

SECOND REGULAR SESSION

SENATE BILL NO. 613

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR NIEVES.

Pre-filed December 6, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

4538S.02I

AN ACT

To repeal sections 1.320, 21.750, 571.030, 571.070, 571.101, 571.107, 571.117, and 590.010, RSMo, and to enact in lieu thereof fifteen 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:

Section A. Sections 1.320, 21.750, 571.030, 571.070, 571.101, 571.107, 2 571.117, and 590.010, RSMo, are repealed and fifteen new sections enacted in lieu 3 thereof, to be known as sections 1.320, 21.750, 160.665, 544.085, 544.086, 571.012, 4 571.030, 571.070, 571.101, 571.107, 571.117, 590.010, 590.200, 590.207, and 1, to 5 read as follows:

1.320. 1. This section shall be known and may be cited as the
2 "Second Amendment Preservation Act".

3 2. The general assembly finds and declares that:

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

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

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

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

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

25 (5) The several states of the United States of America respect the
26 proper role of the federal government, but reject the proposition that
27 such respect requires unlimited submission. If the government, created
28 by compact among the states, was the exclusive or final judge of the
29 extent of the powers granted to it by the states through the
30 Constitution, the federal government's discretion, and not the
31 Constitution, would necessarily become the measure of those powers. To
32 the contrary, as in all other cases of compacts among powers having no
33 common judge, each party has an equal right to judge for itself as to
34 when infractions of the compact have occurred, as well as to determine
35 the mode and measure of redress. Although the several states have
36 granted supremacy to laws and treaties made pursuant to the powers
37 granted in the Constitution, such supremacy does not extend to various
38 federal statutes, executive orders, administrative orders, court orders,
39 rules, regulations, or other actions which restrict or prohibit the
40 manufacture, ownership, and use of firearms, firearm accessories, or
41 ammunition exclusively within the borders of Missouri; such statutes,
42 executive orders, administrative orders, court orders, rules,
43 regulations, and other actions exceed the powers granted to the federal
44 government except to the extent they are necessary and proper for
45 governing and regulating of land and naval forces of the United States
46 or for organizing, arming, and disciplining of militia forces actively
47 employed in the service of the United States Armed Forces;

48 (6) The people of the several states have given Congress the
49 power "to regulate commerce with foreign nations, and among the
50 several states", but "regulating commerce" does not include the power
51 to limit citizens' right to keep and bear arms in defense of their

52 families, neighbors, persons, or property, or to dictate as to what sort
53 of arms and accessories law-abiding, mentally competent Missourians
54 may buy, sell, exchange, or otherwise possess within the borders of this
55 state;

56 (7) The people of the several states have also granted Congress
57 the power "to lay and collect taxes, duties, imports, and excises, to pay
58 the debts, and provide for the common defense and general welfare of
59 the United States" and "to make all laws which shall be necessary and
60 proper for carrying into execution the powers vested by the
61 Constitution in the government of the United States, or in any
62 department or office thereof". These constitutional provisions merely
63 identify the means by which the federal government may execute its
64 limited powers and ought not to be so construed as themselves to grant
65 unlimited powers because to do so would be to destroy the carefully
66 constructed equilibrium between the federal and state
67 governments. Consequently, the general assembly rejects any claim
68 that the taxing and spending powers of Congress can be used to
69 diminish in any way the right of the people to keep and bear arms;

70 (8) The people of Missouri have vested the general assembly with
71 the authority to regulate the manufacture, possession, exchange, and
72 use of firearms within the borders of this state, subject only to the
73 limits imposed by the Second Amendment to the United States
74 Constitution and the Missouri Constitution; and

75 (9) The general assembly of the state of Missouri strongly promotes
76 responsible gun ownership, including parental supervision of minors in the proper
77 use, storage, and ownership of all firearms, the prompt reporting of stolen
78 firearms, and the proper enforcement of all state gun laws. The general assembly
79 of the state of Missouri hereby condemns any unlawful transfer of firearms and
80 the use of any firearm in any criminal or unlawful activity.

81 3. (1) All federal acts, laws, executive orders, administrative
82 orders, court orders, rules, and regulations, whether past, present, or
83 future, which infringe on the people's right to keep and bear arms as
84 guaranteed by the Second Amendment to the United States Constitution
85 and Article I, Section 23 of the Missouri Constitution shall be invalid
86 in this state, shall not be recognized by this state, shall be specifically
87 rejected by this state, and shall be considered null and void and of no
88 effect in this state.

89 (2) Such federal acts, laws, executive orders, administrative
90 orders, court orders, rules, and regulations include, but are not limited
91 to:

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

96 (b) Any registering or tracking of firearms, firearm accessories,
97 or ammunition which might reasonably be expected to create a chilling
98 effect on the purchase or ownership of those items by law-abiding
99 citizens;

100 (c) Any registering or tracking of the owners of firearms, firearm
101 accessories, or ammunition which might reasonably be expected to
102 create a chilling effect on the purchase or ownership of those items by
103 law-abiding citizens;

104 (d) Any act forbidding the possession, ownership, or use or
105 transfer of a firearm, firearm accessory, or ammunition by law-abiding
106 citizens; and

107 (e) Any act ordering the confiscation of firearms, firearm
108 accessories, or ammunition from law-abiding citizens.

109 4. It shall be the duty of the courts and law enforcement agencies
110 of this state to protect the rights of law-abiding citizens to keep and
111 bear arms within the borders of this state and to protect these rights
112 from the infringements defined in subsection 3 of this section.

113 5. No public officer or employee of this state shall have authority
114 to enforce or attempt to enforce any law, statute, ordinance, or order
115 of any court infringing on the right to keep and bear arms as defined
116 in subsection 3 of this section.

