

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1439

AN ACT

To repeal sections 1.320, 21.750, 57.015, 57.201, 57.220, 57.250, 544.216, 571.030, 571.080, 571.101, 571.104, 571.107, 571.111, 571.117, 590.010, 590.205, and 650.350, RSMo, and to enact in lieu thereof thirty-one new sections relating to firearms, with penalty provisions and a contingent effective date for certain sections.

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

1 Section A. Sections 1.320, 21.750, 57.015, 57.201, 57.220,
2 57.250, 544.216, 571.030, 571.080, 571.101, 571.104, 571.107,
3 571.111, 571.117, 590.010, 590.205, and 650.350, RSMo, are
4 repealed and thirty-one new sections enacted in lieu thereof, to
5 be known as sections 1.400, 1.410, 1.420, 1.430, 1.440, 1.450,
6 1.460, 1.470, 1.480, 21.750, 57.015, 57.201, 57.220, 57.250,
7 160.665, 544.216, 571.012, 571.030, 571.101, 571.104, 571.107,
8 571.111, 571.117, 571.510, 590.010, 590.200, 590.205, 590.207,
9 650.350, 1, and 2, to read as follows:

10 [1.320.] 1.400. 1. Sections 1.400 to 1.480 shall be known
11 and may be cited as the "Second Amendment Preservation Act".

12 2. The general assembly finds and declares that:

1 (1) The general assembly of the state of Missouri is firmly
2 resolved to support and defend the United States Constitution
3 against every aggression, either foreign or domestic, and is duty
4 bound to oppose every infraction of those principles which
5 constitute the basis of the Union of the States because only a
6 faithful observance of those principles can secure the nation's
7 existence and the public happiness;

8 (2) Acting through the United States Constitution, the
9 people of the several states created the federal government to be
10 their agent in the exercise of a few defined powers, while
11 reserving to the state governments the power to legislate on
12 matters which concern the lives, liberties, and properties of
13 citizens in the ordinary course of affairs;

14 (3) The limitation of the federal government's power is
15 affirmed under the Tenth Amendment to the United States
16 Constitution, which defines the total scope of federal power as
17 being that which has been delegated by the people of the several
18 states to the federal government, and all power not delegated to
19 the federal government in the Constitution of the United States
20 is reserved to the states respectively, or to the people
21 themselves;

22 (4) Whenever the federal government assumes powers that the
23 people did not grant it in the Constitution, its acts are
24 unauthoritative, void, and of no force;

25 (5) The several states of the United States of America
26 respect the proper role of the federal government, but reject the
27 proposition that such respect requires unlimited submission. If
28 the government, created by compact among the states, was the

1 exclusive or final judge of the extent of the powers granted to
2 it by the states through the Constitution, the federal
3 government's discretion, and not the Constitution, would
4 necessarily become the measure of those powers. To the contrary,
5 as in all other cases of compacts among powers having no common
6 judge, each party has an equal right to judge for itself as to
7 when infractions of the compact have occurred, as well as to
8 determine the mode and measure of redress. Although the several
9 states have granted supremacy to laws and treaties made pursuant
10 to the powers granted in the Constitution, such supremacy does
11 not extend to various federal statutes, executive orders,
12 administrative orders, court orders, rules, regulations, or other
13 actions which restrict or prohibit the manufacture, ownership,
14 and use of firearms, firearm accessories, or ammunition
15 exclusively within the borders of Missouri; such statutes,
16 executive orders, administrative orders, court orders, rules,
17 regulations, and other actions exceed the powers granted to the
18 federal government except to the extent they are necessary and
19 proper for governing and regulating of land and naval forces of
20 the United States or for organizing, arming, and disciplining of
21 militia forces actively employed in the service of the United
22 States Armed Forces;

23 (6) The people of the several states have given Congress
24 the power "to regulate commerce with foreign nations, and among
25 the several states", but "regulating commerce" does not include
26 the power to limit citizens' right to keep and bear arms in
27 defense of their families, neighbors, persons, or property, or to
28 dictate as to what sort of arms and accessories law-abiding

1 Missourians may buy, sell, exchange, or otherwise possess within
2 the borders of this state;

3 (7) The people of the several states have also granted
4 Congress the power "to lay and collect taxes, duties, imports,
5 and excises, to pay the debts, and provide for the common defense
6 and general welfare of the United States" and "to make all laws
7 which shall be necessary and proper for carrying into execution
8 the powers vested by the Constitution in the government of the
9 United States, or in any department or office thereof". These
10 constitutional provisions merely identify the means by which the
11 federal government may execute its limited powers and ought not
12 to be so construed as themselves to grant unlimited powers
13 because to do so would be to destroy the carefully constructed
14 equilibrium between the federal and state governments.

15 Consequently, the general assembly rejects any claim that the
16 taxing and spending powers of Congress can be used to diminish in
17 any way the right of the people to keep and bear arms;

18 (8) The people of Missouri have vested the general assembly
19 with the authority to regulate the manufacture, possession,
20 exchange, and use of firearms within the borders of this state,
21 subject only to the limits imposed by the Second Amendment to the
22 United States Constitution and the Missouri Constitution; and

23 (9) The general assembly of the state of Missouri strongly
24 promotes responsible gun ownership, including parental
25 supervision of minors in the proper use, storage, and ownership
26 of all firearms, the prompt reporting of stolen firearms, and the
27 proper enforcement of all state gun laws. The general assembly
28 of the state of Missouri hereby condemns any unlawful transfer of

1 firearms and the use of any firearm in any criminal or unlawful
2 activity.

3 1.410. The following federal acts, laws, executive orders,
4 administrative orders, court orders, rules, and regulations shall
5 be considered infringements on the people's right to keep and
6 bear arms, as guaranteed by the Second Amendment of the
7 Constitution of the United States and article I, section 23 of
8 the Constitution of Missouri, within the borders of this state,
9 including, but not limited to:

10 (1) Any tax, levy, fee, or stamp imposed on firearms,
11 firearm accessories, or ammunition not common to all other goods
12 and services which might reasonably be expected to create a
13 chilling effect on the purchase or ownership of those items by
14 law-abiding citizens;

15 (2) Any registering or tracking of firearms, firearm
16 accessories, or ammunition which might reasonably be expected to
17 create a chilling effect on the purchase or ownership of those
18 items by law-abiding citizens;

19 (3) Any registering or tracking of the owners of firearms,
20 firearm accessories, or ammunition which might reasonably be
21 expected to create a chilling effect on the purchase or ownership
22 of those items by law-abiding citizens;

23 (4) Any act forbidding the possession, ownership, or use or
24 transfer of a firearm, firearm accessory, or ammunition by law-
25 abiding citizens; and

26 (5) Any act ordering the confiscation of firearms, firearm
27 accessories, or ammunition from law-abiding citizens.

28 1.420. All federal acts, laws, executive orders,

1 administrative orders, court orders, rules, and regulations,
2 whether past, present, or future, which infringe on the people's
3 right to keep and bear arms as guaranteed by the Second Amendment
4 to the United States Constitution and Article I, Section 23 of
5 the Missouri Constitution shall be invalid in this state, shall
6 not be recognized by this state, shall be specifically rejected
7 by this state, and shall be considered null and void and of no
8 effect in this state.

9 1.430. It shall be the duty of the courts and law
10 enforcement agencies of this state to protect the rights of law-
11 abiding citizens to keep and bear arms within the borders of this
12 state and to protect these rights from the infringements defined
13 in section 1.410.

14 1.440. No one, including any public officer or employee of
15 this state or any political subdivision of this state, shall have
16 authority to enforce or attempt to enforce any federal acts,
17 laws, executive orders, administrative orders, court orders,
18 rules, regulations, statutes, or ordinances, infringing on the
19 right to keep and bear arms.

20 1.450. No one, including any public officer or employee of
21 this state or any political subdivision of this state, shall
22 have authority to enforce or attempt to enforce any federal acts,
23 laws, executive orders, administrative orders, court orders,
24 rules, regulations, statutes, or ordinances, infringing on the
25 right to keep and bear arms as defined in section 1.410.

26 1.460. 1. Any entity or person who knowingly, as defined
27 in section 562.016, violates section 1.440 or 1.450 or otherwise
28 knowingly deprives a citizen of Missouri of the rights or

1 privileges ensured by the Second Amendment of the United States
2 Constitution or section 23 of article I of the Missouri
3 Constitution, while acting under the color of any state or
4 federal law, shall be liable to the injured party in an action at
5 law, suit in equity, or other proper proceeding for redress.

6 2. In such actions, the court may award the prevailing
7 party, other than the state of Missouri or any political
8 subdivision of the state, reasonable attorney's fees and costs.

9 3. Neither sovereign nor official or qualified immunity
10 shall be an affirmative defense in such cases.

11 1.470. 1. Any person who knowingly, as defined in section
12 562.016, and while acting as an official, agent, employee, or
13 deputy of the United States Government or while otherwise acting
14 under the color of federal law while within the borders of this
15 state:

16 (1) Enforces or attempts to enforce any of the
17 infringements identified in section 1.410; or

18 (2) Gives material aid and support to the efforts of others
19 who enforce or attempt to enforce any of the infringements
20 identified in section 1.410;

21
22 shall forever be ineligible to serve as a law enforcement officer
23 or to supervise law enforcement officers for the state or any
24 political subdivision of the state.

