed firearm on school property shall also submit proof that
25 he or she has a valid concealed carry endorsement or permit, and
26 all teachers and administrators seeking the designation of school
27 protection officer shall submit a certificate of school
28 protection officer training program completion from a training

1 program approved by the director of the department of public
2 safety which demonstrates that such person has successfully
3 completed the training requirements established by the POST
4 commission under chapter 590 for school protection officers.

5 7. No school district may designate a teacher or
6 administrator as a school protection officer unless such person
7 has successfully completed a school protection officer training
8 program, which has been approved by the director of the
9 department of public safety. No school district shall allow a
10 school protection officer to carry a concealed firearm on school
11 property unless the school protection officer has a valid
12 concealed carry endorsement or permit.

13 8. Any school district that designates a teacher or
14 administrator as a school protection officer shall, within thirty
15 days, notify, in writing, the director of the department of
16 public safety of the designation, which shall include the
17 following:

18 (1) The full name, date of birth, and address of the
19 officer;

20 (2) The name of the school district; and

21 (3) The date such person was designated as a school
22 protection officer.

23
24 Notwithstanding any other provisions of law to the contrary, any
25 identifying information collected under the authority of this
26 subsection shall not be considered public information and shall
27 not be subject to a request for public records made under chapter
28 610.

1 9. A school district may revoke the designation of a person
2 as a school protection officer for any reason and shall
3 immediately notify the designated school protection officer in
4 writing of the revocation. The school district shall also within
5 thirty days of the revocation notify the director of the
6 department of public safety in writing of the revocation of the
7 designation of such person as a school protection officer. A
8 person who has had the designation of school protection officer
9 revoked has no right to appeal the revocation decision.

10 10. The director of the department of public safety shall
11 maintain a listing of all persons designated by school districts
12 as school protection officers and shall make this list available
13 to all law enforcement agencies.

14 11. Before a school district may designate a teacher or
15 administrator as a school protection officer, the school board
16 shall hold a public hearing on whether to allow such designation.
17 Notice of the hearing shall be published at least fifteen days
18 before the date of the hearing in a newspaper of general
19 circulation within the city or county in which the school
20 district is located. The board may determine at a closed
21 meeting, as "closed meeting" is defined under section 610.010,
22 whether to authorize the designated school protection officer to
23 carry a concealed firearm or a self-defense spray device.

24 571.012. 1. No health care professional licensed in this
25 state, nor anyone under his or her supervision, shall be required
26 by law to:

27 (1) Inquire as to whether a patient owns or has access to a
28 firearm;

1 (2) Document or maintain in a patient's medical records
2 whether such patient owns or has access to a firearm; or

3 (3) Notify any governmental entity of the identity of a
4 patient based solely on the patient's status as an owner of, or
5 the patient's access to, a firearm.

6 2. No health care professional licensed in this state, nor
7 anyone under his or her supervision, nor any person or entity
8 that has possession or control of medical records, may disclose
9 information gathered in a doctor/patient relationship about the
10 status of a patient as an owner of a firearm, unless by order of
11 a court of appropriate jurisdiction, in response to a threat to
12 the health or safety of that patient or another person, as part
13 of a referral to a mental health professional, or with the
14 patient's express consent on a separate document dealing solely
15 with firearm ownership. The separate document shall not be
16 filled out as a matter of routine, but only when, in the judgment
17 of the health care professional, it is medically indicated or
18 necessitated.

19 3. Nothing in this section shall be construed as
20 prohibiting or otherwise restricting a health care professional
21 from inquiring about and documenting whether a patient owns or
22 has access to a firearm if such inquiry or documentation is
23 necessitated or medically indicated by the health care
24 professional's judgment and such inquiry or documentation does
25 not violate any other state or federal law.

26 4. No health care professional licensed in this state shall
27 use an electronic medical record program that requires, in order
28 to complete and save a medical record, entry of data regarding

1 whether a patient owns, has access to, or lives in a home
2 containing a firearm.

3 571.030. 1. A person commits the crime of unlawful use of
4 weapons if he or she knowingly:

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

8 (2) Sets a spring gun; or

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

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

16 (5) Has a firearm or projectile weapon readily capable of
17 lethal use on his or her person, while he or she is intoxicated,
18 and handles or otherwise uses such firearm or projectile weapon
19 in either a negligent or unlawful manner or discharges such
20 firearm or projectile weapon unless acting in self-defense; or

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

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

26 (8) Carries a firearm or any other weapon readily capable
27 of lethal use into any church or place where people have
28 assembled for worship, or into any election precinct on any

1 election day, or into any building owned or occupied by any
2 agency of the federal government, state government, or political
3 subdivision thereof; or

4 (9) Discharges or shoots a firearm at or from a motor
5 vehicle, as defined in section 301.010, discharges or shoots a
6 firearm at any person, or at any other motor vehicle, or at any
7 building or habitable structure, unless the person was lawfully
8 acting in self-defense; or

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

14 (11) Possesses a firearm while also knowingly in possession
15 of a controlled substance that is sufficient for a felony
16 violation of section 195.202.

17 2. Subdivisions (1), (8), and (10) of subsection 1 of this
18 section shall not apply to the persons described in this
19 subsection, regardless of whether such uses are reasonably
20 associated with or are necessary to the fulfillment of such
21 person's official duties except as otherwise provided in this
22 subsection. Subdivisions (3), (4), (6), (7), and (9) of
23 subsection 1 of this section shall not apply to or affect any of
24 the following persons, when such uses are reasonably associated
25 with or are necessary to the fulfillment of such person's
26 official duties, except as otherwise provided in this subsection:

27 (1) All state, county and municipal peace officers who have
28 completed the training required by the police officer standards

1 and training commission pursuant to sections 590.030 to 590.050
2 and who possess the duty and power of arrest for violation of the
3 general criminal laws of the state or for violation of ordinances
4 of counties or municipalities of the state, whether such officers
5 are on or off duty, and whether such officers are within or
6 outside of the law enforcement agency's jurisdiction, or all
7 qualified retired peace officers, as defined in subsection 11 of
8 this section, and who carry the identification defined in
9 subsection 12 of this section, or any person summoned by such
10 officers to assist in making arrests or preserving the peace
11 while actually engaged in assisting such officer;

12 (2) Wardens, superintendents and keepers of prisons,
13 penitentiaries, jails and other institutions for the detention of
14 persons accused or convicted of crime;

15 (3) Members of the Armed Forces or National Guard while
16 performing their official duty;

17 (4) Those persons vested by article V, section 1 of the
18 Constitution of Missouri with the judicial power of the state and
19 those persons vested by Article III of the Constitution of the
20 United States with the judicial power of the United States, the
21 members of the federal judiciary;

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

24 (6) Any federal probation officer or federal flight deck
25 officer as defined under the federal flight deck officer program,
26 49 U.S.C. Section 44921 regardless of whether such officers are
27 on duty, or within the law enforcement agency's jurisdiction;

28 (7) Any state probation or parole officer, including

1 supervisors and members of the board of probation and parole;