117 6. (1) Any entity or person who knowingly, as defined in section
118 562.061, attempts to enforce any of the infringements of the right to
119 keep and bear arms included in subsection 3 of this section or
120 otherwise knowingly deprives a citizen of Missouri of the rights or
121 privileges ensured by the Second Amendment of the United States
122 Constitution or section 23 of article I of the Missouri Constitution,
123 while acting under the color of any state or federal law, shall be liable
124 to the injured party in an action at law, suit in equity, or other proper
125 proceeding for redress.

126 **(2) In such action, the court may award the prevailing party,**
127 **other than the state of Missouri or any political subdivision of the**
128 **state, reasonable attorney's fees and costs.**

129 **(3) Neither sovereign nor official or qualified immunity shall be**
130 **an affirmative defense in such cases.**

131 **7. Any official, agent, or employee of the United States**
132 **government who enforces or attempts to enforce any of the**
133 **infringements on the right to keep and bear arms included in**
134 **subsection 3 of this section is guilty of a class A misdemeanor. Missouri**
135 **law enforcement officers shall have the discretionary power to**
136 **appropriately interpose on behalf of law-abiding citizens, including the**
137 **power to levy charges or arrest such officials, agents, or employees of**
138 **the United States government.**

139 **8. For the purposes of this section, the term "law-abiding citizen"**
140 **shall mean a person who is not otherwise precluded under state law**
141 **from possessing a firearm and shall not be construed to include anyone**
142 **who is not legally present in the United States or the state of Missouri.**

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

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

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

20 **a firearm in the defense of person or property, subject to the provisions**
21 **of chapter 563.**

22 **(2) In any jurisdiction in which open carry of firearms is**
23 **prohibited by ordinance, open carry of a firearm shall not be**
24 **prohibited in accordance with the following:**

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

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

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

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

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

42 5. No county, city, town, village or any other political subdivision nor the
43 state shall bring suit or have any right to recover against any firearms or
44 ammunition manufacturer, trade association or dealer for damages, abatement
45 or injunctive relief resulting from or relating to the lawful design, manufacture,
46 marketing, distribution, or sale of firearms or ammunition to the public. This
47 subsection shall apply to any suit pending as of October 12, 2003, as well as any
48 suit which may be brought in the future. Provided, however, that nothing in this
49 section shall restrict the rights of individual citizens to recover for injury or death
50 caused by the negligent or defective design or manufacture of firearms or
51 ammunition.

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

160.665. 1. Any school district within the state may designate
2 one or more elementary or secondary school teachers or administrators
3 as a school protection officer. The responsibilities and duties of a
4 school protection officer are voluntary and shall be in addition to the
5 normal responsibilities and duties of the teacher or administrator. Any
6 compensation for additional duties relating to service as a school
7 protection officer shall be funded by the local school district, with no
8 state funds used for such purpose.

9 2. Any person designated by a school district as a school
10 protection officer shall be authorized to carry concealed firearms in
11 any school in the district and shall not be permitted to allow any such
12 firearm out of his or her personal control while that firearm is on
13 school property. Any school protection officer who violates this
14 subsection may be removed immediately from the classroom and
15 subject to employment termination proceedings.

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

19 4. Upon detention of a person under subsection 3 of this section,
20 the school protection officer shall immediately notify a school
21 administrator and a school resource officer, if such officer is present
22 at the school. If the person detained is a student then the parents or
23 guardians of the student shall also be immediately notified by a school
24 administrator.

25 5. Any person detained by a school protection officer shall be
26 turned over to a school administrator or law enforcement officer as
27 soon as practically possible and shall not be detained by a school
28 protection officer for more than one hour.

29 6. Any teacher or administrator of an elementary or secondary
30 school who seeks to be designated as a school protection officer shall
31 request such designation in writing, and submit it to the
32 superintendent of the school district which employs him or her as a
33 teacher or administrator. Along with this request, the teacher or
34 administrator shall also submit proof that he or she has a valid
35 concealed carry endorsement and shall submit a certificate of school
36 protection officer training program completion from a training
37 program approved by the director of the department of public safety

38 which demonstrates that such person has successfully completed the
39 training requirements established by the POST commission under
40 chapter 590 for school protection officers.

41 7. No school district may designate a teacher or administrator as
42 a school protection officer unless such person has a valid concealed
43 carry endorsement and has successfully completed a school protection
44 officer training program which has been approved by the director of
45 the department of public safety.

46 8. Any school district which designates a teacher or
47 administrator as a school protection officer shall, within thirty days,
48 notify, in writing, the director of the department of public safety of the
49 designation which shall include the following:

50 (1) The full name, date of birth, and address of the officer;
51 (2) The name of the school district; and
52 (3) The date such person was designated as a school protection
53 officer.

54 Notwithstanding any other law, any identifying information collected
55 under the authority of this subsection shall not be considered public
56 information and shall not be subject to a sunshine request made under
57 chapter 610.

58 9. A school district may revoke the designation of a person as a
59 school protection officer for any reason and shall immediately notify
60 the designated school protection officer in writing of the
61 revocation. The school district shall also within thirty days of the
62 revocation notify the director of the department of public safety in
63 writing of the revocation of the designation of such person as a school
64 protection officer. A person who has had the designation as school
65 protection officer revoked has no right to appeal the revocation
66 decision.

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

544.085. 1. For any warrant that is issued by a United States
2 court that is to be served within the boundaries of the state of Missouri,
3 the federal agent or employee responsible for serving the warrant shall,
4 prior to such service, notify the sheriff of the county where the warrant

5 is to be served and proceed with the service of the warrant only if
6 accompanied by the sheriff or the sheriff's designee.

7 2. When a federal agent or employee believes that a sheriff or a
8 member of the sheriff's staff has a conflict of interest, then the federal
9 agent or employee may file a petition supported by an affidavit
10 detailing a reasonable suspicion of such conflict of interest with a
11 circuit judge within the respective county's judicial district requesting
12 a waiver of the requirement to provide notice to the sheriff. If a waiver
13 is granted, the circuit judge shall designate a substitute for the sheriff
14 or the sheriff's designee.