25 2. Neither the state nor any political subdivision of the
26 state shall accept into employment as a law enforcement officer
27 or supervisor of law enforcement officers any person who is
28 ineligible to serve in such capacity under this section.

1 3. Any person, who resides in or conducts business in a
2 jurisdiction and who believes that a law enforcement officer or a
3 supervisor of law enforcement officers of that jurisdiction has
4 taken action that would render the law enforcement officer or
5 supervisor of law enforcement officers ineligible to serve in
6 such capacity under this section, shall have standing to pursue
7 an action for declaratory judgment regarding the eligibility of
8 the law enforcement officer or the supervisor of law enforcement
9 officers in the circuit court of the county in which the action
10 allegedly occurred, or in the circuit court of Cole County.

11 4. If a court determines that a law enforcement officer or
12 supervisor of law enforcement officers has taken an action that
13 would render him or her ineligible to serve in that capacity
14 under this section:

15 (1) The law enforcement officer or supervisor of law
16 enforcement officers shall immediately be terminated from his or
17 her position as a law enforcement officer or supervisor of law
18 enforcement officers; and

19 (2) The jurisdiction that had employed the ineligible law
20 enforcement officer or supervisor of law enforcement officers
21 shall be required to pay the costs and attorneys' fees associated
22 with the declaratory judgment action that resulted in the finding
23 of ineligibility.

24 5. Nothing in this section precludes the rights of appeal or
25 remediation provided under chapter 590.

26 1.480. For the purposes of sections 1.400 to 1.480, the
27 term "law-abiding citizen" shall mean a person who is not
28 otherwise precluded under state law from possessing a firearm and

1 shall not be construed to include anyone who is not legally
2 present in the United States or the state of Missouri.

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

10 2. No county, city, town, village, municipality, or other
11 political subdivision of this state shall adopt any order,
12 ordinance or regulation concerning in any way the sale, purchase,
13 purchase delay, transfer, ownership, use, keeping, possession,
14 bearing, transportation, licensing, permit, registration,
15 taxation other than sales and compensating use taxes or other
16 controls on firearms, components, ammunition, and supplies except
17 as provided in subsection 3 of this section.

18 3. (1) Except as provided in subdivision (2) of this
19 subsection, nothing contained in this section shall prohibit any
20 ordinance of any political subdivision which conforms exactly
21 with any of the provisions of sections 571.010 to 571.070, with
22 appropriate penalty provisions, or which regulates the open
23 carrying of firearms readily capable of lethal use or the
24 discharge of firearms within a jurisdiction, provided such
25 ordinance complies with the provisions of section 252.243. No
26 ordinance may be construed to preclude the use of a firearm in
27 the defense of person or property, subject to the provisions of
28 chapter 563.

1 (2) In any jurisdiction in which the open carrying of
2 firearms is prohibited by ordinance, the open carrying of
3 firearms shall not be prohibited in accordance with the
4 following:

5 (a) Any person with a valid concealed carry endorsement or
6 permit who is open carrying a firearm shall be required to have a
7 valid concealed carry endorsement or permit from this state, or a
8 permit from another state that is recognized by this state, in
9 his or her possession at all times;

10 (b) Any person open carrying a firearm in such jurisdiction
11 shall display his or her concealed carry endorsement or permit
12 upon demand of a law enforcement officer;

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

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

19 4. The lawful design, marketing, manufacture, distribution,
20 or sale of firearms or ammunition to the public is not an
21 abnormally dangerous activity and does not constitute a public or
22 private nuisance.

23 5. No county, city, town, village or any other political
24 subdivision nor the state shall bring suit or have any right to
25 recover against any firearms or ammunition manufacturer, trade
26 association or dealer for damages, abatement or injunctive relief
27 resulting from or relating to the lawful design, manufacture,
28 marketing, distribution, or sale of firearms or ammunition to the

1 public. This subsection shall apply to any suit pending as of
2 October 12, 2003, as well as any suit which may be brought in the
3 future. Provided, however, that nothing in this section shall
4 restrict the rights of individual citizens to recover for injury
5 or death caused by the negligent or defective design or
6 manufacture of firearms or ammunition.

7 6. Nothing in this section shall prevent the state, a
8 county, city, town, village or any other political subdivision
9 from bringing an action against a firearms or ammunition
10 manufacturer or dealer for breach of contract or warranty as to
11 firearms or ammunition purchased by the state or such political
12 subdivision.

13 57.015. [As used in this chapter] For purposes of section
14 57.275, the following words and terms shall have the following
15 meaning:

16 (1) "Deputy sheriff" or "officer", any deputy sheriff who
17 is employed full time by a law enforcement agency, authorized by
18 this chapter and certified pursuant to chapter 590. This term
19 shall not include an officer serving in probationary status or
20 one year, whichever is longer, upon initial employment. This
21 term shall not include any deputy sheriff with the rank of
22 lieutenant and above, or any chief deputies, under sheriffs and
23 the command staff as defined by the sheriff's department policy
24 and procedure manual;

25 (2) "Hearing", a closed meeting conducted by a hearing
26 board appointed by the sheriff for the purpose of receiving
27 evidence in order to determine the facts regarding the dismissal
28 of a deputy sheriff. Witnesses to the event that triggered the

1 dismissal may attend the hearing for the limited purpose of
2 providing testimony; the attorney for the deputy dismissed may
3 attend the hearing, but only to serve as an observer; the sheriff
4 and his or her attorney may attend the hearing, but only to serve
5 as an observer;

6 (3) "Hearing board", the individuals appointed by the
7 sheriff for the purpose of receiving evidence in order to
8 determine the facts regarding the dismissal of a deputy sheriff;
9 and

10 (4) "Law enforcement agency", any county sheriff's office
11 of this state that employs county law enforcement deputies
12 authorized by this chapter and certified by chapter 590.

13 57.201. 1. The sheriff of all counties of the first class
14 not having a charter form of government shall appoint such
15 deputies, assistants and other employees as he deems necessary
16 for the proper discharge of the duties of his office and may set
17 their compensation within the limits of the allocations made for
18 that purpose by the county commission. The compensation for the
19 deputies, assistants and employees shall be paid in equal
20 installments out of the county treasury in the same manner as
21 other county employees are paid.

22 2. The assistants and employees shall hold office at the
23 pleasure of the sheriff.

24 3. [Deputies] A deputy sheriff, as the term "deputy
25 sheriff" is defined under section 57.015 shall hold office
26 pursuant to the provisions of sections 57.015 and 57.275.

27 57.220. The sheriff, in a county of the second class, shall
28 be entitled to such a number of deputies as a majority of the

1 circuit judges of the circuit court shall deem necessary for the
2 prompt and proper discharge of the duties of the sheriff's
3 office; provided, however, such number of deputies appointed by
4 the sheriff shall not be less than one chief deputy sheriff and
5 one additional deputy for each five thousand inhabitants of the
6 county according to the last decennial census. Such deputies
7 shall be appointed by the sheriff, but no appointment shall
8 become effective until approved by a majority of the circuit
9 judges of the circuit court of the county. A majority of the
10 circuit judges of the circuit court, by agreement with the
11 sheriff, shall fix the salaries of such deputies. A statement of
12 the number of deputies allowed the sheriff, and their
13 compensation, together with the approval of any appointment by
14 such judges of the circuit court, shall be in writing and signed
15 by them and filed by the sheriff with the county commission.

16 **[Deputies]** A deputy sheriff as the term "deputy sheriff" is
17 defined under section 57.015 shall hold office pursuant to the
18 provisions of sections 57.015 and 57.275.

19 57.250. The sheriff in counties of the third and fourth
20 classifications shall be entitled to such number of deputies and
21 assistants, to be appointed by such official, with the approval
22 of a majority of the circuit judges of the circuit court, as such
23 judges shall deem necessary for the prompt and proper discharge
24 of such sheriff's duties relative to the enforcement of the
25 criminal law of this state. Such judges of the circuit court, in
26 their order permitting the sheriff to appoint deputies or
27 assistants, shall fix the compensation of such deputies or
28 assistants. The circuit judges shall annually review their order

1 fixing the number and compensation of the deputies and assistants
2 and in setting such number and compensation shall have due regard
3 for the financial condition of the county. Each such order shall
4 be entered of record and a certified copy thereof shall be filed
5 in the office of the county clerk at least fifteen days prior to
6 the date of the adoption of the county budget as prescribed by
7 section 50.610. The sheriff may at any time discharge any
8 assistant and may regulate the time of such person's employment.

9 [Deputies] A deputy sheriff as the term "deputy sheriff" is
10 defined under section 57.015 shall hold office pursuant to the
11 provisions of sections 57.015 and 57.275. At the request of the
12 sheriff, the presiding judge may order additional deputies in
13 cases where exigent or emergency circumstances require the need
14 for such additional deputies.

