

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE SUBSTITUTE FOR

SENATE BILL NO. 745

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MUNZLINGER.

Offered March 24, 2014.

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Taken up for Perfection March 24, 2014. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

5104S.04P

AN ACT

To repeal sections 57.015, 57.201, 57.220, 57.250, 221.105, 488.5026, 544.216, 571.030, 571.101, 571.104, 571.111, and 650.350, RSMo, and to enact in lieu thereof twelve new sections relating to operations of the office of sheriff, with an existing penalty provision and an emergency clause for certain sections.

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

Section A. Sections 57.015, 57.201, 57.220, 57.250, 221.105, 488.5026, 544.216, 571.030, 571.101, 571.104, 571.111, and 650.350, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 57.015, 57.201, 57.220, 57.250, 221.105, 488.5026, 544.216, 571.030, 571.101, 571.104, 571.111, and 650.350, to read as follows:

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

- (1) "Deputy sheriff" or "officer", any deputy sheriff who is employed full time by a law enforcement agency, authorized by this chapter and certified pursuant to chapter 590. This term shall not include an officer serving in probationary status or one year, whichever is longer, upon initial employment. This term shall not include any deputy sheriff with the rank of lieutenant and above, or any chief deputies, under sheriffs and the command staff as defined by the sheriff's department policy and procedure manual;
- (2) "Hearing", a closed meeting conducted by a hearing board appointed

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

11 by the sheriff for the purpose of receiving evidence in order to determine the facts
12 regarding the dismissal of a deputy sheriff. Witnesses to the event that triggered
13 the dismissal may attend the hearing for the limited purpose of providing
14 testimony; the attorney for the deputy dismissed may attend the hearing, but only
15 to serve as an observer; the sheriff and his or her attorney may attend the
16 hearing, but only to serve as an observer;

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

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

57.201. 1. The sheriff of all counties of the first class not having a charter
2 form of government shall appoint such deputies, assistants and other employees
3 as he deems necessary for the proper discharge of the duties of his office and may
4 set their compensation within the limits of the allocations made for that purpose
5 by the county commission. The compensation for the deputies, assistants and
6 employees shall be paid in equal installments out of the county treasury in the
7 same manner as other county employees are paid.

8 2. The assistants and employees shall hold office at the pleasure of the
9 sheriff.

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

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

13 in writing and signed by them and filed by the sheriff with the county
14 commission. [Deputies] **A deputy sheriff as the term "deputy sheriff" is**
15 **defined under section 57.015** shall hold office pursuant to the provisions of
16 sections 57.015 and 57.275.

57.250. The sheriff in counties of the third and fourth classifications shall
2 be entitled to such number of deputies and assistants, to be appointed by such
3 official, with the approval of a majority of the circuit judges of the circuit court,
4 as such judges shall deem necessary for the prompt and proper discharge of such
5 sheriff's duties relative to the enforcement of the criminal law of this state. Such
6 judges of the circuit court, in their order permitting the sheriff to appoint
7 deputies or assistants, shall fix the compensation of such deputies or
8 assistants. The circuit judges shall annually review their order fixing the number
9 and compensation of the deputies and assistants and in setting such number and
10 compensation shall have due regard for the financial condition of the
11 county. Each such order shall be entered of record and a certified copy thereof
12 shall be filed in the office of the county clerk at least fifteen days prior to the date
13 of the adoption of the county budget as prescribed by section 50.610. The sheriff
14 may at any time discharge any assistant and may regulate the time of such
15 person's employment. [Deputies] **A deputy sheriff as the term "deputy**
16 **sheriff" is defined under section 57.015** shall hold office pursuant to the
17 provisions of sections 57.015 and 57.275. At the request of the sheriff, the
18 presiding judge may order additional deputies in cases where exigent or
19 emergency circumstances require the need for such additional deputies.