15 3. The sheriff or the sheriff's designee shall check the warrant
16 and process to protect the rights of any person who is directly affected
17 by the warrant and make a complete and permanent report on this
18 incident.

19 4. Serving a federal warrant without meeting the conditions set
20 forth in this section is a class A misdemeanor.

544.086. 1. Prior to serving any warrant in the state of Missouri,
2 all state law enforcement agencies shall notify the sheriff of the county
3 in which the warrant is to be served and proceed with the service of
4 the warrant only if accompanied by the sheriff or the sheriff's designee.

5 2. When a state law enforcement agency believes that a sheriff
6 or a member of the sheriff's staff has a conflict of interest, then the
7 state law enforcement agency may file an affidavit detailing reasonable
8 suspicion of such conflict of interest with a circuit judge within the
9 respective county's judicial district requesting a waiver of the
10 requirement to provide notice to the sheriff. If a waiver is granted, the
11 circuit judge shall designate a substitute for the sheriff or the sheriff's
12 designee.

13 3. The sheriff or the sheriff's designee shall check the warrant
14 and process to protect the rights of any person who is directly affected
15 by the warrant and make a complete and permanent report on this
16 incident.

17 4. Serving a warrant without meeting the conditions set forth in
18 this section is a class A misdemeanor.

571.012. 1. No health care professional licensed in this state shall
2 be required by law to:

3 (1) Inquire as to whether a patient owns a firearm;

4 **(2) Document or maintain in a patient's medical records whether
5 such patient owns a firearm; or**

6 **(3) Notify any governmental entity of the identity of a patient
7 based solely on the patient's status as an owner of a firearm.**

8 **2. No health care professional licensed in this state may
9 document or otherwise disclose information gathered in a
10 doctor/patient relationship about the status of such patient as an owner
11 of a firearm, unless by order of a court of appropriate jurisdiction or
12 in response to an imminent threat to the health or safety of that patient
13 or another person.**

14 **3. Nothing in this section shall be construed as prohibiting or
15 otherwise restricting a health care professional from inquiring about
16 a patient's status as an owner of a firearm and documenting any
17 discussion about medical contraindication of access to firearms, if such
18 inquiry or documentation is necessitated or medically indicated by the
19 health care professional's scope of practice and such inquiry or
20 documentation does not violate any other state or federal law.**

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

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

5 **(2) Sets a spring gun; or**

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

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

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

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

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

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

25 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined
26 in section 301.010, discharges or shoots a firearm at any person, or at any other
27 motor vehicle, or at any building or habitable structure, unless the person was
28 lawfully acting in self-defense; or

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

33 2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not
34 apply to the persons described in this subsection, regardless of whether such uses
35 are reasonably associated with or are necessary to the fulfillment of such person's
36 official duties except as otherwise provided in this subsection. Subdivisions (3),
37 (4), (6), (7), and (9) of subsection 1 of this section shall not apply to or affect any
38 of the following persons, when such uses are reasonably associated with or are
39 necessary to the fulfillment of such person's official duties, except as otherwise
40 provided in this subsection:

41 (1) All state, county and municipal peace officers who have completed the
42 training required by the police officer standards and training commission
43 pursuant to sections 590.030 to 590.050 and who possess the duty and power of
44 arrest for violation of the general criminal laws of the state or for violation of
45 ordinances of counties or municipalities of the state, whether such officers are on
46 or off duty, and whether such officers are within or outside of the law
47 enforcement agency's jurisdiction, or all qualified retired peace officers, as defined
48 in subsection 11 of this section, and who carry the identification defined in
49 subsection 12 of this section, or any person summoned by such officers to assist
50 in making arrests or preserving the peace while actually engaged in assisting
51 such officer;

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

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

56 (4) Those persons vested by article V, section 1 of the Constitution of
57 Missouri with the judicial power of the state and those persons vested by Article
58 III of the Constitution of the United States with the judicial power of the United
59 States, the members of the federal judiciary;

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

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

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

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

71 (9) Any coroner, deputy coroner, medical examiner, or assistant medical
72 examiner;

73 (10) Any prosecuting attorney or assistant prosecuting attorney or any
74 circuit attorney or assistant circuit attorney who has completed the firearms
75 safety training course required under subsection 2 of section 571.111;

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

81 (12) Upon the written approval of the governing body of a fire department
82 or fire protection district, any paid fire department or fire protection district chief
83 who is employed on a full-time basis and who has a valid concealed carry
84 endorsement, when such uses are reasonably associated with or are necessary to
85 the fulfillment of such person's official duties.

86 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not
87 apply when the actor is transporting such weapons in a nonfunctioning state or
88 in an unloaded state when ammunition is not readily accessible or when such
89 weapons are not readily accessible. Subdivision (1) of subsection 1 of this section
90 does not apply to any person [twenty-one] **nineteen** years of age or older or
91 eighteen years of age or older and a member of the United States Armed Forces,

92 or honorably discharged from the United States Armed Forces, transporting a
93 concealable firearm in the passenger compartment of a motor vehicle, so long as
94 such concealable firearm is otherwise lawfully possessed, nor when the actor is
95 also in possession of an exposed firearm or projectile weapon for the lawful
96 pursuit of game, or is in his or her dwelling unit or upon premises over which the
97 actor has possession, authority or control, or is traveling in a continuous journey
98 peaceably through this state. Subdivision (10) of subsection 1 of this section does
99 not apply if the firearm is otherwise lawfully possessed by a person while
100 traversing school premises for the purposes of transporting a student to or from
101 school, or possessed by an adult for the purposes of facilitation of a
102 school-sanctioned firearm-related event or club event.