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

24 2. Any person designated by a school district as a school
25 protection officer shall be authorized to carry concealed
26 firearms or a self-defense spray device in any school in the
27 district. A self-defense spray device shall mean any device that
28 is capable of carrying, and that ejects, releases, or emits, a

1 nonlethal solution capable of incapacitating a violent threat.
2 The school protection officer shall not be permitted to allow any
3 firearm or device out of his or her personal control while that
4 firearm or device is on school property. Any school protection
5 officer who violates this subsection may be removed immediately
6 from the classroom and subject to employment termination
7 proceedings.

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

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

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

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

1 all teachers and administrators seeking the designation of school
2 protection officer shall submit a certificate of school
3 protection officer training program completion from a training
4 program approved by the director of the department of public
5 safety which demonstrates that such person has successfully
6 completed the training requirements established by the POST
7 commission under chapter 590 for school protection officers.

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

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

21 (1) The full name, date of birth, and address of the
22 officer;

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

24 (3) The date such person was designated as a school
25 protection officer.

26
27 Notwithstanding any other law, any identifying information
28 collected under the authority of this subsection shall not be

1 considered public information and shall not be subject to a
2 request for public records made under chapter 610.

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

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

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

26 544.216. Except as otherwise provided in section 544.157,
27 any sheriff or deputy sheriff, any member of the Missouri state
28 highway patrol, and any county or municipal law enforcement

1 officer in this state, except those officers of a political
2 subdivision or municipality having a population of less than two
3 thousand persons or which does not have at least four full-time
4 nonelected peace officers unless such subdivision or municipality
5 has elected to come under and is operating pursuant to the
6 provisions of sections 590.100 to 590.150, may arrest on view,
7 and without a warrant, any person the officer sees violating or
8 who such officer has reasonable grounds to believe has violated
9 any ordinance or law of this state, including a misdemeanor or
10 infraction, [or has violated any ordinance] over which such
11 officer has jurisdiction. Peace officers of a municipality shall
12 have arrest powers, as described in this section, upon lands
13 which are leased or owned by the municipality in an
14 unincorporated area. Ordinances enacted by a municipality,
15 owning or leasing lands outside its boundaries, may be enforced
16 by peace officers of the municipality upon such owned or leased
17 lands. The power of arrest authorized by this section is in
18 addition to all other powers conferred upon law enforcement
19 officers, and shall not be construed so as to limit or restrict
20 any other power of a law enforcement officer.

21 571.012. 1. No health care professional licensed in this
22 state, nor anyone under his or her supervision, shall be required
23 by law to:

24 (1) Inquire as to whether a patient owns or has access to a
25 firearm;

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

28 (3) Notify any governmental entity of the identity of a

1 patient based solely on the patient's status as an owner of, or
2 the patient's access to, a firearm.

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

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

23 4. No health care professional licensed in this state shall
24 use an electronic medical record program that requires, in order
25 to complete and save a medical record, entry of data regarding
26 whether or not a patient owns, has access to, or lives in a home
27 containing, a firearm.

28 571.030. 1. A person commits the crime of unlawful use of

1 weapons if he or she knowingly:

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

5 (2) Sets a spring gun; or

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

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

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

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

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

23 (8) Carries a firearm or any other weapon readily capable
24 of lethal use into any church or place where people have
25 assembled for worship, or into any election precinct on any
26 election day, or into any building owned or occupied by any
27 agency of the federal government, state government, or political
28 subdivision thereof; or

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

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

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

21 (1) All state, county and municipal peace officers who have
22 completed the training required by the police officer standards
23 and training commission pursuant to sections 590.030 to 590.050
24 and who possess the duty and power of arrest for violation of the
25 general criminal laws of the state or for violation of ordinances
26 of counties or municipalities of the state, whether such officers
27 are on or off duty, and whether such officers are within or
28 outside of the law enforcement agency's jurisdiction, or all

1 qualified retired peace officers, as defined in subsection 11 of
2 this section, and who carry the identification defined in
3 subsection 12 of this section, or any person summoned by such
4 officers to assist in making arrests or preserving the peace
5 while actually engaged in assisting such officer;

6 (2) Wardens, superintendents and keepers of prisons,
7 penitentiaries, jails and other institutions for the detention of
8 persons accused or convicted of crime;

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

11 (4) Those persons vested by article V, section 1 of the
12 Constitution of Missouri with the judicial power of the state and
13 those persons vested by Article III of the Constitution of the
14 United States with the judicial power of the United States, the
15 members of the federal judiciary;

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

18 (6) Any federal probation officer or federal flight deck
19 officer as defined under the federal flight deck officer program,
20 49 U.S.C. Section 44921 regardless of whether such officers are
21 on duty, or within the law enforcement agency's jurisdiction;

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

24 (8) Any corporate security advisor meeting the definition
25 and fulfilling the requirements of the regulations established by
26 the board of police commissioners under section 84.340;

27 (9) Any coroner, deputy coroner, medical examiner, or
28 assistant medical examiner;

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

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

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

20 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of
21 this section do not apply when the actor is transporting such
22 weapons in a nonfunctioning state or in an unloaded state when
23 ammunition is not readily accessible or when such weapons are not
24 readily accessible. Subdivision (1) of subsection 1 of this
25 section does not apply to any person [twenty-one] nineteen years
26 of age or older or eighteen years of age or older and a member of
27 the United States Armed Forces, or honorably discharged from the
28 United States Armed Forces, transporting a concealable firearm in

1 the passenger compartment of a motor vehicle, so long as such
2 concealable firearm is otherwise lawfully possessed, nor when the
3 actor is also in possession of an exposed firearm or projectile
4 weapon for the lawful pursuit of game, or is in his or her
5 dwelling unit or upon premises over which the actor has
6 possession, authority or control, or is traveling in a continuous
7 journey peaceably through this state. Subdivision (10) of
8 subsection 1 of this section does not apply if the firearm is
9 otherwise lawfully possessed by a person while traversing school
10 premises for the purposes of transporting a student to or from
11 school, or possessed by an adult for the purposes of facilitation
12 of a school-sanctioned firearm-related event or club event.

13 4. Subdivisions (1), (8), and (10) of subsection 1 of this
14 section shall not apply to any person who has a valid concealed
15 carry permit issued pursuant to sections 571.101 to 571.121, a
16 valid concealed carry endorsement issued before August 28, 2013,
17 or a valid permit or endorsement to carry concealed firearms
18 issued by another state or political subdivision of another
19 state.

20 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10)
21 of subsection 1 of this section shall not apply to persons who
22 are engaged in a lawful act of defense pursuant to section
23 563.031.

24 6. Notwithstanding any provision of this section to the
25 contrary, the state shall not prohibit any state employee from
26 having a firearm in the employee's vehicle on the state's
27 property provided that the vehicle is locked and the firearm is
28 not visible. This subsection shall only apply to the state as an

1 employer when the state employee's vehicle is on property owned
2 or leased by the state and the state employee is conducting
3 activities within the scope of his or her employment. For the
4 purposes of this subsection, "state employee" means an employee
5 of the executive, legislative, or judicial branch of the
6 government of the state of Missouri.

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

16 8. Unlawful use of weapons is a class D felony unless
17 committed pursuant to subdivision (6), (7), or (8) of subsection
18 1 of this section, in which cases it is a class B misdemeanor, or
19 subdivision (5) or (10) of subsection 1 of this section, in which
20 case it is a class A misdemeanor if the firearm is unloaded and a
21 class D felony if the firearm is loaded, or subdivision (9) of
22 subsection 1 of this section, in which case it is a class B
23 felony, except that if the violation of subdivision (9) of
24 subsection 1 of this section results in injury or death to
25 another person, it is a class A felony.

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

28 (1) For the first violation a person shall be sentenced to

1 the maximum authorized term of imprisonment for a class B felony;

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

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

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

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

18 11. Notwithstanding any other provision of law, no person
19 who pleads guilty to or is found guilty of a felony violation of
20 subsection 1 of this section shall receive a suspended imposition
21 of sentence if such person has previously received a suspended
22 imposition of sentence for any other firearms- or weapons-related
23 felony offense.

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

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

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

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

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

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

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

17 (7) Is not prohibited by federal law from receiving a
18 firearm.

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

21 (1) A photographic identification issued by the agency from
22 which the individual retired from service as a peace officer that
23 indicates that the individual has, not less recently than one
24 year before the date the individual is carrying the concealed
25 firearm, been tested or otherwise found by the agency to meet the
26 standards established by the agency for training and
27 qualification for active peace officers to carry a firearm of the
28 same type as the concealed firearm; or

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

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

10 571.101. 1. All applicants for concealed carry permits
11 issued pursuant to subsection 7 of this section must satisfy the
12 requirements of sections 571.101 to 571.121. If the said
13 applicant can show qualification as provided by sections 571.101
14 to 571.121, the county or city sheriff shall issue a concealed
15 carry permit authorizing the carrying of a concealed firearm on
16 or about the applicant's person or within a vehicle. A concealed
17 carry permit shall be valid for a period of five years from the
18 [date of issuance or renewal] last day of the month in which the
19 permit was issued or renewed. The concealed carry permit is
20 valid throughout this state. Although the permit is considered
21 valid in the state, a person who fails to renew his or her permit
22 within five years from the date of issuance or renewal shall not
23 be eligible for an exception to a National Instant Criminal
24 Background Check under federal regulations currently codified
25 under 27 CFR 478.102(d), relating to the transfer, sale, or
26 delivery of firearms from licensed dealers. A concealed carry
27 endorsement issued prior to August 28, 2013, shall continue for a
28 period of three years from the [date of issuance or renewal] last

1 day of the month in which the endorsement was issued or renewed
2 to authorize the carrying of a concealed firearm on or about the
3 applicant's person or within a vehicle in the same manner as a
4 concealed carry permit issued under subsection 7 of this section
5 on or after August 28, 2013.