221.105. 1. The governing body of any county and of any city not within
2 a county shall fix the amount to be expended for the cost of incarceration of
3 prisoners confined in jails or medium security institutions. The per diem cost of
4 incarceration of these prisoners chargeable by the law to the state shall be
5 determined, subject to the review and approval of the department of corrections.

6 2. When the final determination of any criminal prosecution shall be such
7 as to render the state liable for costs under existing laws, it shall be the duty of
8 the sheriff to certify to the clerk of the circuit court or court of common pleas in
9 which the case was determined the total number of days any prisoner who was
10 a party in such case remained in the county jail. It shall be the duty of the
11 county commission to supply the cost per diem for county prisons to the clerk of
12 the circuit court on the first day of each year, and thereafter whenever the
13 amount may be changed. It shall then be the duty of the clerk of the court in

14 which the case was determined to include in the bill of cost against the state all
15 fees which are properly chargeable to the state. In any city not within a county
16 it shall be the duty of the superintendent of any facility boarding prisoners to
17 certify to the chief executive officer of such city not within a county the total
18 number of days any prisoner who was a party in such case remained in such
19 facility. It shall be the duty of the superintendents of such facilities to supply the
20 cost per diem to the chief executive officer on the first day of each year, and
21 thereafter whenever the amount may be changed. It shall be the duty of the chief
22 executive officer to bill the state all fees for boarding such prisoners which are
23 properly chargeable to the state. The chief executive may by notification to the
24 department of corrections delegate such responsibility to another duly sworn
25 official of such city not within a county. The clerk of the court of any city not
26 within a county shall not include such fees in the bill of costs chargeable to the
27 state. The department of corrections shall revise its criminal cost manual in
28 accordance with this provision.

29 3. Except as provided under subsection 6 of section 217.718, the actual
30 costs chargeable to the state, including those incurred for a prisoner who is
31 incarcerated in the county jail because the prisoner's parole or probation has been
32 revoked or because the prisoner has, or allegedly has, violated any condition of
33 the prisoner's parole or probation, and such parole or probation is a consequence
34 of a violation of a state statute, or the prisoner is a fugitive from the Missouri
35 department of corrections or otherwise held at the request of the Missouri
36 department of corrections regardless of whether or not a warrant has been issued
37 shall be the actual cost of incarceration not to exceed:

38 (1) Until July 1, 1996, seventeen dollars per day per prisoner;

39 (2) On and after July 1, 1996, twenty dollars per day per prisoner;

40 (3) On and after July 1, 1997, up to thirty-seven dollars and fifty cents per
41 day per prisoner, subject to appropriations, but not less than the amount
42 appropriated in the previous fiscal year.

43 **4. All fees collected from the state for a county jail pursuant to**
44 **this section shall be deposited to the credit of the inmate prisoner**
45 **detainee security fund in the county in which the jail is located.**

488.5026. 1. Upon approval of the governing body of a city, county, or a
2 city not within a county, a surcharge of two dollars shall be assessed as costs in
3 each court proceeding filed in any court in any city, county, or city not within a
4 county adopting such a surcharge, in all criminal cases including violations of any

5 county ordinance or any violation of criminal or traffic laws of the state, including
6 an infraction and violation of a municipal ordinance; except that no such fee shall
7 be collected in any proceeding in any court when the proceeding or the defendant
8 has been dismissed by the court or when costs are to be paid by the state, county,
9 or municipality. A surcharge of two dollars shall be assessed as costs in a
10 juvenile court proceeding in which a child is found by the court to come within
11 the applicable provisions of subdivision (3) of subsection 1 of section 211.031.

12 2. Notwithstanding any other provision of law, the moneys collected by
13 clerks of the courts pursuant to the provisions of subsection 1 of this section shall
14 be collected and disbursed in accordance with sections 488.010 to 488.020, and
15 shall be payable to the treasurer of the governmental unit authorizing such
16 surcharge.