103 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not
104 apply to any person who has a valid concealed carry permit issued pursuant to
105 sections 571.101 to 571.121, a valid concealed carry endorsement issued before
106 August 28, 2013, or a valid permit or endorsement to carry concealed firearms
107 issued by another state or political subdivision of another state.

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

111 6. Notwithstanding any provision of this section to the contrary, the state
112 shall not prohibit any state employee from having a firearm in the employee's
113 vehicle on the state's property provided that the vehicle is locked and the firearm
114 is not visible. This subsection shall only apply to the state as an employer when
115 the state employee's vehicle is on property owned or leased by the state and the
116 state employee is conducting activities within the scope of his or her
117 employment. For the purposes of this subsection, "state employee" means an
118 employee of the executive, legislative, or judicial branch of the government of the
119 state of Missouri.

120 7. Nothing in this section shall make it unlawful for a student to actually
121 participate in school-sanctioned gun safety courses, student military or ROTC
122 courses, or other school-sponsored or club-sponsored firearm-related events,
123 provided the student does not carry a firearm or other weapon readily capable of
124 lethal use into any school, onto any school bus, or onto the premises of any other
125 function or activity sponsored or sanctioned by school officials or the district
126 school board.

127 8. Unlawful use of weapons is a class D felony unless committed pursuant

128 to subdivision (6), (7), or (8) of subsection 1 of this section, in which cases it is a
129 class B misdemeanor, or subdivision (5) or (10) of subsection 1 of this section, in
130 which case it is a class A misdemeanor if the firearm is unloaded and a class D
131 felony if the firearm is loaded, or subdivision (9) of subsection 1 of this section,
132 in which case it is a class B felony, except that if the violation of subdivision (9)
133 of subsection 1 of this section results in injury or death to another person, it is
134 a class A felony.

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

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

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

143 (3) For any violation by a persistent offender as defined in section
144 558.016, a person shall be sentenced to the maximum authorized term of
145 imprisonment for a class B felony without the possibility of parole, probation, or
146 conditional release;

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

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

152 11. Notwithstanding any other provision of law, no person who pleads
153 guilty to or is found guilty of a felony violation of subsection 1 of this section shall
154 receive a suspended imposition of sentence if such person has previously received
155 a suspended imposition of sentence for any other firearms- or weapons-related
156 felony offense.

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

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

161 (2) Before such retirement, was authorized by law to engage in or
162 supervise the prevention, detection, investigation, or prosecution of, or the
163 incarceration of any person for, any violation of law, and had statutory powers of

164 arrest;

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

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

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

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

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

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

179 (1) A photographic identification issued by the agency from which the
180 individual retired from service as a peace officer that indicates that the individual
181 has, not less recently than one year before the date the individual is carrying the
182 concealed firearm, been tested or otherwise found by the agency to meet the
183 standards established by the agency for training and qualification for active peace
184 officers to carry a firearm of the same type as the concealed firearm; or

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

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

571.070. 1. A person commits the crime of unlawful possession of a
2 firearm if such person knowingly has any firearm in his or her possession and:

3 (1) Such person has been convicted of a felony under the laws of this
4 state, or of a crime under the laws of any state or of the United States which, if
5 committed within this state, would be a felony; [or]

6 (2) Such person is a fugitive from justice, is habitually in an intoxicated
7 or drugged condition, or is currently adjudged mentally incompetent; **or**

8 **(3) Such person is illegally or unlawfully in the United States.**
9 2. Unlawful possession of a firearm is a class C felony.
10 3. The provisions of subdivision (1) of subsection 1 of this section shall not
11 apply to the possession of an antique firearm.

571.101. 1. All applicants for concealed carry permits issued pursuant to
2 subsection 7 of this section must satisfy the requirements of sections 571.101 to
3 571.121. If the said applicant can show qualification as provided by sections
4 571.101 to 571.121, the county or city sheriff shall issue a concealed carry permit
5 authorizing the carrying of a concealed firearm on or about the applicant's person
6 or within a vehicle. A concealed carry permit shall be valid for a period of five
7 years from the date of issuance or renewal. The concealed carry permit is valid
8 throughout this state. A concealed carry endorsement issued prior to August 28,
9 2013, shall continue for a period of three years from the date of issuance or
10 renewal to authorize the carrying of a concealed firearm on or about the
11 applicant's person or within a vehicle in the same manner as a concealed carry
12 permit issued under subsection 7 of this section on or after August 28, 2013.

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

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

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

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

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

25 (a) Has assumed residency in this state;

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

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

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

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

35 (4) Has not been convicted of, pled guilty to or entered a plea of nolo
36 contendere to one or more misdemeanor offenses involving crimes of violence
37 within a five-year period immediately preceding application for a concealed carry
38 permit or if the applicant has not been convicted of two or more misdemeanor
39 offenses involving driving while under the influence of intoxicating liquor or
40 drugs or the possession or abuse of a controlled substance within a five-year
41 period immediately preceding application for a concealed carry permit;

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

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

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

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

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

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

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

65 (12) Is not otherwise prohibited from possessing a firearm under section
66 571.070 or 18 U.S.C. 922(g).