2 (8) Any corporate security advisor meeting the definition
3 and fulfilling the requirements of the regulations established by
4 the [board of police commissioners under section 84.340]
5 department of public safety under section 590.750;

6 (9) Any coroner, deputy coroner, medical examiner, or
7 assistant medical examiner;

8 (10) Any prosecuting attorney or assistant prosecuting
9 attorney [or any], circuit attorney or assistant circuit
10 attorney, or any person appointed by a court to be a special
11 prosecutor who has completed the firearms safety training course
12 required under subsection 2 of section 571.111;

13 (11) Any member of a fire department or fire protection
14 district who is employed on a full-time basis as a fire
15 investigator and who has a valid concealed carry endorsement
16 issued prior to August 28, 2013, or a valid concealed carry
17 permit under section 571.111 when such uses are reasonably
18 associated with or are necessary to the fulfillment of such
19 person's official duties; and

20 (12) Upon the written approval of the governing body of a
21 fire department or fire protection district, any paid fire
22 department or fire protection district chief who is employed on a
23 full-time basis and who has a valid concealed carry endorsement
24 issued prior to August 28, 2013, or a valid concealed carry
25 permit, when such uses are reasonably associated with or are
26 necessary to the fulfillment of such person's official duties.

27 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of
28 this section do not apply when the actor is transporting such

1 weapons in a nonfunctioning state or in an unloaded state when
2 ammunition is not readily accessible or when such weapons are not
3 readily accessible. Subdivision (1) of subsection 1 of this
4 section does not apply to any person [twenty-one] nineteen years
5 of age or older or eighteen years of age or older and a member of
6 the United States Armed Forces, or honorably discharged from the
7 United States Armed Forces, transporting a concealable firearm in
8 the passenger compartment of a motor vehicle, so long as such
9 concealable firearm is otherwise lawfully possessed, nor when the
10 actor is also in possession of an exposed firearm or projectile
11 weapon for the lawful pursuit of game, or is in his or her
12 dwelling unit or upon premises over which the actor has
13 possession, authority or control, or is traveling in a continuous
14 journey peaceably through this state. Subdivision (10) of
15 subsection 1 of this section does not apply if the firearm is
16 otherwise lawfully possessed by a person while traversing school
17 premises for the purposes of transporting a student to or from
18 school, or possessed by an adult for the purposes of facilitation
19 of a school-sanctioned firearm-related event or club event.

20 4. Subdivisions (1), (8), and (10) of subsection 1 of this
21 section shall not apply to any person who has a valid concealed
22 carry permit issued pursuant to sections 571.101 to 571.121, a
23 valid concealed carry endorsement issued before August 28, 2013,
24 or a valid permit or endorsement to carry concealed firearms
25 issued by another state or political subdivision of another
26 state.

27 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10)
28 of subsection 1 of this section shall not apply to persons who

1 are engaged in a lawful act of defense pursuant to section
2 563.031.

3 6. Notwithstanding any provision of this section to the
4 contrary, the state shall not prohibit any state employee from
5 having a firearm in the employee's vehicle on the state's
6 property provided that the vehicle is locked and the firearm is
7 not visible. This subsection shall only apply to the state as an
8 employer when the state employee's vehicle is on property owned
9 or leased by the state and the state employee is conducting
10 activities within the scope of his or her employment. For the
11 purposes of this subsection, "state employee" means an employee
12 of the executive, legislative, or judicial branch of the
13 government of the state of Missouri.

14 7. Nothing in this section shall make it unlawful for a
15 student to actually participate in school-sanctioned gun safety
16 courses, student military or ROTC courses, or other
17 school-sponsored or club-sponsored firearm-related events,
18 provided the student does not carry a firearm or other weapon
19 readily capable of lethal use into any school, onto any school
20 bus, or onto the premises of any other function or activity
21 sponsored or sanctioned by school officials or the district
22 school board.

23 8. Unlawful use of weapons is a class D felony unless
24 committed pursuant to subdivision (6), (7), or (8) of subsection
25 1 of this section, in which cases it is a class B misdemeanor, or
26 subdivision (5) or (10) of subsection 1 of this section, in which
27 case it is a class A misdemeanor if the firearm is unloaded and a
28 class D felony if the firearm is loaded, or subdivision (9) of

1 subsection 1 of this section, in which case it is a class B
2 felony, except that if the violation of subdivision (9) of
3 subsection 1 of this section results in injury or death to
4 another person, it is a class A felony.

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

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

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

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

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

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

25 11. Notwithstanding any other provision of law, no person
26 who pleads guilty to or is found guilty of a felony violation of
27 subsection 1 of this section shall receive a suspended imposition
28 of sentence if such person has previously received a suspended

1 imposition of sentence for any other firearms- or weapons-related
2 felony offense.

3 12. As used in this section "qualified retired peace
4 officer" means an individual who:

5 (1) Retired in good standing from service with a public
6 agency as a peace officer, other than for reasons of mental
7 instability;

8 (2) Before such retirement, was authorized by law to engage
9 in or supervise the prevention, detection, investigation, or
10 prosecution of, or the incarceration of any person for, any
11 violation of law, and had statutory powers of arrest;

12 (3) Before such retirement, was regularly employed as a
13 peace officer for an aggregate of fifteen years or more, or
14 retired from service with such agency, after completing any
15 applicable probationary period of such service, due to a
16 service-connected disability, as determined by such agency;

17 (4) Has a nonforfeitable right to benefits under the
18 retirement plan of the agency if such a plan is available;

19 (5) During the most recent twelve-month period, has met, at
20 the expense of the individual, the standards for training and
21 qualification for active peace officers to carry firearms;

22 (6) Is not under the influence of alcohol or another
23 intoxicating or hallucinatory drug or substance; and

24 (7) Is not prohibited by federal law from receiving a
25 firearm.

26 13. The identification required by subdivision (1) of
27 subsection 2 of this section is:

28 (1) A photographic identification issued by the agency from

1 which the individual retired from service as a peace officer that
2 indicates that the individual has, not less recently than one
3 year before the date the individual is carrying the concealed
4 firearm, been tested or otherwise found by the agency to meet the
5 standards established by the agency for training and
6 qualification for active peace officers to carry a firearm of the
7 same type as the concealed firearm; or

8 (2) A photographic identification issued by the agency from
9 which the individual retired from service as a peace officer; and

10 (3) A certification issued by the state in which the
11 individual resides that indicates that the individual has, not
12 less recently than one year before the date the individual is
13 carrying the concealed firearm, been tested or otherwise found by
14 the state to meet the standards established by the state for
15 training and qualification for active peace officers to carry a
16 firearm of the same type as the concealed firearm.