17 3. The treasurer shall deposit funds generated by the surcharge into the
18 "Inmate Prisoner Detainee Security Fund". Funds deposited shall be utilized to
19 acquire and develop biometric verification systems and information sharing to
20 ensure that inmates, prisoners, or detainees in a holding cell facility or other
21 detention facility or area which hold persons detained only for a shorter period
22 of time after arrest or after being formally charged can be properly identified
23 upon booking and tracked within the local law enforcement administration
24 system, criminal justice administration system, or the local jail system. Upon the
25 installation of the information sharing or biometric verification system, funds in
26 the inmate prisoner detainee security fund may also be used for the maintenance,
27 repair, and replacement of the information sharing or biometric verification
28 system, and also to pay for any expenses related to detention, custody, and
29 housing and other expenses for inmates, prisoners, and detainees.

30 4. **Each county shall have adopted the surcharge provided under**
31 **this section by July 31, 2014.**

544.216. **Except as otherwise provided in section 544.157,** any
2 sheriff or deputy sheriff, any member of the Missouri state highway patrol, and
3 any county or municipal law enforcement officer in this state, except those officers
4 of a political subdivision or municipality having a population of less than two
5 thousand persons or which does not have at least four full-time nonelected peace
6 officers unless such subdivision or municipality has elected to come under and is
7 operating pursuant to the provisions of sections 590.100 to 590.150, may arrest
8 on view, and without a warrant, any person the officer sees violating or who such
9 officer has reasonable grounds to believe has violated any **ordinance or** law of

10 this state, including a misdemeanor or infraction, [or has violated any ordinance]
11 over which such officer has jurisdiction. Peace officers of a municipality shall
12 have arrest powers, as described in this section, upon lands which are leased or
13 owned by the municipality in an unincorporated area. Ordinances enacted by a
14 municipality, owning or leasing lands outside its boundaries, may be enforced by
15 peace officers of the municipality upon such owned or leased lands. The power
16 of arrest authorized by this section is in addition to all other powers conferred
17 upon law enforcement officers, and shall not be construed so as to limit or restrict
18 any other power of a law enforcement officer.

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, **or any person appointed by a**
75 **court to be a special prosecutor** who has completed the firearms safety
76 training course required under subsection 2 of section 571.111;

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

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

87 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not
88 apply when the actor is transporting such weapons in a nonfunctioning state or
89 in an unloaded state when ammunition is not readily accessible or when such
90 weapons are not readily accessible. Subdivision (1) of subsection 1 of this section
91 does not apply to any person twenty-one years of age or older or eighteen years
92 of age or older and a member of the United States Armed Forces, or honorably
93 discharged from the United States Armed Forces, transporting a concealable
94 firearm in the passenger compartment of a motor vehicle, so long as such
95 concealable firearm is otherwise lawfully possessed, nor when the actor is also in
96 possession of an exposed firearm or projectile weapon for the lawful pursuit of
97 game, or is in his or her dwelling unit or upon premises over which the actor has
98 possession, authority or control, or is traveling in a continuous journey peaceably
99 through this state. Subdivision (10) of subsection 1 of this section does not apply

100 if the firearm is otherwise lawfully possessed by a person while traversing school
101 premises for the purposes of transporting a student to or from school, or
102 possessed by an adult for the purposes of facilitation of a school-sanctioned
103 firearm-related event or club event.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

188 (3) A certification issued by the state in which the individual resides that
189 indicates that the individual has, not less recently than one year before the date
190 the individual is carrying the concealed firearm, been tested or otherwise found
191 by the state to meet the standards established by the state for training and
192 qualification for active peace officers to carry a firearm of the same type as the
193 concealed 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] **last day of the month in which**
8 **the permit was issued or renewed.** The concealed carry permit is valid
9 throughout this state. **Although the permit is considered valid in the**
10 **state, a person who fails to renew his or her permit within five years**
11 **from the date of issuance or renewal shall not be eligible for an**
12 **exception to a National Instant Criminal Background Check under**
13 **federal regulations currently codified under 27 CFR 478.102(d), relating**
14 **to the transfer, sale, or delivery of firearms from licensed dealers. A**