6 2. A concealed carry permit issued pursuant to subsection 7
7 of this section shall be issued by the sheriff or his or her
8 designee of the county or city in which the applicant resides, if
9 the applicant:

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

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

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

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

19 (a) Has assumed residency in this state;

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

21 or

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

24 (3) Has not pled guilty to or entered a plea of nolo
25 contendere or been convicted of a crime punishable by
26 imprisonment for a term exceeding one year under the laws of any
27 state or of the United States other than a crime classified as a
28 misdemeanor under the laws of any state and punishable by a term

1 of imprisonment of two years or less that does not involve an
2 explosive weapon, firearm, firearm silencer or gas gun;

3 (4) Has not been convicted of, pled guilty to or entered a
4 plea of nolo contendere to one or more misdemeanor offenses
5 involving crimes of violence within a five-year period
6 immediately preceding application for a concealed carry permit or
7 if the applicant has not been convicted of two or more
8 misdemeanor offenses involving driving while under the influence
9 of intoxicating liquor or drugs or the possession or abuse of a
10 controlled substance within a five-year period immediately
11 preceding application for a concealed carry permit;

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

20 (6) Has not been discharged under dishonorable conditions
21 from the United States Armed Forces;

22 (7) Has not engaged in a pattern of behavior, documented in
23 public or closed records, that causes the sheriff to have a
24 reasonable belief that the applicant presents a danger to himself
25 or others;

26 (8) Is not adjudged mentally incompetent at the time of
27 application or for five years prior to application, or has not
28 been committed to a mental health facility, as defined in section

1 632.005, or a similar institution located in another state
2 following a hearing at which the defendant was represented by
3 counsel or a representative;

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

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

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

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

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

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

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

25 (3) An affirmation that the applicant is at least
26 [twenty-one] nineteen years of age or is eighteen years of age or
27 older and a member of the United States Armed Forces or honorably
28 discharged from the United States Armed Forces;

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

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

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

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

28 (8) An affirmation that the applicant is not adjudged

1 mentally incompetent at the time of application or for five years
2 prior to application, or has not been committed to a mental
3 health facility, as defined in section 632.005, or a similar
4 institution located in another state, except that a person whose
5 release or discharge from a facility in this state pursuant to
6 chapter 632, or a similar discharge from a facility in another
7 state, occurred more than five years ago without subsequent
8 recommitment may apply;

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

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

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

18 (12) A government-issued photo identification. This
19 photograph shall not be included on the permit and shall only be
20 used to verify the person's identity for permit renewal, or for
21 the issuance of a new permit due to change of address, or for a
22 lost or destroyed permit.

23 4. An application for a concealed carry permit shall be
24 made to the sheriff of the county or any city not within a county
25 in which the applicant resides. An application shall be filed in
26 writing, signed under oath and under the penalties of perjury,
27 and shall state whether the applicant complies with each of the
28 requirements specified in subsection 2 of this section. In

1 addition to the completed application, the applicant for a
2 concealed carry permit must also submit the following:

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

7 (2) A nonrefundable permit fee as provided by subsection 11
8 or 12 of this section. Both fees provided for in these
9 subsections shall be waived for service-disabled veterans as such
10 term is defined in section 34.074.

11 5. (1) Before an application for a concealed carry permit
12 is approved, the sheriff shall make only such inquiries as he or
13 she deems necessary into the accuracy of the statements made in
14 the application. The sheriff may require that the applicant
15 display a Missouri driver's license or nondriver's license or
16 military identification and orders showing the person being
17 stationed in Missouri. In order to determine the applicant's
18 suitability for a concealed carry permit, the applicant shall be
19 fingerprinted. No other biometric data shall be collected from
20 the applicant. The sheriff shall [request a criminal background
21 check, including] conduct an inquiry of the National Instant
22 Criminal Background Check System[, through the appropriate law
23 enforcement agency] within three working days after submission of
24 the properly completed application for a concealed carry permit.
25 If no disqualifying record is identified by these checks at the
26 state level, the fingerprints shall be forwarded to the Federal
27 Bureau of Investigation for a national criminal history record
28 check. Upon receipt of the completed [background checks,] report

1 from the National Instant Criminal Background Check System and
2 the response from the Federal Bureau of Investigation national
3 criminal history record check, the sheriff shall examine the
4 results and, if no disqualifying information is identified, shall
5 issue a concealed carry permit within three working days.

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

1 established under subsection 5 of section 650.350. The
2 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 and one-eighth inches wide
24 by three and ~~[one-fourth]~~ three-eighths inches long and shall be
25 of a uniform style prescribed by the department of public safety.
26 The permit shall also be assigned a ~~[Missouri uniform law~~
27 ~~enforcement]~~ concealed carry permit system county code and shall
28 be stored in sequential number.

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

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

1 private entities and shall only be made available for a single
2 entry query of an individual in the event the individual is a
3 subject of interest in an active criminal investigation or is
4 arrested for a crime. A sheriff may access the concealed carry
5 permit system for administrative purposes to issue a permit,
6 verify the accuracy of permit holder information, change the name
7 or address of a permit holder, suspend or revoke a permit, cancel
8 an expired permit, or cancel a permit upon receipt of a certified
9 death certificate for the permit holder. Any person who violates
10 the provisions of this [subsection] subdivision by disclosing
11 protected information shall be guilty of a class A misdemeanor.

12 10. Information regarding any holder of a concealed carry
13 permit, or a concealed carry endorsement issued prior to August
14 28, 2013, is a closed record. No bulk download or batch data
15 shall be [performed or] distributed to any federal, state, or
16 private entity, except to MoSMART [as provided under subsection 9
17 of this section] or a designee thereof. Any state agency that
18 has retained any documents or records, including fingerprint
19 records provided by an applicant for a concealed carry
20 endorsement prior to August 28, 2013, shall destroy such
21 documents or records, upon successful issuance of a permit.

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

27 12. For processing a renewal for a concealed carry permit
28 pursuant to sections 571.101 to 571.121, the sheriff in each

1 county shall charge a nonrefundable fee not to exceed fifty
2 dollars which shall be paid to the treasury of the county to the
3 credit of the sheriff's revolving fund.

4 13. For the purposes of sections 571.101 to 571.121, the
5 term "sheriff" shall include the sheriff of any county or city
6 not within a county or his or her designee and in counties of the
7 first classification the sheriff may designate the chief of
8 police of any city, town, or municipality within such county.

9 14. For the purposes of this chapter, "concealed carry
10 permit" shall include any concealed carry endorsement issued by
11 the department of revenue before January 1, 2014, and any
12 concealed carry document issued by any sheriff or under the
13 authority of any sheriff after December 31, 2013.

14 571.104. 1. [(1) A concealed carry permit issued pursuant
15 to sections 571.101 to 571.121, and, if applicable,] A concealed
16 carry endorsement issued prior to August 28, 2013, shall be
17 suspended or revoked if the concealed carry [permit or]
18 endorsement holder becomes ineligible for such [permit or]
19 endorsement under the criteria established in subdivisions [(2),]
20 (3), (4), (5), [(7)] (8), and (11) of subsection 2 of section
21 571.101 or upon the issuance of a valid full order of protection.
22 The following procedures shall be followed:

23 [(2)] (1) When a valid full order of protection, or any
24 arrest warrant, discharge, or commitment for the reasons listed
25 in subdivision [(2),] (3), (4), (5), [(7)] (8), or (11) of
26 subsection 2 of section 571.101, is issued against a person
27 holding [a concealed carry permit issued pursuant to sections
28 571.101 to 571.121, or] a concealed carry endorsement issued

1 prior to August 28, 2013, upon notification of said order,
2 warrant, discharge or commitment or upon an order of a court of
3 competent jurisdiction in a criminal proceeding, a commitment
4 proceeding or a full order of protection proceeding ruling that a
5 person holding a concealed carry [permit or] endorsement presents
6 a risk of harm to themselves or others, then upon notification of
7 such order, the holder of the concealed carry [permit or]
8 endorsement shall surrender [the permit, and, if applicable,] the
9 driver's license or nondriver's license containing the concealed
10 carry endorsement to the court, officer, or other official
11 serving the order, warrant, discharge, or commitment.