17 571.101. 1. All applicants for concealed carry permits
18 issued pursuant to subsection 7 of this section must satisfy the
19 requirements of sections 571.101 to 571.121. If the said
20 applicant can show qualification as provided by sections 571.101
21 to 571.121, the county or city sheriff shall issue a concealed
22 carry permit authorizing the carrying of a concealed firearm on
23 or about the applicant's person or within a vehicle. A concealed
24 carry permit shall be valid [for a period of five years] from the
25 date of issuance or renewal until five years from the last day of
26 the month in which the permit was issued or renewed. The
27 concealed carry permit is valid throughout this state. Although
28 the permit is considered valid in the state, a person who fails

1 to renew his or her permit within five years from the date of
2 issuance or renewal shall not be eligible for an exception to a
3 National Instant Criminal Background Check under federal
4 regulations currently codified under 27 CFR 478.102(d) relating
5 to the transfer, sale, or delivery of firearms from licensed
6 dealers. A concealed carry endorsement issued prior to August
7 28, 2013, shall continue [for a period of three years] from the
8 date of issuance or renewal until three years from the last day
9 of the month in which the endorsement was issued or renewed to
10 authorize the carrying of a concealed firearm on or about the
11 applicant's person or within a vehicle in the same manner as a
12 concealed carry permit issued under subsection 7 of this section
13 on or after August 28, 2013.

14 2. A concealed carry permit issued pursuant to subsection 7
15 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
17 the applicant:

18 (1) Is at least [twenty-one] nineteen years of age, is a
19 citizen or permanent resident of the United States and either:

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

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

23 (2) Is at least [twenty-one] nineteen years of age, or is
24 at least eighteen years of age and a member of the United States
25 Armed Forces or honorably discharged from the United States Armed
26 Forces, and is a citizen of the United States and either:

27 (a) Has assumed residency in this state;

28 (b) Is a member of the Armed Forces stationed in Missouri;

1 or

2 (c) The spouse of such member of the military stationed in
3 Missouri and [twenty-one] nineteen years of age;

4 (3) Has not pled guilty to or entered a plea of nolo
5 contendere or been convicted of a crime punishable by
6 imprisonment for a term exceeding one year under the laws of any
7 state or of the United States other than a crime classified as a
8 misdemeanor under the laws of any state and punishable by a term
9 of imprisonment of two years or less that does not involve an
10 explosive weapon, firearm, firearm silencer or gas gun;

11 (4) Has not been convicted of, pled guilty to or entered a
12 plea of nolo contendere to one or more misdemeanor offenses
13 involving crimes of violence within a five-year period
14 immediately preceding application for a concealed carry permit or
15 if the applicant has not been convicted of two or more
16 misdemeanor offenses involving driving while under the influence
17 of intoxicating liquor or drugs or the possession or abuse of a
18 controlled substance within a five-year period immediately
19 preceding application for a concealed carry permit;

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

28 (6) Has not been discharged under dishonorable conditions

1 from the United States Armed Forces;

2 (7) Has not engaged in a pattern of behavior, documented in
3 public or closed records, that causes the sheriff to have a
4 reasonable belief that the applicant presents a danger to himself
5 or others;

6 (8) Is not adjudged mentally incompetent at the time of
7 application or for five years prior to application, or has not
8 been committed to a mental health facility, as defined in section
9 632.005, or a similar institution located in another state
10 following a hearing at which the defendant was represented by
11 counsel or a representative;

12 (9) Submits a completed application for a permit as
13 described in subsection 3 of this section;

14 (10) Submits an affidavit attesting that the applicant
15 complies with the concealed carry safety training requirement
16 pursuant to subsections 1 and 2 of section 571.111;

17 (11) Is not the respondent of a valid full order of
18 protection which is still in effect;

19 (12) Is not otherwise prohibited from possessing a firearm
20 under section 571.070 or 18 U.S.C. 922(g).

21 3. The application for a concealed carry permit issued by
22 the sheriff of the county of the applicant's residence shall
23 contain only the following information:

24 (1) The applicant's name, address, telephone number,
25 gender, date and place of birth, and, if the applicant is not a
26 United States citizen, the applicant's country of citizenship and
27 any alien or admission number issued by the Federal Bureau of
28 Customs and Immigration Enforcement or any successor agency;

1 (2) An affirmation that the applicant has assumed residency
2 in Missouri or is a member of the Armed Forces stationed in
3 Missouri or the spouse of such a member of the Armed Forces and
4 is a citizen or permanent resident of the United States;

5 (3) An affirmation that the applicant is at least
6 ~~[twenty-one]~~ nineteen years of age or is eighteen years of age or
7 older and a member of the United States Armed Forces or honorably
8 discharged from the United States Armed Forces;

9 (4) An affirmation that the applicant has not pled guilty
10 to or been convicted of a crime punishable by imprisonment for a
11 term exceeding one year under the laws of any state or of the
12 United States other than a crime classified as a misdemeanor
13 under the laws of any state and punishable by a term of
14 imprisonment of two years or less that does not involve an
15 explosive weapon, firearm, firearm silencer, or gas gun;

16 (5) An affirmation that the applicant has not been
17 convicted of, pled guilty to, or entered a plea of nolo
18 contendere to one or more misdemeanor offenses involving crimes
19 of violence within a five-year period immediately preceding
20 application for a permit or if the applicant has not been
21 convicted of two or more misdemeanor offenses involving driving
22 while under the influence of intoxicating liquor or drugs or the
23 possession or abuse of a controlled substance within a five-year
24 period immediately preceding application for a permit;

25 (6) An affirmation that the applicant is not a fugitive
26 from justice or currently charged in an information or indictment
27 with the commission of a crime punishable by imprisonment for a
28 term exceeding one year under the laws of any state or of the

1 United States other than a crime classified as a misdemeanor
2 under the laws of any state and punishable by a term of
3 imprisonment of two years or less that does not involve an
4 explosive weapon, firearm, firearm silencer or gas gun;

5 (7) An affirmation that the applicant has not been
6 discharged under dishonorable conditions from the United States
7 Armed Forces;

8 (8) An affirmation that the applicant is not adjudged
9 mentally incompetent at the time of application or for five years
10 prior to application, or has not been committed to a mental
11 health facility, as defined in section 632.005, or a similar
12 institution located in another state, except that a person whose
13 release or discharge from a facility in this state pursuant to
14 chapter 632, or a similar discharge from a facility in another
15 state, occurred more than five years ago without subsequent
16 recommitment may apply;

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

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

23 (11) A conspicuous warning that false statements made by
24 the applicant will result in prosecution for perjury pursuant to
25 the laws of the state of Missouri; and

26 (12) A government-issued photo identification. This
27 photograph shall not be included on the permit and shall only be
28 used to verify the person's identity for permit renewal, or for

1 the issuance of a new permit due to change of address, or for a
2 lost or destroyed permit.

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

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

15 (2) A nonrefundable permit fee as provided by subsection 11
16 or 12 of this section.

17 5. (1) Before an application for a concealed carry permit
18 is approved, the sheriff shall make only such inquiries as he or
19 she deems necessary into the accuracy of the statements made in
20 the application. The sheriff may require that the applicant
21 display a Missouri driver's license or nondriver's license or
22 military identification and orders showing the person being
23 stationed in Missouri. In order to determine the applicant's
24 suitability for a concealed carry permit, the applicant shall be
25 fingerprinted. No other biometric data shall be collected from
26 the applicant. The sheriff shall request a criminal background
27 check, including an inquiry of the National Instant Criminal
28 Background Check System, through the appropriate law enforcement

1 agency within three working days after submission of the properly
2 completed application for a concealed carry permit. If no
3 disqualifying record is identified by these checks at the state
4 level, the fingerprints shall be forwarded to the Federal Bureau
5 of Investigation for a national criminal history record check.
6 Upon receipt of the completed background checks, the sheriff
7 shall examine the results and, if no disqualifying information is
8 identified, shall issue a concealed carry permit within three
9 working days.