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

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

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

77 (3) An affirmation that the applicant is at least [twenty-one] **nineteen**
78 years of age or is eighteen years of age or older and a member of the United
79 States Armed Forces or honorably discharged from the United States Armed
80 Forces;

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

87 (5) An affirmation that the applicant has not been convicted of, pled guilty
88 to, or entered a plea of nolo contendere to one or more misdemeanor offenses
89 involving crimes of violence within a five-year period immediately preceding
90 application for a permit or if the applicant has not been convicted of two or more
91 misdemeanor offenses involving driving while under the influence of intoxicating
92 liquor or drugs or the possession or abuse of a controlled substance within a
93 five-year period immediately preceding application for a permit;

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

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

103 (8) An affirmation that the applicant is not adjudged mentally
104 incompetent at the time of application or for five years prior to application, or has

105 not been committed to a mental health facility, as defined in section 632.005, or
106 a similar institution located in another state, except that a person whose release
107 or discharge from a facility in this state pursuant to chapter 632, or a similar
108 discharge from a facility in another state, occurred more than five years ago
109 without subsequent recommitment may apply;

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

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

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

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

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

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

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

136 5. (1) Before an application for a concealed carry permit is approved, the
137 sheriff shall make only such inquiries as he or she deems necessary into the
138 accuracy of the statements made in the application. The sheriff may require that
139 the applicant display a Missouri driver's license or nondriver's license or military
140 identification and orders showing the person being stationed in Missouri. In

141 order to determine the applicant's suitability for a concealed carry permit, the
142 applicant shall be fingerprinted. No other biometric data shall be collected from
143 the applicant. The sheriff shall request a criminal background check, including
144 an inquiry of the National Instant Criminal Background Check System, through
145 the appropriate law enforcement agency within three working days after
146 submission of the properly completed application for a concealed carry permit. If
147 no disqualifying record is identified by these checks at the state level, the
148 fingerprints shall be forwarded to the Federal Bureau of Investigation for a
149 national criminal history record check. Upon receipt of the completed background
150 checks, the sheriff shall examine the results and, if no disqualifying information
151 is identified, shall issue a concealed carry permit within three working days.

152 (2) In the event the background checks prescribed by subdivision (1) of
153 this subsection are not completed within forty-five calendar days and no
154 disqualifying information concerning the applicant has otherwise come to the
155 sheriff's attention, the sheriff shall issue a provisional permit, clearly designated
156 on the certificate as such, which the applicant shall sign in the presence of the
157 sheriff or the sheriff's designee. This permit, when carried with a valid Missouri
158 driver's or nondriver's license or a valid military identification, shall permit the
159 applicant to exercise the same rights in accordance with the same conditions as
160 pertain to a concealed carry permit issued under this section, provided that it
161 shall not serve as an alternative to an national instant criminal background
162 check required by 18 U.S.C. 922(t). The provisional permit shall remain valid
163 until such time as the sheriff either issues or denies the certificate of
164 qualification under subsection 6 or 7. The sheriff shall revoke a provisional
165 permit issued under this subsection within twenty-four hours of receipt of any
166 background check that identifies a disqualifying record, and shall notify the
167 Missouri uniform law enforcement system. The revocation of a provisional permit
168 issued under this section shall be proscribed in a manner consistent to the denial
169 and review of an application under subsection 6 of this section.

170 6. The sheriff may refuse to approve an application for a concealed carry
171 permit if he or she determines that any of the requirements specified in
172 subsection 2 of this section have not been met, or if he or she has a substantial
173 and demonstrable reason to believe that the applicant has rendered a false
174 statement regarding any of the provisions of sections 571.101 to 571.121. If the
175 applicant is found to be ineligible, the sheriff is required to deny the application,
176 and notify the applicant in writing, stating the grounds for denial and informing

177 the applicant of the right to submit, within thirty days, any additional
178 documentation relating to the grounds of the denial. Upon receiving any
179 additional documentation, the sheriff shall reconsider his or her decision and
180 inform the applicant within thirty days of the result of the reconsideration. The
181 applicant shall further be informed in writing of the right to appeal the denial
182 pursuant to subsections 2, 3, 4, and 5 of section 571.114. After two additional
183 reviews and denials by the sheriff, the person submitting the application shall
184 appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114.

185 7. If the application is approved, the sheriff shall issue a concealed carry
186 permit to the applicant within a period not to exceed three working days after his
187 or her approval of the application. The applicant shall sign the concealed carry
188 permit in the presence of the sheriff or his or her designee and shall within seven
189 days of receipt of the certificate of qualification take the certificate of
190 qualification to the department of revenue. Upon verification of the certificate of
191 qualification and completion of a driver's license or nondriver's license application
192 pursuant to chapter 302, the director of revenue shall issue a new driver's license
193 or nondriver's license with an endorsement which identifies that the applicant
194 has received a certificate of qualification to carry concealed weapons issued
195 pursuant to sections 571.101 to 571.121 if the applicant is otherwise qualified to
196 receive such driver's license or nondriver's license. Notwithstanding any other
197 provision of chapter 302, a nondriver's license with a concealed carry endorsement
198 shall expire three years from the date the certificate of qualification was issued
199 pursuant to this section.

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

- 201 (1) Name, address, date of birth, gender, height, weight, color of hair,
202 color of eyes, and signature of the permit holder;
- 203 (2) The signature of the sheriff issuing the permit;
- 204 (3) The date of issuance; and
- 205 (4) The expiration date.

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

210 9. (1) The sheriff shall keep a record of all applications for a concealed
211 carry permit or a provisional permit and his or her action thereon. Any record
212 of an application that is incomplete or denied for any reason shall be kept for a

213 period not to exceed one year. Any record of an application that was approved
214 shall be kept for a period of one year after the expiration and nonrenewal of the
215 permit. Beginning August 28, 2013, the department of revenue shall not keep
216 any record of an application for a concealed carry permit. Any information
217 collected by the department of revenue related to an application for a concealed
218 carry endorsement prior to August 28, 2013, shall be given to the members of
219 MoSMART, created under section 650.350, for the dissemination of the
220 information to the sheriff of any county or city not within a county in which the
221 applicant resides to keep in accordance with the provisions of this subsection.