12 [(3) In cases involving a concealed carry endorsement
13 issued prior to August 28, 2013,] The official to whom the
14 driver's license or nondriver's license containing the concealed
15 carry endorsement is surrendered shall issue a receipt to the
16 licensee for the license upon a form, approved by the director of
17 revenue, that serves as a driver's license or a nondriver's
18 license and clearly states the concealed carry endorsement has
19 been suspended. The official shall then transmit the driver's
20 license or a nondriver's license containing the concealed carry
21 endorsement to the circuit court of the county issuing the order,
22 warrant, discharge, or commitment. [The concealed carry permit
23 issued pursuant to sections 571.101 to 571.121, and, if
24 applicable,] The concealed carry endorsement issued prior to
25 August 28, 2013, shall be suspended until the order is terminated
26 or until the arrest results in a dismissal of all charges. The
27 official to whom the endorsement is surrendered shall
28 administratively suspend the endorsement in the concealed carry

1 permit system established under subsection 5 of section 650.350
2 until such time as the order is terminated or until the charges
3 are dismissed. Upon dismissal, the court holding the [permit
4 and, if applicable, the] driver's license or nondriver's license
5 containing the concealed carry endorsement shall return such
6 [permit or] license to the individual, and the official to whom
7 the endorsement was surrendered shall administratively return the
8 endorsement to good standing within the concealed carry permit
9 system.

10 [(4)] (2) Any conviction, discharge, or commitment
11 specified in sections 571.101 to 571.121 shall result in a
12 revocation. Upon conviction, the court shall forward a notice of
13 conviction or action [and the permit to the issuing county
14 sheriff. If a concealed carry endorsement issued prior to August
15 28, 2013, is revoked, the court shall forward the notice] and the
16 driver's license or nondriver's license with the concealed carry
17 endorsement to the department of revenue. The department of
18 revenue shall notify the sheriff of the county which issued the
19 certificate of qualification for a concealed carry endorsement.
20 The sheriff who issued the [concealed carry permit, or the]
21 certificate of qualification prior to August 28, 2013, shall
22 report the change in status of the [concealed carry permit or]
23 endorsement to the [Missouri uniform law enforcement] concealed
24 carry permit system established under subsection 5 of section
25 650.350. The director of revenue shall immediately remove the
26 endorsement issued prior to August 28, 2013, from the
27 individual's driving record within three days of the receipt of
28 the notice from the court. The director of revenue shall notify

1 the licensee that he or she must apply for a new license pursuant
2 to chapter 302 which does not contain such endorsement. This
3 requirement does not affect the driving privileges of the
4 licensee. The notice issued by the department of revenue shall
5 be mailed to the last known address shown on the individual's
6 driving record. The notice is deemed received three days after
7 mailing.

8 2. A concealed carry permit issued pursuant to sections
9 571.101 to 571.121 after August 28, 2013, shall be suspended or
10 revoked if the concealed carry permit holder becomes ineligible
11 for such permit or endorsement under the criteria established in
12 subdivisions (3), (4), (5), (8), and (11) of subsection 2 of
13 section 571.101 or upon the issuance of a valid full order of
14 protection. The following procedures shall be followed:

15 (1) When a valid full order of protection or any arrest
16 warrant, discharge, or commitment for the reasons listed in
17 subdivision (3), (4), (5), (8), or (11) of subsection 2 of
18 section 571.101 is issued against a person holding a concealed
19 carry permit, upon notification of said order, warrant,
20 discharge, or commitment or upon an order of a court of competent
21 jurisdiction in a criminal proceeding, a commitment proceeding,
22 or a full order of protection proceeding ruling that a person
23 holding a concealed carry permit presents a risk of harm to
24 themselves or others, then upon notification of such order, the
25 holder of the concealed carry permit shall surrender the permit
26 to the court, officer, or other official serving the order,
27 warrant, discharge, or commitment. The permit shall be suspended
28 until the order is terminated or until the arrest results in a

1 dismissal of all charges. The official to whom the permit is
2 surrendered shall administratively suspend the permit in the
3 concealed carry permit system until the order is terminated or
4 the charges are dismissed. Upon dismissal, the court holding the
5 permit shall return such permit to the individual and the
6 official to whom the permit was surrendered shall
7 administratively return the permit to good standing within the
8 concealed carry permit system.

9 (2) Any conviction, discharge, or commitment specified in
10 sections 571.101 to 571.121 shall result in a revocation. Upon
11 conviction, the court shall forward a notice of conviction or
12 action and the permit to the issuing county sheriff. The sheriff
13 who issued the concealed carry permit shall report the change in
14 status of the concealed carry permit to the concealed carry
15 permit system.

16 [2.] 3. A concealed carry permit shall be renewed for a
17 qualified applicant upon receipt of the properly completed
18 renewal application and the required renewal fee by the sheriff
19 of the county of the applicant's residence. The renewal
20 application shall contain the same required information as set
21 forth in subsection 3 of section 571.101, except that in lieu of
22 the fingerprint requirement of subsection 5 of section 571.101
23 and the firearms safety training, the applicant need only display
24 his or her current concealed carry permit. A name-based
25 [background check, including an] inquiry of the National Instant
26 Criminal Background Check System, shall be completed for each
27 renewal application. The sheriff shall review the results of the
28 [background check] report from the National Instant Criminal

1 Background Check System, and when the sheriff has determined the
2 applicant has successfully completed all renewal requirements and
3 is not disqualified under any provision of section 571.101, the
4 sheriff shall issue a new concealed carry permit which contains
5 the date such permit was renewed. The process for renewing a
6 concealed carry endorsement issued prior to August 28, 2013,
7 shall be the same as the process for renewing a permit, except
8 that in lieu of the fingerprint requirement of subsection 5 of
9 section 571.101 and the firearms safety training, the applicant
10 need only display his or her current driver's license or
11 nondriver's license containing an endorsement. Upon successful
12 completion of all renewal requirements, the sheriff shall issue a
13 new concealed carry permit as provided under this subsection.

14 [3.] 4. A person who has been issued a concealed carry
15 permit, or a certificate of qualification for a concealed carry
16 endorsement prior to August 28, 2013, who fails to file a renewal
17 application for a concealed carry permit on or before its
18 expiration date must pay an additional late fee of ten dollars
19 per month for each month it is expired for up to six months.
20 After six months, the sheriff who issued the expired concealed
21 carry permit or certificate of qualification shall notify the
22 [Missouri uniform law enforcement] concealed carry permit system
23 [and the individual] that such permit is expired and cancelled.
24 If the person has a concealed carry endorsement issued prior to
25 August 28, 2013, the sheriff who issued the certificate of
26 qualification for the endorsement shall notify the director of
27 revenue that such certificate is expired regardless of whether
28 the endorsement holder has applied for a concealed carry permit

1 under subsection 2 of this section. The director of revenue
2 shall immediately remove such endorsement from the individual's
3 driving record and notify the individual that his or her driver's
4 license or nondriver's license has expired. The notice shall be
5 conducted in the same manner as described in subsection 1 of this
6 section. Any person who has been issued a concealed carry permit
7 pursuant to sections 571.101 to 571.121, or a concealed carry
8 endorsement issued prior to August 28, 2013, who fails to renew
9 his or her application within the six-month period must reapply
10 for a new concealed carry permit and pay the fee for a new
11 application.

12 [4.] 5. Any person issued a concealed carry permit
13 pursuant to sections 571.101 to 571.121, or a concealed carry
14 endorsement issued prior to August 28, 2013, shall notify the
15 [sheriffs of both the old and new jurisdictions] sheriff of the
16 new jurisdiction of the permit or endorsement holder's change of
17 residence within thirty days after the changing of a permanent
18 residence to a location outside the county of permit issuance.
19 The permit or endorsement holder shall furnish proof to the
20 sheriff in the new jurisdiction that the permit or endorsement
21 holder has changed his or her residence. The sheriff in the new
22 jurisdiction shall notify the sheriff in the old jurisdiction of
23 the permit holder's change of address and the sheriff in the old
24 jurisdiction shall transfer any information on file for the
25 permit holder to the sheriff in the new jurisdiction within
26 thirty days. The sheriff of the new jurisdiction may charge a
27 processing fee of not more than ten dollars for any costs
28 associated with notification of a change in residence. [If the

1 person has a concealed carry endorsement issued prior to August
2 28, 2013, the endorsement holder shall also furnish proof to the
3 department of revenue of his or her residence change. In such
4 cases, the change of residence shall be made by the department of
5 revenue onto the individual's driving record.] The sheriff shall
6 report the residence change to the [Missouri uniform law
7 enforcement system, and] concealed carry permit system, take
8 possession and destroy the old permit, and then issue a new
9 permit to the permit holder. The new address shall be accessible
10 by the [Missouri uniform law enforcement] concealed carry permit
11 system within three days of receipt of the information. If the
12 person has a concealed carry endorsement issued prior to August
13 28, 2013, the endorsement holder shall also furnish proof to the
14 department of revenue of his or her residence change. In such
15 cases, the change of residence shall be made by the department of
16 revenue onto the individual's driving record.