10 (2) In the event the background checks prescribed by
11 subdivision (1) of this subsection are not completed within
12 forty-five calendar days and no disqualifying information
13 concerning the applicant has otherwise come to the sheriff's
14 attention, the sheriff shall issue a provisional permit, clearly
15 designated on the certificate as such, which the applicant shall
16 sign in the presence of the sheriff or the sheriff's designee.
17 This permit, when carried with a valid Missouri driver's or
18 nondriver's license or a valid military identification, shall
19 permit the applicant to exercise the same rights in accordance
20 with the same conditions as pertain to a concealed carry permit
21 issued under this section, provided that it shall not serve as an
22 alternative to an national instant criminal background check
23 required by 18 U.S.C. 922(t). The provisional permit shall
24 remain valid until such time as the sheriff either issues or
25 denies the certificate of qualification under subsection 6 or 7
26 of this section. The sheriff shall revoke a provisional permit
27 issued under this subsection within twenty-four hours of receipt
28 of any background check that identifies a disqualifying record,

1 and shall notify the Missouri uniform law enforcement system.
2 The revocation of a provisional permit issued under this section
3 shall be proscribed in a manner consistent to the denial and
4 review of an application under subsection 6 of this section.

5 6. The sheriff may refuse to approve an application for a
6 concealed carry permit if he or she determines that any of the
7 requirements specified in subsection 2 of this section have not
8 been met, or if he or she has a substantial and demonstrable
9 reason to believe that the applicant has rendered a false
10 statement regarding any of the provisions of sections 571.101 to
11 571.121. If the applicant is found to be ineligible, the sheriff
12 is required to deny the application, and notify the applicant in
13 writing, stating the grounds for denial and informing the
14 applicant of the right to submit, within thirty days, any
15 additional documentation relating to the grounds of the denial.
16 Upon receiving any additional documentation, the sheriff shall
17 reconsider his or her decision and inform the applicant within
18 thirty days of the result of the reconsideration. The applicant
19 shall further be informed in writing of the right to appeal the
20 denial pursuant to subsections 2, 3, 4, and 5 of section 571.114.
21 After two additional reviews and denials by the sheriff, the
22 person submitting the application shall appeal the denial
23 pursuant to subsections 2, 3, 4, and 5 of section 571.114.

24 7. If the application is approved, the sheriff shall issue
25 a concealed carry permit to the applicant within a period not to
26 exceed three working days after his or her approval of the
27 application. The applicant shall sign the concealed carry permit
28 in the presence of the sheriff or his or her designee [and shall

1 within seven days of receipt of the certificate of qualification
2 take the certificate of qualification to the department of
3 revenue. Upon verification of the certificate of qualification
4 and completion of a driver's license or nondriver's license
5 application pursuant to chapter 302, the director of revenue
6 shall issue a new driver's license or nondriver's license with an
7 endorsement which identifies that the applicant has received a
8 certificate of qualification to carry concealed weapons issued
9 pursuant to sections 571.101 to 571.121 if the applicant is
10 otherwise qualified to receive such driver's license or
11 nondriver's license. Notwithstanding any other provision of
12 chapter 302, a nondriver's license with a concealed carry
13 endorsement shall expire three years from the date the
14 certificate of qualification was issued pursuant to this
15 section].

16 8. The concealed carry permit shall specify only the
17 following information:

- 18 (1) Name, address, date of birth, gender, height, weight,
19 color of hair, color of eyes, and signature of the permit holder;
20 (2) The signature of the sheriff issuing the permit;
21 (3) The date of issuance; and
22 (4) The expiration date.

23 The permit shall be no larger than two inches wide by three and
24 one-fourth inches long and shall be of a uniform style prescribed
25 by the department of public safety. The permit shall also be
26 assigned a Missouri uniform law enforcement system county code
27 and shall be stored in sequential number.

28 9. (1) The sheriff shall keep a record of all applications

1 for a concealed carry permit or a provisional permit and his or
2 her action thereon. Any record of an application that is
3 incomplete or denied for any reason shall be kept for a period
4 not to exceed one year. Any record of an application that was
5 approved shall be kept for a period of one year after the
6 expiration and nonrenewal of the permit. Beginning August 28,
7 2013, the department of revenue shall not keep any record of an
8 application for a concealed carry permit. Any information
9 collected by the department of revenue related to an application
10 for a concealed carry endorsement prior to August 28, 2013, shall
11 be given to the members of MoSMART, created under section
12 650.350, for the dissemination of the information to the sheriff
13 of any county or city not within a county in which the applicant
14 resides to keep in accordance with the provisions of this
15 subsection.

16 (2) The sheriff shall report the issuance of a concealed
17 carry permit or provisional permit to the Missouri uniform law
18 enforcement system. All information on any such permit that is
19 protected information on any driver's or nondriver's license
20 shall have the same personal protection for purposes of sections
21 571.101 to 571.121. An applicant's status as a holder of a
22 concealed carry permit, provisional permit, or a concealed carry
23 endorsement issued prior to August 28, 2013, shall not be public
24 information and shall be considered personal protected
25 information. Information retained under this subsection shall
26 not be batch processed for query and shall only be made available
27 for a single entry query of an individual in the event the
28 individual is a subject of interest in an active criminal

1 investigation or is arrested for a crime. Any person who
2 violates the provisions of this subsection by disclosing
3 protected information shall be guilty of a class A misdemeanor.

4 10. Information regarding any holder of a concealed carry
5 permit, or a concealed carry endorsement issued prior to August
6 28, 2013, is a closed record. No bulk download or batch data
7 shall be performed or distributed to any federal, state, or
8 private entity, except to MoSMART as provided under subsection 9
9 of this section. Any state agency that has retained any
10 documents or records, including fingerprint records provided by
11 an applicant for a concealed carry endorsement prior to August
12 28, 2013, shall destroy such documents or records, upon
13 successful issuance of a permit.

14 11. For processing an application for a concealed carry
15 permit pursuant to sections 571.101 to 571.121, the sheriff in
16 each county shall charge a nonrefundable fee not to exceed one
17 hundred dollars which shall be paid to the treasury of the county
18 to the credit of the sheriff's revolving fund.

19 12. For processing a renewal for a concealed carry permit
20 pursuant to sections 571.101 to 571.121, the sheriff in each
21 county shall charge a nonrefundable fee not to exceed fifty
22 dollars which shall be paid to the treasury of the county to the
23 credit of the sheriff's revolving fund.

24 13. For the purposes of sections 571.101 to 571.121, the
25 term "sheriff" shall include the sheriff of any county or city
26 not within a county or his or her designee and in counties of the
27 first classification the sheriff may designate the chief of
28 police of any city, town, or municipality within such county.