15 concealed carry endorsement issued prior to August 28, 2013, shall continue for
16 a period of three years from the [date of issuance or renewal] **last day of the**
17 **month in which the endorsement was issued or renewed** to authorize the
18 carrying of a concealed firearm on or about the applicant's person or within a
19 vehicle in the same manner as a concealed carry permit issued under subsection
20 7 of this section on or after August 28, 2013.

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

24 (1) Is at least twenty-one years of age, is a citizen or permanent resident
25 of the United States and either:

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

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

29 (2) Is at least twenty-one years of age, or is at least eighteen years of age
30 and a member of the United States Armed Forces or honorably discharged from
31 the United States Armed Forces, and is a citizen of the United States and either:

32 (a) Has assumed residency in this state;

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

34 (c) The spouse of such member of the military stationed in Missouri and
35 twenty-one years of age;

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

42 (4) Has not been convicted of, pled guilty to or entered a plea of nolo
43 contendere to one or more misdemeanor offenses involving crimes of violence
44 within a five-year period immediately preceding application for a concealed carry
45 permit or if the applicant has not been convicted of two or more misdemeanor
46 offenses involving driving while under the influence of intoxicating liquor or
47 drugs or the possession or abuse of a controlled substance within a five-year
48 period immediately preceding application for a concealed carry permit;

49 (5) Is not a fugitive from justice or currently charged in an information
50 or indictment with the commission of a crime punishable by imprisonment for a

51 term exceeding one year under the laws of any state of the United States other
52 than a crime classified as a misdemeanor under the laws of any state and
53 punishable by a term of imprisonment of two years or less that does not involve
54 an explosive weapon, firearm, firearm silencer, or gas gun;

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

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

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

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

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

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

72 (12) Is not otherwise prohibited from possessing a firearm under section
73 571.070 or 18 U.S.C. 922(g).

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

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

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

84 (3) An affirmation that the applicant is at least twenty-one years of age
85 or is eighteen years of age or older and a member of the United States Armed
86 Forces or honorably discharged from the United States Armed Forces;

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

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

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

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

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

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

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

122 (11) A conspicuous warning that false statements made by the applicant

123 will result in prosecution for perjury pursuant to the laws of the state of
124 Missouri; and

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

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

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

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

141 5. (1) Before an application for a concealed carry permit is approved, the
142 sheriff shall make only such inquiries as he or she deems necessary into the
143 accuracy of the statements made in the application. The sheriff may require that
144 the applicant display a Missouri driver's license or nondriver's license or military
145 identification and orders showing the person being stationed in Missouri. In
146 order to determine the applicant's suitability for a concealed carry permit, the
147 applicant shall be fingerprinted. No other biometric data shall be collected from
148 the applicant. The sheriff shall [request a criminal background check, including]
149 **conduct** an inquiry of the National Instant Criminal Background Check System[,
150 through the appropriate law enforcement agency] within three working days after
151 submission of the properly completed application for a concealed carry permit. If
152 no disqualifying record is identified by these checks at the state level, the
153 fingerprints shall be forwarded to the Federal Bureau of Investigation for a
154 national criminal history record check. Upon receipt of the completed
155 [background checks,] **report from the National Instant Criminal**
156 **Background Check System and the response from the Federal Bureau**
157 **of Investigation national criminal history record check,** the sheriff shall
158 examine the results and, if no disqualifying information is identified, shall issue

159 a concealed carry permit within three working days.