222 (2) The sheriff shall report the issuance of a concealed carry permit or
223 provisional permit to the Missouri uniform law enforcement system. All
224 information on any such permit that is protected information on any driver's or
225 nondriver's license shall have the same personal protection for purposes of
226 sections 571.101 to 571.121. An applicant's status as a holder of a concealed
227 carry permit, provisional permit, or a concealed carry endorsement issued prior
228 to August 28, 2013, shall not be public information and shall be considered
229 personal protected information. Information retained under this subsection shall
230 not be batch processed for query and shall only be made available for a single
231 entry query of an individual in the event the individual is a subject of interest in
232 an active criminal investigation or is arrested for a crime. Any person who
233 violates the provisions of this subsection by disclosing protected information shall
234 be guilty of a class A misdemeanor.

235 10. Information regarding any holder of a concealed carry permit, or a
236 concealed carry endorsement issued prior to August 28, 2013, is a closed record.
237 No bulk download or batch data shall be performed or distributed to any federal,
238 state, or private entity, except to MoSMART as provided under subsection 9 of
239 this section. Any state agency that has retained any documents or records,
240 including fingerprint records provided by an applicant for a concealed carry
241 endorsement prior to August 28, 2013, shall destroy such documents or records,
242 upon successful issuance of a permit.

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

247 12. For processing a renewal for a concealed carry permit pursuant to
248 sections 571.101 to 571.121, the sheriff in each county shall charge a

249 nonrefundable fee not to exceed fifty dollars which shall be paid to the treasury
250 of the county to the credit of the sheriff's revolving fund.

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

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

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

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

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

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

25 (4) Any courthouse solely occupied by the circuit, appellate or supreme
26 court, or any courtrooms, administrative offices, libraries or other rooms of any

27 such court whether or not such court solely occupies the building in
28 question. This subdivision shall also include, but not be limited to, any juvenile,
29 family, drug, or other court offices, any room or office wherein any of the courts
30 or offices listed in this subdivision are temporarily conducting any business
31 within the jurisdiction of such courts or offices, and such other locations in such
32 manner as may be specified by supreme court rule pursuant to subdivision (6) of
33 this subsection. Nothing in this subdivision shall preclude those persons listed
34 in subdivision (1) of subsection 2 of section 571.030 while within their jurisdiction
35 and on duty, those persons listed in subdivisions (2), (4), and (10) of subsection
36 2 of section 571.030, or such other persons who serve in a law enforcement
37 capacity for a court as may be specified by supreme court rule pursuant to
38 subdivision (6) of this subsection from carrying a concealed firearm within any
39 of the areas described in this subdivision. Possession of a firearm in a vehicle on
40 the premises of any of the areas listed in this subdivision shall not be a criminal
41 offense so long as the firearm is not removed from the vehicle or brandished while
42 the vehicle is on the premises;

43 (5) Any meeting of the governing body of a unit of local government; or
44 any meeting of the general assembly or a committee of the general assembly,
45 except that nothing in this subdivision shall preclude a member of the body
46 holding a valid concealed carry permit or endorsement from carrying a concealed
47 firearm at a meeting of the body which he or she is a member. Possession of a
48 firearm in a vehicle on the premises shall not be a criminal offense so long as the
49 firearm is not removed from the vehicle or brandished while the vehicle is on the
50 premises. Nothing in this subdivision shall preclude a member of the general
51 assembly, a full-time employee of the general assembly employed under Section
52 17, Article III, Constitution of Missouri, legislative employees of the general
53 assembly as determined under section 21.155, or statewide elected officials and
54 their employees, holding a valid concealed carry permit or endorsement, from
55 carrying a concealed firearm in the state capitol building or at a meeting whether
56 of the full body of a house of the general assembly or a committee thereof, that
57 is held in the state capitol building;

58 (6) The general assembly, supreme court, county or municipality may by
59 rule, administrative regulation, or ordinance prohibit or limit the carrying of
60 concealed firearms by permit or endorsement holders in that portion of a building
61 owned, leased or controlled by that unit of government. Any portion of a building
62 in which the carrying of concealed firearms is prohibited or limited shall be

63 clearly identified by signs posted at the entrance to the restricted area. The
64 statute, rule or ordinance shall exempt any building used for public housing by
65 private persons, highways or rest areas, firing ranges, and private dwellings
66 owned, leased, or controlled by that unit of government from any restriction on
67 the carrying or possession of a firearm. The statute, rule or ordinance shall not
68 specify any criminal penalty for its violation but may specify that persons
69 violating the statute, rule or ordinance may be denied entrance to the building,
70 ordered to leave the building and if employees of the unit of government, be
71 subjected to disciplinary measures for violation of the provisions of the statute,
72 rule or ordinance. The provisions of this subdivision shall not apply to any other
73 unit of government;

74 (7) Any establishment licensed to dispense intoxicating liquor for
75 consumption on the premises, which portion is primarily devoted to that purpose,
76 without the consent of the owner or manager. The provisions of this subdivision
77 shall not apply to the licensee of said establishment. The provisions of this
78 subdivision shall not apply to any bona fide restaurant open to the general public
79 having dining facilities for not less than fifty persons and that receives at least
80 fifty-one percent of its gross annual income from the dining facilities by the sale
81 of food. This subdivision does not prohibit the possession of a firearm in a vehicle
82 on the premises of the establishment and shall not be a criminal offense so long
83 as the firearm is not removed from the vehicle or brandished while the vehicle is
84 on the premises. Nothing in this subdivision authorizes any individual who has
85 been issued a concealed carry permit or endorsement to possess any firearm while
86 intoxicated;

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

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

92 (10) Any higher education institution or elementary or secondary school
93 facility without the consent of the governing body of the higher education
94 institution or a school official or the district school board, **unless the person**
95 **with the concealed carry endorsement or permit is a teacher or**
96 **administrator of an elementary or secondary school who has been**
97 **designated by his or her school district as a school protection officer**
98 **and is carrying a firearm in a school within that district, in which case**