1 14. For the purposes of this chapter, "concealed carry
2 permit" shall include any concealed carry endorsement issued by
3 the department of revenue before January 1, 2014, and any
4 concealed carry document issued by any sheriff or under the
5 authority of any sheriff after December 31, 2013.

6 571.107. 1. A concealed carry permit issued pursuant to
7 sections 571.101 to 571.121, a valid concealed carry endorsement
8 issued prior to August 28, 2013, or a concealed carry endorsement
9 or permit issued by another state or political subdivision of
10 another state shall authorize the person in whose name the permit
11 or endorsement is issued to carry concealed firearms on or about
12 his or her person or vehicle throughout the state. No concealed
13 carry permit issued pursuant to sections 571.101 to 571.121,
14 valid concealed carry endorsement issued prior to August 28,
15 2013, or a concealed carry endorsement or permit issued by
16 another state or political subdivision of another state shall
17 authorize any person to carry concealed firearms into:

18 (1) Any police, sheriff, or highway patrol office or
19 station without the consent of the chief law enforcement officer
20 in charge of that office or station. Possession of a firearm in
21 a vehicle on the premises of the office or station shall not be a
22 criminal offense so long as the firearm is not removed from the
23 vehicle or brandished while the vehicle is on the premises;

24 (2) Within twenty-five feet of any polling place on any
25 election day. Possession of a firearm in a vehicle on the
26 premises of the polling place shall not be a criminal offense so
27 long as the firearm is not removed from the vehicle or brandished
28 while the vehicle is on the premises;

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

7 (4) Any courthouse solely occupied by the circuit,
8 appellate or supreme court, or any courtrooms, administrative
9 offices, libraries or other rooms of any such court whether or
10 not such court solely occupies the building in question. This
11 subdivision shall also include, but not be limited to, any
12 juvenile, family, drug, or other court offices, any room or
13 office wherein any of the courts or offices listed in this
14 subdivision are temporarily conducting any business within the
15 jurisdiction of such courts or offices, and such other locations
16 in such manner as may be specified by supreme court rule pursuant
17 to subdivision (6) of this subsection. Nothing in this
18 subdivision shall preclude those persons listed in subdivision
19 (1) of subsection 2 of section 571.030 while within their
20 jurisdiction and on duty, those persons listed in subdivisions
21 (2), (4), and (10) of subsection 2 of section 571.030, or such
22 other persons who serve in a law enforcement capacity for a court
23 as may be specified by supreme court rule pursuant to subdivision
24 (6) of this subsection from carrying a concealed firearm within
25 any of the areas described in this subdivision. Possession of a
26 firearm in a vehicle on the premises of any of the areas listed
27 in this subdivision shall not be a criminal offense so long as
28 the firearm is not removed from the vehicle or brandished while

1 the vehicle is on the premises;

2 (5) Any meeting of the governing body of a unit of local
3 government; or any meeting of the general assembly or a committee
4 of the general assembly, except that nothing in this subdivision
5 shall preclude a member of the body holding a valid concealed
6 carry permit or endorsement from carrying a concealed firearm at
7 a meeting of the body which he or she is a member. Possession of
8 a firearm in a vehicle on the premises shall not be a criminal
9 offense so long as the firearm is not removed from the vehicle or
10 brandished while the vehicle is on the premises. Nothing in this
11 subdivision shall preclude a member of the general assembly, a
12 full-time employee of the general assembly employed under Section
13 17, Article III, Constitution of Missouri, legislative employees
14 of the general assembly as determined under section 21.155, or
15 statewide elected officials and their employees, holding a valid
16 concealed carry permit or endorsement, from carrying a concealed
17 firearm in the state capitol building or at a meeting whether of
18 the full body of a house of the general assembly or a committee
19 thereof, that is held in the state capitol building;

20 (6) The general assembly, supreme court, county or
21 municipality may by rule, administrative regulation, or ordinance
22 prohibit or limit the carrying of concealed firearms by permit or
23 endorsement holders in that portion of a building owned, leased
24 or controlled by that unit of government. Any portion of a
25 building in which the carrying of concealed firearms is
26 prohibited or limited shall be clearly identified by signs posted
27 at the entrance to the restricted area. The statute, rule or
28 ordinance shall exempt any building used for public housing by

1 private persons, highways or rest areas, firing ranges, and
2 private dwellings owned, leased, or controlled by that unit of
3 government from any restriction on the carrying or possession of
4 a firearm. The statute, rule or ordinance shall not specify any
5 criminal penalty for its violation but may specify that persons
6 violating the statute, rule or ordinance may be denied entrance
7 to the building, ordered to leave the building and if employees
8 of the unit of government, be subjected to disciplinary measures
9 for violation of the provisions of the statute, rule or
10 ordinance. The provisions of this subdivision shall not apply to
11 any other unit of government;

12 (7) Any establishment licensed to dispense intoxicating
13 liquor for consumption on the premises, which portion is
14 primarily devoted to that purpose, without the consent of the
15 owner or manager. The provisions of this subdivision shall not
16 apply to the licensee of said establishment. The provisions of
17 this subdivision shall not apply to any bona fide restaurant open
18 to the general public having dining facilities for not less than
19 fifty persons and that receives at least fifty-one percent of its
20 gross annual income from the dining facilities by the sale of
21 food. This subdivision does not prohibit the possession of a
22 firearm in a vehicle on the premises of the establishment and
23 shall not be a criminal offense so long as the firearm is not
24 removed from the vehicle or brandished while the vehicle is on
25 the premises. Nothing in this subdivision authorizes any
26 individual who has been issued a concealed carry permit or
27 endorsement to possess any firearm while intoxicated;

28 (8) Any area of an airport to which access is controlled by

1 the inspection of persons and property. Possession of a firearm
2 in a vehicle on the premises of the airport shall not be a
3 criminal offense so long as the firearm is not removed from the
4 vehicle or brandished while the vehicle is on the premises;

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

7 (10) Any higher education institution or elementary or
8 secondary school facility without the consent of the governing
9 body of the higher education institution or a school official or
10 the district school board, unless the person with the concealed
11 carry endorsement or permit is a teacher or administrator of an
12 elementary or secondary school who has been designated by his or
13 her school district as a school protection officer and is
14 carrying a firearm in a school within that district, in which
15 case no consent is required. Possession of a firearm in a
16 vehicle on the premises of any higher education institution or
17 elementary or secondary school facility shall not be a criminal
18 offense so long as the firearm is not removed from the vehicle or
19 brandished while the vehicle is on the premises;

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

25 (12) Any riverboat gambling operation accessible by the
26 public without the consent of the owner or manager pursuant to
27 rules promulgated by the gaming commission. Possession of a
28 firearm in a vehicle on the premises of a riverboat gambling

1 operation shall not be a criminal offense so long as the firearm
2 is not removed from the vehicle or brandished while the vehicle
3 is on the premises;

4 (13) Any gated area of an amusement park. Possession of a
5 firearm in a vehicle on the premises of the amusement park shall
6 not be a criminal offense so long as the firearm is not removed
7 from the vehicle or brandished while the vehicle is on the
8 premises;