17 [5.] 6. Any person issued a concealed carry permit
18 pursuant to sections 571.101 to 571.121, or a concealed carry
19 endorsement issued prior to August 28, 2013, shall notify the
20 sheriff or his or her designee of the permit or endorsement
21 holder's county or city of residence within seven days after
22 actual knowledge of the loss or destruction of his or her permit
23 or driver's license or nondriver's license containing a concealed
24 carry endorsement. The permit or endorsement holder shall
25 furnish a statement to the sheriff that the permit or driver's
26 license or nondriver's license containing the concealed carry
27 endorsement has been lost or destroyed. After notification of
28 the loss or destruction of a permit or driver's license or

1 nondriver's license containing a concealed carry endorsement, the
2 sheriff may charge a processing fee of ten dollars for costs
3 associated with [~~placing~~] replacing a lost or destroyed permit or
4 driver's license or nondriver's license containing a concealed
5 carry endorsement and shall reissue a new concealed carry permit
6 within three working days of being notified by the concealed
7 carry permit or endorsement holder of its loss or destruction.
8 The new concealed carry permit shall contain the same personal
9 information, including expiration date, as the original concealed
10 carry permit.

11 [6.] 7. If a person issued a concealed carry permit, or
12 endorsement issued prior to August 28, 2013, changes his or her
13 name, the person to whom the permit or endorsement was issued
14 shall obtain a corrected or new concealed carry permit with a
15 change of name from the sheriff who issued the original concealed
16 carry permit or the original certificate of qualification for an
17 endorsement upon the sheriff's verification of the name change.
18 The sheriff may charge a processing fee of not more than ten
19 dollars for any costs associated with obtaining a corrected or
20 new concealed carry permit. The permit or endorsement holder
21 shall furnish proof of the name change to the sheriff within
22 thirty days of changing his or her name and display his or her
23 concealed carry permit or current driver's license or nondriver's
24 license containing a concealed carry endorsement. The sheriff
25 shall report the name change to the [Missouri uniform law
26 enforcement] concealed carry permit system, and the new name
27 shall be accessible by the [Missouri uniform law enforcement]
28 concealed carry permit system within three days of receipt of the

1 information.

2 [7.] 8. The person with a concealed carry permit, or
3 endorsement issued prior to August 28, 2013, shall notify the
4 sheriff of a name or address change within thirty days of the
5 change. A concealed carry permit and, if applicable, endorsement
6 shall be automatically invalid after [thirty] one hundred eighty
7 days if the permit or endorsement holder has changed his or her
8 name or changed his or her residence and not notified the sheriff
9 as required in subsections [4] 5 and [6] 7 of this section. The
10 sheriff shall assess a late penalty of ten dollars per month for
11 each month, up to six months and not to exceed sixty dollars, for
12 the failure to notify the sheriff of the change of name or
13 address within thirty days.

14 571.107. 1. A concealed carry permit issued pursuant to
15 sections 571.101 to 571.121, a valid concealed carry endorsement
16 issued prior to August 28, 2013, or a concealed carry endorsement
17 or permit issued by another state or political subdivision of
18 another state shall authorize the person in whose name the permit
19 or endorsement is issued to carry concealed firearms on or about
20 his or her person or vehicle throughout the state. No concealed
21 carry permit issued pursuant to sections 571.101 to 571.121,
22 valid concealed carry endorsement issued prior to August 28,
23 2013, or a concealed carry endorsement or permit issued by
24 another state or political subdivision of another state shall
25 authorize any person to carry concealed firearms into:

26 (1) Any police, sheriff, or highway patrol office or
27 station without the consent of the chief law enforcement officer
28 in charge of that office or station. Possession of a firearm in

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

4 (2) Within twenty-five feet of any polling place on any
5 election day. Possession of a firearm in a vehicle on the
6 premises of the polling place shall not be a criminal offense so
7 long as the firearm is not removed from the vehicle or brandished
8 while the vehicle is on the premises;

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

15 (4) Any courthouse solely occupied by the circuit,
16 appellate or supreme court, or any courtrooms, administrative
17 offices, libraries or other rooms of any such court whether or
18 not such court solely occupies the building in question. This
19 subdivision shall also include, but not be limited to, any
20 juvenile, family, drug, or other court offices, any room or
21 office wherein any of the courts or offices listed in this
22 subdivision are temporarily conducting any business within the
23 jurisdiction of such courts or offices, and such other locations
24 in such manner as may be specified by supreme court rule pursuant
25 to subdivision (6) of this subsection. Nothing in this
26 subdivision shall preclude those persons listed in subdivision
27 (1) of subsection 2 of section 571.030 while within their
28 jurisdiction and on duty, those persons listed in subdivisions

1 (2), (4), and (10) of subsection 2 of section 571.030, or such
2 other persons who serve in a law enforcement capacity for a court
3 as may be specified by supreme court rule pursuant to subdivision
4 (6) of this subsection from carrying a concealed firearm within
5 any of the areas described in this subdivision. Possession of a
6 firearm in a vehicle on the premises of any of the areas listed
7 in this subdivision shall not be a criminal offense so long as
8 the firearm is not removed from the vehicle or brandished while
9 the vehicle is on the premises;

10 (5) Any meeting of the governing body of a unit of local
11 government; or any meeting of the general assembly or a committee
12 of the general assembly, except that nothing in this subdivision
13 shall preclude a member of the body holding a valid concealed
14 carry permit or endorsement from carrying a concealed firearm at
15 a meeting of the body which he or she is a member. Possession of
16 a firearm in a vehicle on the premises shall not be a criminal
17 offense so long as the firearm is not removed from the vehicle or
18 brandished while the vehicle is on the premises. Nothing in this
19 subdivision shall preclude a member of the general assembly, a
20 full-time employee of the general assembly employed under Section
21 17, Article III, Constitution of Missouri, legislative employees
22 of the general assembly as determined under section 21.155, or
23 statewide elected officials and their employees, holding a valid
24 concealed carry permit or endorsement, from carrying a concealed
25 firearm in the state capitol building or at a meeting whether of
26 the full body of a house of the general assembly or a committee
27 thereof, that is held in the state capitol building;

28 (6) The general assembly, supreme court, county or

1 municipality may by rule, administrative regulation, or ordinance
2 prohibit or limit the carrying of concealed firearms by permit or
3 endorsement holders in that portion of a building owned, leased
4 or controlled by that unit of government. Any portion of a
5 building in which the carrying of concealed firearms is
6 prohibited or limited shall be clearly identified by signs posted
7 at the entrance to the restricted area. The statute, rule or
8 ordinance shall exempt any building used for public housing by
9 private persons, highways or rest areas, firing ranges, and
10 private dwellings owned, leased, or controlled by that unit of
11 government from any restriction on the carrying or possession of
12 a firearm. The statute, rule or ordinance shall not specify any
13 criminal penalty for its violation but may specify that persons
14 violating the statute, rule or ordinance may be denied entrance
15 to the building, ordered to leave the building and if employees
16 of the unit of government, be subjected to disciplinary measures
17 for violation of the provisions of the statute, rule or
18 ordinance. The provisions of this subdivision shall not apply to
19 any other unit of government;

20 (7) Any establishment licensed to dispense intoxicating
21 liquor for consumption on the premises, which portion is
22 primarily devoted to that purpose, without the consent of the
23 owner or manager. The provisions of this subdivision shall not
24 apply to the licensee of said establishment. The provisions of
25 this subdivision shall not apply to any bona fide restaurant open
26 to the general public having dining facilities for not less than
27 fifty persons and that receives at least fifty-one percent of its
28 gross annual income from the dining facilities by the sale of

1 food. This subdivision does not prohibit the possession of a
2 firearm in a vehicle on the premises of the establishment and
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. Nothing in this subdivision authorizes any
6 individual who has been issued a concealed carry permit or
7 endorsement to possess any firearm while intoxicated;

8 (8) Any area of an airport to which access is controlled by
9 the inspection of persons and property. Possession of a firearm
10 in a vehicle on the premises of the airport shall not be a
11 criminal offense so long as the firearm is not removed from the
12 vehicle or brandished while the vehicle is on the premises;

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

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

28 (11) Any portion of a building used as a child care

1 facility without the consent of the manager. Nothing in this
2 subdivision shall prevent the operator of a child care facility
3 in a family home from owning or possessing a firearm or a
4 concealed carry permit or endorsement;

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

12 (13) Any gated area of an amusement park. Possession of a
13 firearm in a vehicle on the premises of the amusement park shall
14 not be a criminal offense so long as the firearm is not removed
15 from the vehicle or brandished while the vehicle is on the
16 premises;

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

24 (15) Any private property whose owner has posted the
25 premises as being off-limits to concealed firearms by means of
26 one or more signs displayed in a conspicuous place of a minimum
27 size of eleven inches by fourteen inches with the writing thereon
28 in letters of not less than one inch. The owner, business or