99 **no consent is required.** Possession of a firearm in a vehicle on the premises
100 of any higher education institution or elementary or secondary school facility
101 shall not be a criminal offense so long as the firearm is not removed from the
102 vehicle or brandished while the vehicle is on the premises;

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

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

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

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

122 (15) Any private property whose owner has posted the premises as being
123 off-limits to concealed firearms by means of one or more signs displayed in a
124 conspicuous place of a minimum size of eleven inches by fourteen inches with the
125 writing thereon in letters of not less than one inch. The owner, business or
126 commercial lessee, manager of a private business enterprise, or any other
127 organization, entity, or person may prohibit persons holding a concealed carry
128 permit or endorsement from carrying concealed firearms on the premises and may
129 prohibit employees, not authorized by the employer, holding a concealed carry
130 permit or endorsement from carrying concealed firearms on the property of the
131 employer. If the building or the premises are open to the public, the employer of
132 the business enterprise shall post signs on or about the premises if carrying a
133 concealed firearm is prohibited. Possession of a firearm in a vehicle on the
134 premises shall not be a criminal offense so long as the firearm is not removed

135 from the vehicle or brandished while the vehicle is on the premises. An employer
136 may prohibit employees or other persons holding a concealed carry permit or
137 endorsement from carrying a concealed firearm in vehicles owned by the
138 employer;

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

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

147 2. Carrying of a concealed firearm in a location specified in subdivisions
148 (1) to (17) of subsection 1 of this section by any individual who holds a concealed
149 carry permit issued pursuant to sections 571.101 to 571.121, or a concealed carry
150 endorsement issued prior to August 28, 2013, shall not be a criminal act but may
151 subject the person to denial to the premises or removal from the premises. If
152 such person refuses to leave the premises and a peace officer is summoned, such
153 person may be issued a citation for an amount not to exceed one hundred dollars
154 for the first offense. If a second citation for a similar violation occurs within a
155 six-month period, such person shall be fined an amount not to exceed two
156 hundred dollars and his or her permit, and, if applicable, endorsement to carry
157 concealed firearms shall be suspended for a period of one year. If a third citation
158 for a similar violation is issued within one year of the first citation, such person
159 shall be fined an amount not to exceed five hundred dollars and shall have his or
160 her concealed carry permit, and, if applicable, endorsement revoked and such
161 person shall not be eligible for a concealed carry permit for a period of three
162 years. Upon conviction of charges arising from a citation issued pursuant to this
163 subsection, the court shall notify the sheriff of the county which issued the
164 concealed carry permit, or, if the person is a holder of a concealed carry
165 endorsement issued prior to August 28, 2013, the court shall notify the sheriff of
166 the county which issued the certificate of qualification for a concealed carry
167 endorsement and the department of revenue. The sheriff shall suspend or revoke
168 the concealed carry permit or, if applicable, the certificate of qualification for a
169 concealed carry endorsement. If the person holds an endorsement, the
170 department of revenue shall issue a notice of such suspension or revocation of the

171 concealed carry endorsement and take action to remove the concealed carry
172 endorsement from the individual's driving record. The director of revenue shall
173 notify the licensee that he or she must apply for a new license pursuant to
174 chapter 302 which does not contain such endorsement. The notice issued by the
175 department of revenue shall be mailed to the last known address shown on the
176 individual's driving record. The notice is deemed received three days after
177 mailing.

571.117. 1. Any person who has knowledge that another person, who was
2 issued a concealed carry permit pursuant to sections 571.101 to 571.121, or
3 concealed carry endorsement prior to August 28, 2013, never was or no longer is
4 eligible for such permit or endorsement under the criteria established in sections
5 571.101 to 571.121 may file a petition with the clerk of the small claims court to
6 revoke that person's concealed carry permit or endorsement. The petition shall
7 be in a form substantially similar to the petition for revocation of concealed carry
8 permit or endorsement provided in this section. Appeal forms shall be provided
9 by the clerk of the small claims court free of charge to any person:

SMALL CLAIMS COURT

11 In the Circuit Court of Missouri

12 PLAINTIFF

13)

14)

15 vs.) Case Number

16)

17 , DEFENDANT,

18 Carry Permit or Endorsement Holder

19 DEFENDANT,

20 Sheriff of Issuance

PETITION FOR REVOCATION

OF A CONCEALED CARRY PERMIT

OR CONCEALED CARRY ENDORSEMENT

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

30 571.121, RSMo, specifically plaintiff states that defendant, never was
31 or no longer is eligible for such permit or endorsement for one or more of the
32 following reasons:

33 (CHECK BELOW EACH REASON

34 THAT APPLIES TO THIS DEFENDANT)

35 Defendant is not at least [twenty-one] **nineteen** years of age or at least
36 eighteen years of age and a member of the United States Armed Forces
37 or honorably discharged from the United States Armed Forces.

38 Defendant is not a citizen or permanent resident of the United States.

39 Defendant had not resided in this state prior to issuance of the permit and
40 does not qualify as a military member or spouse of a military member
41 stationed in Missouri.

42 Defendant has pled guilty to or been convicted of a crime punishable by
43 imprisonment for a term exceeding two years under the laws of any state
44 or of the United States other than a crime classified as a misdemeanor
45 under the laws of any state and punishable by a term of imprisonment of
46 one year or less that does not involve an explosive weapon, firearm,
47 firearm silencer, or gas gun.

48 Defendant has been convicted of, pled guilty to or entered a plea of nolo
49 contendere to one or more misdemeanor offenses involving crimes of
50 violence within a five-year period immediately preceding application for
51 a concealed carry permit issued pursuant to sections 571.101 to 571.121,
52 RSMo, or a concealed carry endorsement issued prior to August 28, 2013,
53 or if the applicant has been convicted of two or more misdemeanor offenses
54 involving driving while under the influence of intoxicating liquor or drugs
55 or the possession or abuse of a controlled substance within a five-year
56 period immediately preceding application for a concealed carry permit
57 issued pursuant to sections 571.101 to 571.121, RSMo, or a concealed carry
58 endorsement issued prior to August 28, 2013.