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

16 (15) Any private property whose owner has posted the
17 premises as being off-limits to concealed firearms by means of
18 one or more signs displayed in a conspicuous place of a minimum
19 size of eleven inches by fourteen inches with the writing thereon
20 in letters of not less than one inch. The owner, business or
21 commercial lessee, manager of a private business enterprise, or
22 any other organization, entity, or person may prohibit persons
23 holding a concealed carry permit or endorsement from carrying
24 concealed firearms on the premises and may prohibit employees,
25 not authorized by the employer, holding a concealed carry permit
26 or endorsement from carrying concealed firearms on the property
27 of the employer. If the building or the premises are open to the
28 public, the employer of the business enterprise shall post signs

1 on or about the premises if carrying a concealed firearm is
2 prohibited. Possession of a firearm in a vehicle on the premises
3 shall not be a criminal offense so long as the firearm is not
4 removed from the vehicle or brandished while the vehicle is on
5 the premises. An employer may prohibit employees or other
6 persons holding a concealed carry permit or endorsement from
7 carrying a concealed firearm in vehicles owned by the employer;

8 (16) Any sports arena or stadium with a seating capacity of
9 five thousand or more. Possession of a firearm in a vehicle on
10 the premises shall not be a criminal offense so long as the
11 firearm is not removed from the vehicle or brandished while the
12 vehicle is on the premises;

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

17 2. Carrying of a concealed firearm in a location specified
18 in subdivisions (1) to (17) of subsection 1 of this section by
19 any individual who holds a concealed carry permit issued pursuant
20 to sections 571.101 to 571.121, or a concealed carry endorsement
21 issued prior to August 28, 2013, shall not be a criminal act but
22 may subject the person to denial to the premises or removal from
23 the premises. If such person refuses to leave the premises and a
24 peace officer is summoned, such person may be issued a citation
25 for an amount not to exceed one hundred dollars for the first
26 offense. If a second citation for a similar violation occurs
27 within a six-month period, such person shall be fined an amount
28 not to exceed two hundred dollars and his or her permit, and, if

1 applicable, endorsement to carry concealed firearms shall be
2 suspended for a period of one year. If a third citation for a
3 similar violation is issued within one year of the first
4 citation, such person shall be fined an amount not to exceed five
5 hundred dollars and shall have his or her concealed carry permit,
6 and, if applicable, endorsement revoked and such person shall not
7 be eligible for a concealed carry permit for a period of three
8 years. Upon conviction of charges arising from a citation issued
9 pursuant to this subsection, the court shall notify the sheriff
10 of the county which issued the concealed carry permit, or, if the
11 person is a holder of a concealed carry endorsement issued prior
12 to August 28, 2013, the court shall notify the sheriff of the
13 county which issued the certificate of qualification for a
14 concealed carry endorsement and the department of revenue. The
15 sheriff shall suspend or revoke the concealed carry permit or, if
16 applicable, the certificate of qualification for a concealed
17 carry endorsement. If the person holds an endorsement, the
18 department of revenue shall issue a notice of such suspension or
19 revocation of the concealed carry endorsement and take action to
20 remove the concealed carry endorsement from the individual's
21 driving record. The director of revenue shall notify the
22 licensee that he or she must apply for a new license pursuant to
23 chapter 302 which does not contain such endorsement. The notice
24 issued by the department of revenue shall be mailed to the last
25 known address shown on the individual's driving record. The
26 notice is deemed received three days after mailing.

27 571.111. 1. An applicant for a concealed carry permit
28 shall demonstrate knowledge of firearms safety training. This

1 requirement shall be fully satisfied if the applicant for a
2 concealed carry permit:

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

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

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

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

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

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

26 (7) Submits a photocopy of a certificate of firearms safety
27 training course completion that was issued on August 27, 2011, or
28 earlier so long as the certificate met the requirements of

1 subsection 2 of this section that were in effect on the date it
2 was issued.

3 2. A certificate of firearms safety training course
4 completion may be issued to any applicant by any qualified
5 firearms safety instructor. On the certificate of course
6 completion the qualified firearms safety instructor shall affirm
7 that the individual receiving instruction has taken and passed a
8 firearms safety course of at least eight hours in length taught
9 by the instructor that included:

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

12 (2) A physical demonstration performed by the applicant
13 that demonstrated his or her ability to safely load and unload
14 either a revolver [and] or a semiautomatic pistol and
15 demonstrated his or her marksmanship with [both] either firearm;

16 (3) The basic principles of marksmanship;

17 (4) Care and cleaning of concealable firearms;

18 (5) Safe storage of firearms at home;

19 (6) The requirements of this state for obtaining a
20 concealed carry permit from the sheriff of the individual's
21 county of residence;

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

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

26 (9) A live firing exercise of sufficient duration for each
27 applicant to fire [both] either a revolver [and] or a
28 semiautomatic pistol, from a standing position or its equivalent,

1 a minimum of twenty rounds from [each] the handgun at a distance
2 of seven yards from a B-27 silhouette target or an equivalent
3 target;

4 (10) A live fire test administered to the applicant while
5 the instructor was present of twenty rounds from [each handgun]
6 either a revolver or a semiautomatic pistol from a standing
7 position or its equivalent at a distance from a B-27 silhouette
8 target, or an equivalent target, of seven yards.

9 3. A qualified firearms safety instructor shall not give a
10 grade of passing to an applicant for a concealed carry permit
11 who:

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

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

17 (3) During the live fire testing portion of the course
18 fails to hit the silhouette portion of the targets with at least
19 fifteen rounds[, with both handguns].

20 4. Qualified firearms safety instructors who provide
21 firearms safety instruction to any person who applies for a
22 concealed carry permit shall:

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

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

28 (3) Not have more than forty students per certified

1 instructor in the classroom portion of the course or more than
2 five students per range officer engaged in range firing.

3 5. A firearms safety instructor shall be considered to be a
4 qualified firearms safety instructor by any sheriff issuing a
5 concealed carry permit pursuant to sections 571.101 to 571.121 if
6 the instructor:

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

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

13 (3) Submits a photocopy of a notarized certificate from a
14 firearms safety instructor course approved by the department of
15 public safety; or

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

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

21 6. Any firearms safety instructor qualified under
22 subsection 5 of this section may submit a copy of a training
23 instructor certificate, course outline bearing notarized
24 signature of instructor, and recent photograph of [his or
25 herself] the instructor to the sheriff of the county in which [he
26 or she] the instructor resides. Each sheriff shall collect an
27 annual registration fee of ten dollars from each qualified
28 instructor who chooses to submit such information and shall

1 retain a database of qualified instructors. This information
2 shall be a closed record except for access by any sheriff.

3 7. Any firearms safety instructor who knowingly provides
4 any sheriff with any false information concerning an applicant's
5 performance on any portion of the required training and
6 qualification shall be guilty of a class C misdemeanor. A
7 violation of the provisions of this section shall result in the
8 person being prohibited from instructing concealed carry permit
9 classes and issuing certificates.