1 commercial lessee, manager of a private business enterprise, or
2 any other organization, entity, or person may prohibit persons
3 holding a concealed carry permit or endorsement from carrying
4 concealed firearms on the premises and may prohibit employees,
5 not authorized by the employer, holding a concealed carry permit
6 or endorsement from carrying concealed firearms on the property
7 of the employer. If the building or the premises are open to the
8 public, the employer of the business enterprise shall post signs
9 on or about the premises if carrying a concealed firearm is
10 prohibited. Possession of a firearm in a vehicle on the premises
11 shall not be a criminal offense so long as the firearm is not
12 removed from the vehicle or brandished while the vehicle is on
13 the premises. An employer may prohibit employees or other
14 persons holding a concealed carry permit or endorsement from
15 carrying a concealed firearm in vehicles owned by the employer;

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

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

25 2. Carrying of a concealed firearm in a location specified
26 in subdivisions (1) to (17) of subsection 1 of this section by
27 any individual who holds a concealed carry permit issued pursuant
28 to sections 571.101 to 571.121, or a concealed carry endorsement

1 issued prior to August 28, 2013, shall not be a criminal act but
2 may subject the person to denial to the premises or removal from
3 the premises. If such person refuses to leave the premises and a
4 peace officer is summoned, such person may be issued a citation
5 for an amount not to exceed one hundred dollars for the first
6 offense. If a second citation for a similar violation occurs
7 within a six-month period, such person shall be fined an amount
8 not to exceed two hundred dollars and his or her permit, and, if
9 applicable, endorsement to carry concealed firearms shall be
10 suspended for a period of one year. If a third citation for a
11 similar violation is issued within one year of the first
12 citation, such person shall be fined an amount not to exceed five
13 hundred dollars and shall have his or her concealed carry permit,
14 and, if applicable, endorsement revoked and such person shall not
15 be eligible for a concealed carry permit for a period of three
16 years. Upon conviction of charges arising from a citation issued
17 pursuant to this subsection, the court shall notify the sheriff
18 of the county which issued the concealed carry permit, or, if the
19 person is a holder of a concealed carry endorsement issued prior
20 to August 28, 2013, the court shall notify the sheriff of the
21 county which issued the certificate of qualification for a
22 concealed carry endorsement and the department of revenue. The
23 sheriff shall suspend or revoke the concealed carry permit or, if
24 applicable, the certificate of qualification for a concealed
25 carry endorsement. If the person holds an endorsement, the
26 department of revenue shall issue a notice of such suspension or
27 revocation of the concealed carry endorsement and take action to
28 remove the concealed carry endorsement from the individual's

1 driving record. The director of revenue shall notify the
2 licensee that he or she must apply for a new license pursuant to
3 chapter 302 which does not contain such endorsement. The notice
4 issued by the department of revenue shall be mailed to the last
5 known address shown on the individual's driving record. The
6 notice is deemed received three days after mailing.

7 571.111. 1. An applicant for a concealed carry permit
8 shall demonstrate knowledge of firearms safety training. This
9 requirement shall be fully satisfied if the applicant for a
10 concealed carry permit:

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

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

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

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

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

27 (6) Submits proof that the applicant is currently certified
28 as any class of corrections officer by the Missouri department of

1 corrections and has passed at least one eight-hour firearms
2 training course, approved by the director of the Missouri
3 department of corrections under the authority granted to him or
4 her, that includes instruction on the justifiable use of force as
5 prescribed in chapter 563; or

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

11 2. A certificate of firearms safety training course
12 completion may be issued to any applicant by any qualified
13 firearms safety instructor. On the certificate of course
14 completion the qualified firearms safety instructor shall affirm
15 that the individual receiving instruction has taken and passed a
16 firearms safety course of at least eight hours in length taught
17 by the instructor that included:

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

20 (2) A physical demonstration performed by the applicant
21 that demonstrated his or her ability to safely load and unload
22 either a revolver **[and]** or a semiautomatic pistol and
23 demonstrated his or her marksmanship with **[both]** either firearm;

24 (3) The basic principles of marksmanship;

25 (4) Care and cleaning of concealable firearms;

26 (5) Safe storage of firearms at home;

27 (6) The requirements of this state for obtaining a
28 concealed carry permit from the sheriff of the individual's

1 county of residence;

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

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

6 (9) A live firing exercise of sufficient duration for each
7 applicant to fire ~~[both]~~ either a revolver ~~[and]~~ or a
8 semiautomatic pistol, from a standing position or its equivalent,
9 a minimum of twenty rounds from ~~[each]~~ the handgun at a distance
10 of seven yards from a B-27 silhouette target or an equivalent
11 target;

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

17 3. A qualified firearms safety instructor shall not give a
18 grade of passing to an applicant for a concealed carry permit
19 who:

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

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

25 (3) During the live fire testing portion of the course
26 fails to hit the silhouette portion of the targets with at least
27 fifteen rounds~~[, with both handguns]~~.

28 4. Qualified firearms safety instructors who provide

1 firearms safety instruction to any person who applies for a
2 concealed carry permit shall:

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

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

8 (3) Not have more than forty students per certified
9 instructor in the classroom portion of the course or more than
10 five students per range officer engaged in range firing.

11 5. A firearms safety instructor shall be considered to be a
12 qualified firearms safety instructor by any sheriff issuing a
13 concealed carry permit pursuant to sections 571.101 to 571.121 if
14 the instructor:

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

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

21 (3) Submits a photocopy of a notarized certificate from a
22 firearms safety instructor course approved by the department of
23 public safety; or

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

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

1 6. Any firearms safety instructor qualified under
2 subsection 5 of this section may submit a copy of a training
3 instructor certificate, course outline bearing the notarized
4 signature of the instructor, and a recent photograph of [his or
5 herself] the instructor to the sheriff of the county in which [he
6 or she] the instructor resides. [Each] The sheriff shall review
7 the training instructor certificate along with the course outline
8 and verify the firearms safety instructor is qualified and the
9 course meets the requirements provided under this section. If
10 the sheriff verifies the firearms safety instructor is qualified
11 and the course meets the requirements provided under this
12 section, the sheriff shall collect an annual registration fee of
13 ten dollars from each qualified instructor who chooses to submit
14 such information and [shall retain a] submit the registration to
15 the Missouri sheriff methamphetamine relief taskforce. The
16 Missouri sheriff methamphetamine relief taskforce, or its
17 designated agent, shall create and maintain a statewide database
18 of qualified instructors. This information shall be a closed
19 record except for access by any sheriff. Firearms safety
20 instructors may register annually and the registration is only
21 effective for the calendar year in which the instructor
22 registered. Any sheriff may access the statewide database
23 maintained by the Missouri sheriff methamphetamine relief
24 taskforce to verify the firearms safety instructor is qualified
25 and the course offered by the instructor meets the requirements
26 provided under this section. Unless a sheriff has reason to
27 believe otherwise, a sheriff shall presume a firearms safety
28 instructor is qualified to provide firearms safety instruction in

1 counties throughout the state under this section if the
2 instructor is registered on the statewide database of qualified
3 instructors.

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

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

23 SMALL CLAIMS COURT

24 In the Circuit Court of, Missouri
25, PLAINTIFF

26)

27)

28 vs.) Case Number

1)
2 , DEFENDANT,
3 Carry Permit or Endorsement Holder
4 , DEFENDANT,
5 Sheriff of Issuance
6

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

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

20 (CHECK BELOW EACH REASON THAT APPLIES TO THIS DEFENDANT)

- 21 Defendant is not at least [twenty-one] nineteen years of age
22 or at least eighteen years of age and a member of the
23 United States Armed Forces or honorably discharged from the
24 United States Armed Forces.
- 25 Defendant is not a citizen or permanent resident of the
26 United States.
- 27 Defendant had not resided in this state prior to issuance of
28 the permit and does not qualify as a military member or

1 spouse of a military member stationed in Missouri.

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

9 Defendant has been convicted of, pled guilty to or entered a
10 plea of nolo contendere to one or more misdemeanor offenses
11 involving crimes of violence within a five-year period
12 immediately preceding application for a concealed carry
13 permit issued pursuant to sections 571.101 to 571.121, RSMo,
14 or a concealed carry endorsement issued prior to August 28,
15 2013, or if the applicant has been convicted of two or more
16 misdemeanor offenses involving driving while under the
17 influence of intoxicating liquor or drugs or the possession
18 or abuse of a controlled substance within a five-year period
19 immediately preceding application for a concealed carry
20 permit issued pursuant to sections 571.101 to 571.121, RSMo,
21 or a concealed carry endorsement issued prior to August 28,
22 2013.

23 Defendant is a fugitive from justice or currently charged in
24 an information or indictment with the commission of a crime
25 punishable by imprisonment for a term exceeding one year
26 under the laws of any state of the United States other than
27 a crime classified as a misdemeanor under the laws of any
28 state and punishable by a term of imprisonment of two years

1 or less that does not involve an explosive weapon, firearm,
2 firearm silencer, or gas gun.

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

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

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

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

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

27 Defendant failed to submit an affidavit attesting that the
28 applicant complies with the concealed carry safety training

1 requirement pursuant to subsection 1 of section 571.111,
2 RSMo.

3 Defendant is otherwise disqualified from possessing a
4 firearm [pursuant to 18 U.S.C. 922(g)] under section 571.070
5 because (specify reason):

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

11, PLAINTIFF

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

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

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

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

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

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

1 residential premises.