59 Defendant is a fugitive from justice or currently charged in an information
60 or indictment with the commission of a crime punishable by imprisonment
61 for a term exceeding one year under the laws of any state of the United
62 States other than a crime classified as a misdemeanor under the laws of
63 any state and punishable by a term of imprisonment of two years or less
64 that does not involve an explosive weapon, firearm, firearm silencer, or
65 gas gun.

- 66 Defendant has been discharged under dishonorable conditions from the
67 United States Armed Forces.
- 68 Defendant is reasonably believed by the sheriff to be a danger to self or
69 others based on previous, documented pattern.
- 70 Defendant is adjudged mentally incompetent at the time of application or
71 for five years prior to application, or has been committed to a mental
72 health facility, as defined in section 632.005, RSMo, or a similar
73 institution located in another state, except that a person whose release or
74 discharge from a facility in this state pursuant to chapter 632, RSMo, or
75 a similar discharge from a facility in another state, occurred more than
76 five years ago without subsequent recommitment may apply.
- 77 Defendant failed to submit a completed application for a concealed carry
78 permit issued pursuant to sections 571.101 to 571.121, RSMo, or a
79 concealed carry endorsement issued prior to August 28, 2013.
- 80 Defendant failed to submit to or failed to clear the required background
81 check. (Note: This does not apply if the defendant has submitted to a
82 background check and been issued a provisional permit pursuant to
83 subdivision (2) of subsection 5 of section 571.101, and the results of the
84 background check are still pending.)
- 85 Defendant failed to submit an affidavit attesting that the applicant
86 complies with the concealed carry safety training requirement pursuant
87 to subsection 1 of section 571.111, RSMo.
- 88 Defendant is otherwise disqualified from possessing a firearm pursuant to
89 18 U.S.C. 922(g) because (specify reason):
- 90 The plaintiff subject to penalty for perjury states that the information contained
91 in this petition is true and correct to the best of the plaintiff's knowledge, is
92 reasonably based upon the petitioner's personal knowledge and is not primarily
93 intended to harass the defendant/respondent named herein.

94 PLAINTIFF

95 2. If at the hearing the plaintiff shows that the defendant was not eligible
96 for the concealed carry permit issued pursuant to sections 571.101 to 571.121, or
97 a concealed carry endorsement issued prior to August 28, 2013, at the time of
98 issuance or renewal or is no longer eligible for a concealed carry permit or the
99 concealed carry endorsement, the court shall issue an appropriate order to cause
100 the revocation of the concealed carry permit and, if applicable, the concealed
101 carry endorsement. Costs shall not be assessed against the sheriff.

102 3. The finder of fact, in any action brought against a permit or
103 endorsement holder pursuant to subsection 1 of this section, shall make findings
104 of fact and the court shall make conclusions of law addressing the issues at
105 dispute. If it is determined that the plaintiff in such an action acted without
106 justification or with malice or primarily with an intent to harass the permit or
107 endorsement holder or that there was no reasonable basis to bring the action, the
108 court shall order the plaintiff to pay the defendant/respondent all reasonable
109 costs incurred in defending the action including, but not limited to, attorney's
110 fees, deposition costs, and lost wages. Once the court determines that the
111 plaintiff is liable to the defendant/respondent for costs and fees, the extent and
112 type of fees and costs to be awarded should be liberally calculated in
113 defendant/respondent's favor. Notwithstanding any other provision of law,
114 reasonable attorney's fees shall be presumed to be at least one hundred fifty
115 dollars per hour.

116 4. Any person aggrieved by any final judgment rendered by a small claims
117 court in a petition for revocation of a concealed carry permit or concealed carry
118 endorsement may have a right to trial de novo as provided in sections 512.180 to
119 512.320.

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

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

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

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

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

9 (4) "POST commission", the peace officer standards and training
10 commission;

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

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

590.200. 1. The POST commission shall:

2 **(1) Establish minimum standards for the training of school
3 protection officers;**

4 **(2) Set the minimum number of hours of training required for a
5 school protection officer; and**

6 **(3) Set the curriculum for school protection officer training
7 programs.**

8 **2. At a minimum this training shall include:**

9 **(1) Instruction specific to the prevention of incidents of violence
10 in schools;**

11 **(2) The handling of emergency or violent crisis situations in
12 school settings;**

13 **(3) A review of state criminal law;**

14 **(4) Training involving the use of defensive force; and**

15 **(5) Training involving the use of deadly force.**

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

Section 1. If any provision of sections 1.320, 21.750, 160.665,
2 544.085, 544.086, 571.012, 571.030, 571.070, 571.101, 571.107, 571.117,
3 590.010, 590.200, or 590.207 of this act or the application thereof to
4 anyone or to any circumstance is held invalid, the remainder of those
5 sections and the application of such provisions to others or other
6 circumstances shall not be affected thereby.

Section B. The enactment of section 1.320 shall become effective on
2 January 1, 2017, or upon the revisor of statutes receiving notification that at
3 least four other states have enacted into law substantially similar language as
4 contained in section 1.320 of this act, or upon passage of any new federal acts, or
5 issuance of federal executive, administrative, or court orders which infringe upon
6 or curtail the right to keep and bear arms by law-abiding Missouri citizens as

7 defined in chapter 1.320, whichever event occurs earlier.

Section C. The enactment of section 544.085 shall become effective on
2 January 1, 2017, or upon the revisor of statutes receiving notification that at
3 least four other states have enacted into law substantially similar language as
4 contained in section 544.085 of this act, whichever event occurs earlier.

✓

Unofficial

Bill

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