10 571.117. 1. Any person who has knowledge that another
11 person, who was issued a concealed carry permit pursuant to
12 sections 571.101 to 571.121, or concealed carry endorsement prior
13 to August 28, 2013, never was or no longer is eligible for such
14 permit or endorsement under the criteria established in sections
15 571.101 to 571.121 may file a petition with the clerk of the
16 small claims court to revoke that person's concealed carry permit
17 or endorsement. The petition shall be in a form substantially
18 similar to the petition for revocation of concealed carry permit
19 or endorsement provided in this section. Appeal forms shall be
20 provided by the clerk of the small claims court free of charge to
21 any person:

22 SMALL CLAIMS COURT

23 In the Circuit Court of, Missouri
24, PLAINTIFF

25)

26)

27 vs.) Case Number

28)

....., DEFENDANT,
Carry Permit or Endorsement Holder
....., DEFENDANT,
Sheriff of Issuance

PETITION FOR REVOCATION OF A CONCEALED CARRY PERMIT OR CONCEALED
CARRY ENDORSEMENT

Plaintiff states to the court that the defendant,,
has a concealed carry permit issued pursuant to sections 571.101
to 571.121, RSMo, or a concealed carry endorsement issued prior
to August 28, 2013, and that the defendant's concealed carry
permit or concealed carry endorsement should now be revoked
because the defendant either never was or no longer is eligible
for such a permit or endorsement pursuant to the provisions of
sections 571.101 to 571.121, RSMo, specifically plaintiff states
that defendant,, never was or no longer is
eligible for such permit or endorsement for one or more of the
following reasons:

(CHECK BELOW EACH REASON THAT APPLIES TO THIS DEFENDANT)

- ☐ Defendant is not at least [twenty-one] nineteen years of age
or at least eighteen years of age and a member of the
United States Armed Forces or honorably discharged from the
United States Armed Forces.
- ☐ Defendant is not a citizen or permanent resident of the
United States.
- ☐ Defendant had not resided in this state prior to issuance of
the permit and does not qualify as a military member or
spouse of a military member stationed in Missouri.

1 ☐ Defendant has pled guilty to or been convicted of a crime
2 punishable by imprisonment for a term exceeding two years
3 under the laws of any state or of the United States other
4 than a crime classified as a misdemeanor under the laws of
5 any state and punishable by a term of imprisonment of one
6 year or less that does not involve an explosive weapon,
7 firearm, firearm silencer, or gas gun.

8 ☐ Defendant has been convicted of, pled guilty to or entered a
9 plea of nolo contendere to one or more misdemeanor offenses
10 involving crimes of violence within a five-year period
11 immediately preceding application for a concealed carry
12 permit issued pursuant to sections 571.101 to 571.121, RSMo,
13 or a concealed carry endorsement issued prior to August 28,
14 2013, or if the applicant has been convicted of two or more
15 misdemeanor offenses involving driving while under the
16 influence of intoxicating liquor or drugs or the possession
17 or abuse of a controlled substance within a five-year period
18 immediately preceding application for a concealed carry
19 permit issued pursuant to sections 571.101 to 571.121, RSMo,
20 or a concealed carry endorsement issued prior to August 28,
21 2013.

22 ☐ Defendant is a fugitive from justice or currently charged in
23 an information or indictment with the commission of a crime
24 punishable by imprisonment for a term exceeding one year
25 under the laws of any state of the United States other than
26 a crime classified as a misdemeanor under the laws of any
27 state and punishable by a term of imprisonment of two years
28 or less that does not involve an explosive weapon, firearm,

1 firearm silencer, or gas gun.

2 ☐ Defendant has been discharged under dishonorable conditions
3 from the United States Armed Forces.

4 ☐ Defendant is reasonably believed by the sheriff to be a
5 danger to self or others based on previous, documented
6 pattern.

7 ☐ Defendant is adjudged mentally incompetent at the time of
8 application or for five years prior to application, or has
9 been committed to a mental health facility, as defined in
10 section 632.005, RSMo, or a similar institution located in
11 another state, except that a person whose release or
12 discharge from a facility in this state pursuant to chapter
13 632, RSMo, or a similar discharge from a facility in another
14 state, occurred more than five years ago without subsequent
15 recommitment may apply.

16 ☐ Defendant failed to submit a completed application for a
17 concealed carry permit issued pursuant to sections 571.101
18 to 571.121, RSMo, or a concealed carry endorsement issued
19 prior to August 28, 2013.

20 ☐ Defendant failed to submit to or failed to clear the
21 required background check. (Note: This does not apply if
22 the defendant has submitted to a background check and been
23 issued a provisional permit pursuant to subdivision (2) of
24 subsection 5 of section 571.101, and the results of the
25 background check are still pending.)

26 ☐ Defendant failed to submit an affidavit attesting that the
27 applicant complies with the concealed carry safety training
28 requirement pursuant to subsection 1 of section 571.111,

1 RSMo.

2 ☐ Defendant is otherwise disqualified from possessing a
3 firearm pursuant to 18 U.S.C. 922(g) or section 571.070
4 because (specify reason):

5 The plaintiff subject to penalty for perjury states that the
6 information contained in this petition is true and correct to the
7 best of the plaintiff's knowledge, is reasonably based upon the
8 petitioner's personal knowledge and is not primarily intended to
9 harass the defendant/respondent named herein.

10, PLAINTIFF

11 2. If at the hearing the plaintiff shows that the defendant
12 was not eligible for the concealed carry permit issued pursuant
13 to sections 571.101 to 571.121, or a concealed carry endorsement
14 issued prior to August 28, 2013, at the time of issuance or
15 renewal or is no longer eligible for a concealed carry permit or
16 the concealed carry endorsement, the court shall issue an
17 appropriate order to cause the revocation of the concealed carry
18 permit and, if applicable, the concealed carry endorsement.
19 Costs shall not be assessed against the sheriff.

20 3. The finder of fact, in any action brought against a
21 permit or endorsement holder pursuant to subsection 1 of this
22 section, shall make findings of fact and the court shall make
23 conclusions of law addressing the issues at dispute. If it is
24 determined that the plaintiff in such an action acted without
25 justification or with malice or primarily with an intent to
26 harass the permit or endorsement holder or that there was no
27 reasonable basis to bring the action, the court shall order the
28 plaintiff to pay the defendant/respondent all reasonable costs

1 incurred in defending the action including, but not limited to,
2 attorney's fees, deposition costs, and lost wages. Once the
3 court determines that the plaintiff is liable to the
4 defendant/respondent for costs and fees, the extent and type of
5 fees and costs to be awarded should be liberally calculated in
6 defendant/respondent's favor. Notwithstanding any other
7 provision of law, reasonable attorney's fees shall be presumed to
8 be at least one hundred fifty dollars per hour.

9 4. Any person aggrieved by any final judgment rendered by a
10 small claims court in a petition for revocation of a concealed
11 carry permit or concealed carry endorsement may have a right to
12 trial de novo as provided in sections 512.180 to 512.320.