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

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

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

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

24 590.010. As used in this chapter, the following terms mean:

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

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

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

5 (4) "POST commission", the peace officer standards and
6 training commission;

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

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

12 590.200. 1. The POST commission shall:

13 (1) Establish minimum standards for the training of school
14 protection officers;

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

17 (3) Set the curriculum for school protection officer
18 training programs.

19 2. At a minimum this training shall include:

20 (1) Instruction specific to the prevention of incidents of
21 violence in schools;

22 (2) The handling of emergency or violent crisis situations
23 in school settings;

24 (3) A review of state criminal law;

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

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

27 (6) Instruction in the proper use of self-defense spray
28 devices.

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

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

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

27 4. No person shall be admitted to a school protection
28 officer training center or training program unless such person

1 submits proof to the training center or training program that he
2 or she has a valid concealed carry endorsement or permit.

3 5. A certificate of school protection officer training
4 program completion may be issued to any applicant by any approved
5 school protection officer training instructor. On the certificate
6 of program completion the approved school protection officer
7 training instructor shall affirm that the individual receiving
8 instruction has taken and passed a school protection officer
9 training program that meets the requirements of this section and
10 section 590.200 and [that] indicate whether the individual has a
11 valid concealed carry endorsement or permit. The instructor shall
12 also provide a copy of such certificate to the director of the
13 department of public safety.

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

21 650.350. 1. There is hereby created within the department
22 of public safety the "Missouri Sheriff Methamphetamine Relief
23 Taskforce" (MoSMART). MoSMART shall be composed of five sitting
24 sheriffs. Every two years, the Missouri Sheriffs' Association
25 board of directors will submit twenty names of sitting sheriffs
26 to the governor. The governor shall appoint five members from
27 the list of twenty names, having no more than three from any one
28 political party, to serve a term of two years on MoSMART. The

1 members shall elect a chair from among their membership. Members
2 shall receive no compensation for the performance of their duties
3 pursuant to this section, but each member shall be reimbursed
4 from the MoSMART fund for actual and necessary expenses incurred
5 in carrying out duties pursuant to this section.

6 2. MoSMART shall meet no less than twice each calendar year
7 with additional meetings called by the chair upon the request of
8 at least two members. A majority of the appointed members shall
9 constitute a quorum.

10 3. A special fund is hereby created in the state treasury
11 to be known as the "MoSMART Fund". The state treasurer shall
12 invest the moneys in such fund in the manner authorized by law.
13 All moneys received for MoSMART from interest, state, and federal
14 moneys shall be deposited to the credit of the fund. The
15 director of the department of public safety shall distribute at
16 least fifty percent but not more than one hundred percent of the
17 fund annually in the form of grants approved by MoSMART.

18 4. Except for money deposited into the deputy sheriff
19 salary supplementation fund created under section 57.278 or money
20 deposited into the concealed carry permit fund created under
21 subsection 5 of this section, all moneys [appropriate]
22 appropriated to or received by MoSMART shall be deposited and
23 credited to the MoSMART fund. The department of public safety
24 shall only be reimbursed for actual and necessary expenses for
25 the administration of MoSMART, which shall be no less than one
26 percent and which shall not exceed two percent of all moneys
27 appropriated to the fund, except that the department shall not
28 receive any amount of the money deposited into the deputy sheriff

1 salary supplementation fund for administrative purposes. The
2 provisions of section 33.080 to the contrary notwithstanding,
3 moneys in the MoSMART fund shall not lapse to general revenue at
4 the end of the biennium.

5 5. A special fund is hereby created in the state treasury
6 to be known as the "Concealed Carry Permit Fund". The state
7 treasurer shall invest the moneys in such fund in the manner
8 authorized by law. All moneys appropriated by the general
9 assembly to the fund shall be deposited to the credit of the
10 fund. The director of the department of public safety shall
11 annually distribute all moneys in the fund in the form of grants
12 approved by MoSMART. The department of public safety shall
13 administer all MoSMART grant deposits under this section. Grant
14 funds deposited into the fund created under this section shall be
15 spent first to ensure county law enforcement agencies' ability to
16 comply with the issuance of concealed carry permits including,
17 but not limited to, equipment, records management hardware and
18 software, personnel, supplies, and other services. MoSMART shall
19 provide grants as authorized by the general assembly to sheriffs,
20 and any designee that is created and authorized to support
21 sheriffs in the creation, maintenance, and operation of a
22 statewide concealed carry permit system for Missouri sheriffs and
23 law enforcement purposes. The concealed carry permit system
24 shall consist of a server network accessible by all Missouri
25 sheriffs and law enforcement agencies for purposes that do not
26 conflict with this chapter. All equipment, software, and
27 services necessary to create, maintain, and operate the concealed
28 carry permit system shall be the property of the sheriffs and

1 MoSMART's designee. A designee of MoSMART and the sheriffs may
2 administer and operate the concealed carry permit system
3 utilizing policies and procedures established by MoSMART by way
4 of a memorandum of understanding and MoSMART protocol. Any
5 equipment, software, or services provided to a sheriff as part of
6 the concealed carry permit system shall become property of
7 MoSMART's designee and the sheriff's office and MoSMART shall not
8 be responsible for the maintenance or replacement of such
9 equipment, software, or services. Notwithstanding the provisions
10 of section 33.080 to the contrary, any moneys remaining in the
11 fund at the end of the biennium shall not revert to the credit of
12 the general revenue fund. The state treasurer shall invest
13 moneys in the fund in the same manner as other funds are
14 invested. Any interest and moneys earned on such investments
15 shall be credited to the fund.

16 6. Any rule or portion of a rule, as that term is defined
17 in section 536.010, that is created under the authority delegated
18 in this section shall become effective only if it complies with
19 and is subject to all of the provisions of chapter 536 and, if
20 applicable, section 536.028. This section and chapter 536 are
21 nonseverable and if any of the powers vested with the general
22 assembly pursuant to chapter 536 to review, to delay the
23 effective date or to disapprove and annul a rule are subsequently
24 held unconstitutional, then the grant of rulemaking authority and
25 any rule proposed or adopted after August 28, 2003, shall be
26 invalid and void.

27 7. Any county law enforcement entity or established task
28 force with a memorandum of understanding and protocol may apply

1 for grants from the MoSMART fund on an application to be
2 developed by the department of public safety with the approval of
3 MoSMART. All applications shall be evaluated by MoSMART and
4 approved or denied based upon the level of funding designated for
5 methamphetamine enforcement before 1997 and upon current need and
6 circumstances. No applicant shall receive a MoSMART grant in
7 excess of one hundred thousand dollars per year. The department
8 of public safety shall monitor all MoSMART grants.

9 8. MoSMART's anti-methamphetamine funding priorities are as
10 follows:

11 (1) Sheriffs who are participating in coordinated
12 multijurisdictional task forces and have their task forces apply
13 for funding;

14 (2) Sheriffs whose county has been designated HIDTA
15 counties, yet have received no HIDTA or narcotics assistance
16 program funding; and

17 (3) Sheriffs without HIDTA designations or task forces,
18 whose application justifies the need for MoSMART funds to
19 eliminate methamphetamine labs.

20 9. MoSMART shall administer the deputy sheriff salary
21 supplementation fund as provided under section 57.278.

22 [10. Beginning August 28, 2013, the department of revenue
23 shall begin transferring any records related to the issuance of a
24 concealed carry permit to MoSMART for dissemination to the
25 sheriff of the county or city not within a county in which the
26 applicant or permit holder resides.]

27 Section 1. If any provision of sections 1.400, 1.410,
28 1.420, 1.430, 1.440, 1.450, 1.460, 1.470, 1.480, 21.750, 160.665,

1 571.012, 571.030, 571.101, 571.107, 571.117, 590.010, 590.200,
2 590.205, or 590.207 of this act or the application thereof to
3 anyone or to any circumstance is held invalid, the remainder of
4 those sections and the application of such provisions to others
5 or other circumstances shall not be affected thereby.

6 Section 2. Section 1 does not preclude the application of
7 section 1.140 to portions of sections 1.400, 1.410, 1.420, 1.430,
8 1.440, 1.450, 1.460, 1.470, 1.480, 21.750, 160.665, 571.012,
9 571.030, 571.101, 571.107, 571.117, 590.010, 590.200, 590.205, or
10 590.207.

11 [571.080. A person commits the crime of transfer
12 of a concealable firearm if such person violates 18
13 U.S.C. Section 922(b) or 18 U.S.C. Section 922(x).]
14

15 Section B. The enactment of sections 1.400, 1.410, 1.420,
16 1.430, 1.440, 1.450, 1.460, 1.470, and 1.480 shall become
17 effective on January 1, 2017, or upon the revisor of statutes
18 receiving notification that at least four other states have
19 enacted into law substantially similar language as contained in
20 sections 1.400 to 1.480 of this act, or upon passage of any new
21 federal acts, or issuance of federal executive, administrative,
22 or court orders which infringe upon or curtail the right to keep
23 and bear arms by law-abiding Missouri citizens as defined in
24 sections 1.400 to 1.480 whichever event occurs earlier.