160 (2) In the event the [background checks] **report from the National**
161 **Instant Criminal Background Check System and the response from the**
162 **Federal Bureau of Investigation national criminal history record check**
163 prescribed by subdivision (1) of this subsection are not completed within forty-five
164 calendar days and no disqualifying information concerning the applicant has
165 otherwise come to the sheriff's attention, the sheriff shall issue a provisional
166 permit, clearly designated on the certificate as such, which the applicant shall
167 sign in the presence of the sheriff or the sheriff's designee. This permit, when
168 carried with a valid Missouri driver's or nondriver's license or a valid military
169 identification, shall permit the applicant to exercise the same rights in accordance
170 with the same conditions as pertain to a concealed carry permit issued under this
171 section, provided that it shall not serve as an alternative to an national instant
172 criminal background check required by 18 U.S.C. 922(t). The provisional permit
173 shall remain valid until such time as the sheriff either issues or denies the
174 certificate of qualification under subsection 6 or 7 **of this section**. The sheriff
175 shall revoke a provisional permit issued under this subsection within twenty-four
176 hours of receipt of any [background check] **report** that identifies a disqualifying
177 record, and shall notify the [Missouri uniform law enforcement] **concealed**
178 **carry permit system established under subsection 5 of section**
179 **650.350**. The revocation of a provisional permit issued under this section shall
180 be proscribed in a manner consistent to the denial and review of an application
181 under subsection 6 of this section.

182 6. The sheriff may refuse to approve an application for a concealed carry
183 permit if he or she determines that any of the requirements specified in
184 subsection 2 of this section have not been met, or if he or she has a substantial
185 and demonstrable reason to believe that the applicant has rendered a false
186 statement regarding any of the provisions of sections 571.101 to 571.121. If the
187 applicant is found to be ineligible, the sheriff is required to deny the application,
188 and notify the applicant in writing, stating the grounds for denial and informing
189 the applicant of the right to submit, within thirty days, any additional
190 documentation relating to the grounds of the denial. Upon receiving any
191 additional documentation, the sheriff shall reconsider his or her decision and
192 inform the applicant within thirty days of the result of the reconsideration. The
193 applicant shall further be informed in writing of the right to appeal the denial
194 pursuant to subsections 2, 3, 4, and 5 of section 571.114. After two additional

195 reviews and denials by the sheriff, the person submitting the application shall
196 appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114.

197 7. If the application is approved, the sheriff shall issue a concealed carry
198 permit to the applicant within a period not to exceed three working days after his
199 or her approval of the application. The applicant shall sign the concealed carry
200 permit in the presence of the sheriff or his or her designee [and shall within
201 seven days of receipt of the certificate of qualification take the certificate of
202 qualification to the department of revenue. Upon verification of the certificate of
203 qualification and completion of a driver's license or nondriver's license application
204 pursuant to chapter 302, the director of revenue shall issue a new driver's license
205 or nondriver's license with an endorsement which identifies that the applicant
206 has received a certificate of qualification to carry concealed weapons issued
207 pursuant to sections 571.101 to 571.121 if the applicant is otherwise qualified to
208 receive such driver's license or nondriver's license. Notwithstanding any other
209 provision of chapter 302, a nondriver's license with a concealed carry endorsement
210 shall expire three years from the date the certificate of qualification was issued
211 pursuant to this section].

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

213 (1) Name, address, date of birth, gender, height, weight, color of hair,
214 color of eyes, and signature of the permit holder;

215 (2) The signature of the sheriff issuing the permit;

216 (3) The date of issuance; and

217 (4) The expiration date.

218 The permit shall be no larger than two **and one-eighth** inches wide by three and
219 **[one-fourth] three-eighths** inches long and shall be of a uniform style prescribed
220 by the department of public safety. The permit shall also be assigned a [Missouri
221 uniform law enforcement] **concealed carry permit** system county code and
222 shall be stored in sequential number.