13 5. The office of the county sheriff or any employee or
14 agent of the county sheriff shall not be liable for damages in
15 any civil action arising from alleged wrongful or improper
16 granting, renewing, or failure to revoke a concealed carry permit
17 issued pursuant to sections 571.101 to 571.121, or a certificate
18 of qualification for a concealed carry endorsement issued prior
19 to August 28, 2013, so long as the sheriff acted in good faith.

20 571.510. 1. For purposes of this section, the terms
21 "authority" or "housing authority" shall mean any of the
22 corporations created pursuant to the authority of section 99.040
23 and any entity or agent associated with such authority that
24 administers or uses public moneys provided by the United States
25 Department of Housing and Urban Development to fund very low,
26 lower, and moderate income public rental housing assistance. For
27 purposes of this section, the term "lessee" means a lessee of
28 residential premises.

1 2. Notwithstanding any provision of law to the contrary, no
2 housing authority, authority, or lessor receiving public funds
3 from a housing authority or authority shall prohibit a lessee or
4 a member of the lessee's immediate household or guest from
5 personally possessing firearms within an individual residence,
6 common areas, or from carrying or transporting firearms to and
7 from such residence in a manner allowed by law. Any provision of
8 a lease, policy, rule, or agreement in violation of this section
9 shall be void and unenforceable.

10 3. No housing authority, authority, or lessor under this
11 section shall be liable in tort or any other civil action for
12 damages caused by a lessee's possession or use of a firearm on
13 property owned by the lessor, unless a housing authority,
14 authority, or lessor or an officer, agent, or employee of such
15 housing authority, authority, or lessor:

16 (1) Violated section 571.060 or otherwise caused the
17 lessee, the household member, or guest to engage in any unsafe or
18 illegal actions with a firearm; or

19 (2) Engaged in acts or failures to act which were
20 manifestly outside the scope of employment, duties, or
21 responsibilities or were committed maliciously, in bad faith, or
22 in a wanton and reckless manner.

23 575.153. 1. A person commits the crime of disarming a
24 peace officer, as defined in section 590.100, or a correctional
25 officer if such person intentionally:

26 (1) Removes a firearm [or other], deadly weapon, or less-
27 lethal weapon, including any blunt impact, chemical, or conducted
28 energy device, used in the performance of his or her official

1 duties from the person of a peace officer or correctional officer
2 while such officer is acting within the scope of his or her
3 official duties; or

4 (2) Deprives a peace officer or correctional officer of
5 such officer's use of a firearm [or], deadly weapon, or any other
6 equipment described in subdivision (1) of this subsection while
7 the officer is acting within the scope of his or her official
8 duties.

9 2. The provisions of this section shall not apply when:

10 (1) The defendant does not know or could not reasonably
11 have known that the person he or she disarmed was a peace officer
12 or correctional officer; or

13 (2) The peace officer or correctional officer was engaged
14 in an incident involving felonious conduct by the peace officer
15 or correctional officer at the time the defendant disarmed such
16 officer.

17 3. Disarming a peace officer or correctional officer is a
18 class C felony.

19 590.010. As used in this chapter, the following terms mean:

20 (1) "Commission", when not obviously referring to the POST
21 commission, means a grant of authority to act as a peace officer;

22 (2) "Director", the director of the Missouri department of
23 public safety or his or her designated agent or representative;

24 (3) "Peace officer", a law enforcement officer of the state
25 or any political subdivision of the state with the power of
26 arrest for a violation of the criminal code or declared or deemed
27 to be a peace officer by state statute;

28 (4) "POST commission", the peace officer standards and

1 training commission;

2 (5) "Reserve peace officer", a peace officer who regularly
3 works less than thirty hours per week;

4 (6) "School protection officer", an elementary or secondary
5 school teacher or administrator who has been designated as a
6 school protection officer by a school district.

7 590.200. 1. The POST commission shall:

8 (1) Establish minimum standards for the training of school
9 protection officers;

10 (2) Set the minimum number of hours of training required
11 for a school protection officer; and

12 (3) Set the curriculum for school protection officer
13 training programs.

14 2. At a minimum this training shall include:

15 (1) Instruction specific to the prevention of incidents of
16 violence in schools;

17 (2) The handling of emergency or violent crisis situations
18 in school settings;

19 (3) A review of state criminal law;

20 (4) Training involving the use of defensive force;

21 (5) Training involving the use of deadly force; and

22 (6) Instruction in the proper use of self-defense spray
23 devices.

24 590.205. 1. The POST commission shall establish minimum
25 standards for school protection officer training instructors,
26 training centers, and training programs.

27 2. The director shall develop and maintain a list of
28 approved school protection officer training instructors, training

1 centers, and training programs. The director shall not place any
2 instructor, training center, or training program on its approved
3 list unless such instructor, training center, or training program
4 meets all of the POST commission requirements under this section
5 and section 590.200. The director shall make this approved list
6 available to every school district in the state. The required
7 training to become a school protection officer shall be provided
8 by those firearm instructors, private and public, who have
9 successfully completed a department of public safety POST
10 certified law enforcement firearms instructor school.

11 3. Each person seeking entrance into a school protection
12 officer training center or training program shall submit a
13 fingerprint card and authorization for a criminal history
14 background check to include the records of the Federal Bureau of
15 Investigation to the training center or training program where
16 such person is seeking entrance. The training center or training
17 program shall cause a criminal history background check to be
18 made and shall cause the resulting report to be forwarded to the
19 school district where the elementary school teacher or
20 administrator is seeking to be designated as a school protection
21 officer.

22 4. No person shall be admitted to a school protection
23 officer training center or training program unless such person
24 submits proof to the training center or training program that he
25 or she has a valid concealed carry endorsement or permit.

26 5. A certificate of school protection officer training
27 program completion may be issued to any applicant by any approved
28 school protection officer training instructor. On the certificate

1 of program completion the approved school protection officer
2 training instructor shall affirm that the individual receiving
3 instruction has taken and passed a school protection officer
4 training program that meets the requirements of this section and
5 section 590.200 and [that] indicate whether the individual has a
6 valid concealed carry endorsement or permit. The instructor shall
7 also provide a copy of such certificate to the director of the
8 department of public safety.

9 590.207. Notwithstanding any other provision of law to the
10 contrary, any person designated as a school protection officer
11 under the provisions of section 160.665 who allows any such
12 firearm out of his or her personal control while that firearm is
13 on school property as provided under subsection 2 of section
14 160.665 shall be guilty of a class B misdemeanor and may be
15 subject to employment termination proceedings within the school
16 district.

17 590.750. 1. The department of public safety shall have the
18 sole authority to regulate and license all corporate security
19 advisors. The authority and jurisdiction of a corporate security
20 advisor shall be limited only by the geographical limits of the
21 state, unless the corporate security advisor's license is
22 recognized by the laws or regulations of another state or the
23 federal government.

24 2. Acting as a corporate security advisor without a license
25 from the department of public safety is a class A misdemeanor.

26 3. The director may promulgate rules to implement the
27 provisions of this section under chapter 536 and section 590.190.

28 4. Any corporate security advisor licensed as of February

1 1, 2014 shall not be required to apply for a new license from the
2 department until the advisor's license expires or is otherwise
3 revoked.

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11 Will Kraus

_____ Kevin Elmer