223 9. (1) The sheriff shall keep a record of all applications for a concealed
224 carry permit or a provisional permit and his or her action thereon. Any record
225 of an application that is incomplete or denied for any reason shall be kept for a
226 period not to exceed one year. Any record of an application that was approved
227 shall be kept for a period of one year after the expiration and nonrenewal of the
228 permit. [Beginning August 28, 2013, the department of revenue shall not keep
229 any record of an application for a concealed carry permit. Any information
230 collected by the department of revenue related to an application for a concealed

231 carry endorsement prior to August 28, 2013, shall be given to the members of
232 MoSMART, created under section 650.350, for the dissemination of the
233 information to the sheriff of any county or city not within a county in which the
234 applicant resides to keep in accordance with the provisions of this subsection.]

235 (2) The sheriff shall report the issuance of a concealed carry permit or
236 provisional permit to the [Missouri uniform law enforcement] **concealed carry**
237 **permit** system. All information on any such permit that is protected information
238 on any driver's or nondriver's license shall have the same personal protection for
239 purposes of sections 571.101 to 571.121. An applicant's status as a holder of a
240 concealed carry permit, provisional permit, or a concealed carry endorsement
241 issued prior to August 28, 2013, shall not be public information and shall be
242 considered personal protected information. Information retained **in the**
243 **concealed carry permit system** under this subsection shall not be [batch
244 processed for query] **distributed to any federal, state, or private entities**
245 and shall only be made available for a single entry query of an individual in the
246 event the individual is a subject of interest in an active criminal investigation or
247 is arrested for a crime. **A sheriff may access the concealed carry permit**
248 **system for administrative purposes to issue a permit, verify the**
249 **accuracy of permit holder information, change the name or address of**
250 **a permit holder, suspend or revoke a permit, cancel an expired permit,**
251 **or cancel a permit upon receipt of a certified death certificate for the**
252 **permit holder.** Any person who violates the provisions of this [subsection]
253 **subdivision** by disclosing protected information shall be guilty of a class A
254 misdemeanor.

255 10. Information regarding any holder of a concealed carry permit, or a
256 concealed carry endorsement issued prior to August 28, 2013, is a closed record.
257 No bulk download or batch data shall be [performed or] distributed to any
258 federal, state, or private entity, except to MoSMART [as provided under
259 subsection 9 of this section] **or a designee thereof.** Any state agency that has
260 retained any documents or records, including fingerprint records provided by an
261 applicant for a concealed carry endorsement prior to August 28, 2013, shall
262 destroy such documents or records, upon successful issuance of a permit.

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

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

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

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

571.104. 1. [(1) A concealed carry permit issued pursuant to sections
2 571.101 to 571.121, and, if applicable,] A concealed carry endorsement issued
3 prior to August 28, 2013, shall be suspended or revoked if the concealed carry
4 [permit or] endorsement holder becomes ineligible for such [permit
5 or] endorsement under the criteria established in subdivisions [(2),] (3), (4), (5),
6 [(7)] (8), and (11) of subsection 2 of section 571.101 or upon the issuance of a
7 valid full order of protection. **The following procedures shall be followed:**

8 [(2)] (1) When a valid full order of protection, or any arrest warrant,
9 discharge, or commitment for the reasons listed in subdivision [(2),] (3), (4), (5),
10 [(7)] (8), or (11) of subsection 2 of section 571.101, is issued against a person
11 holding [a concealed carry permit issued pursuant to sections 571.101 to 571.121,
12 or] a concealed carry endorsement issued prior to August 28, 2013, upon
13 notification of said order, warrant, discharge or commitment or upon an order of
14 a court of competent jurisdiction in a criminal proceeding, a commitment
15 proceeding or a full order of protection proceeding ruling that a person holding
16 a concealed carry [permit or] endorsement presents a risk of harm to themselves
17 or others, then upon notification of such order, the holder of the concealed carry
18 [permit or] endorsement shall surrender [the permit, and, if applicable,] the
19 driver's license or nondriver's license containing the concealed carry endorsement
20 to the court, officer, or other official serving the order, warrant, discharge, or
21 commitment.

22 [(3) In cases involving a concealed carry endorsement issued prior to
23 August 28, 2013,] The official to whom the driver's license or nondriver's license
24 containing the concealed carry endorsement is surrendered shall issue a receipt

25 to the licensee for the license upon a form, approved by the director of revenue,
26 that serves as a driver's license or a nondriver's license and clearly states the
27 concealed carry endorsement has been suspended. The official shall then
28 transmit the driver's license or a nondriver's license containing the concealed
29 carry endorsement to the circuit court of the county issuing the order, warrant,
30 discharge, or commitment. [The concealed carry permit issued pursuant to
31 sections 571.101 to 571.121, and, if applicable,] The concealed carry endorsement
32 issued prior to August 28, 2013, shall be suspended until the order is terminated
33 or until the arrest results in a dismissal of all charges. **The official to whom**
34 **the endorsement is surrendered shall administratively suspend the**
35 **endorsement in the concealed carry permit system established under**
36 **subsection 5 of section 650.350 until such time as the order is**
37 **terminated or until the charges are dismissed.** Upon dismissal, the court
38 holding the [permit and, if applicable, the] driver's license or nondriver's license
39 containing the concealed carry endorsement shall return such [permit or] license
40 to the individual, **and the official to whom the endorsement was**
41 **surrendered shall administratively return the endorsement to good**
42 **standing within the concealed carry permit system.**

43 [(4)] (2) Any conviction, discharge, or commitment specified in sections
44 571.101 to 571.121 shall result in a revocation. Upon conviction, the court shall
45 forward a notice of conviction or action [and the permit to the issuing county
46 sheriff. If a concealed carry endorsement issued prior to August 28, 2013, is
47 revoked, the court shall forward the notice] and the driver's license or nondriver's
48 license with the concealed carry endorsement to the department of revenue. The
49 department of revenue shall notify the sheriff of the county which issued the
50 certificate of qualification for a concealed carry endorsement. The sheriff who
51 issued the [concealed carry permit, or the] certificate of qualification prior to
52 August 28, 2013, shall report the change in status of the [concealed carry permit
53 or] endorsement to the [Missouri uniform law enforcement] **concealed carry**
54 **permit system established under subsection 5 of section 650.350.** The
55 director of revenue shall immediately remove the endorsement issued prior to
56 August 28, 2013, from the individual's driving record within three days of the
57 receipt of the notice from the court. The director of revenue shall notify the
58 licensee that he or she must apply for a new license pursuant to chapter 302
59 which does not contain such endorsement. This requirement does not affect the
60 driving privileges of the licensee. The notice issued by the department of revenue

61 shall be mailed to the last known address shown on the individual's driving
62 record. The notice is deemed received three days after mailing.

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

70 **(1) When a valid full order of protection or any arrest warrant,**
71 **discharge, or commitment for the reasons listed in subdivision (3), (4),**
72 **(5), (8), or (11) of subsection 2 of section 571.101 is issued against a**
73 **person holding a concealed carry permit, upon notification of said**
74 **order, warrant, discharge, or commitment or upon an order of a court**
75 **of competent jurisdiction in a criminal proceeding, a commitment**
76 **proceeding, or a full order of protection proceeding ruling that a**
77 **person holding a concealed carry permit presents a risk of harm to**
78 **themselves or others, then upon notification of such order, the holder**
79 **of the concealed carry permit shall surrender the permit to the court,**
80 **officer, or other official serving the order, warrant, discharge, or**
81 **commitment. The permit shall be suspended until the order is**
82 **terminated or until the arrest results in a dismissal of all charges. The**
83 **official to whom the permit is surrendered shall administratively**
84 **suspend the permit in the concealed carry permit system until the**
85 **order is terminated or the charges are dismissed. Upon dismissal, the**
86 **court holding the permit shall return such permit to the individual and**
87 **the official to whom the permit was surrendered shall administratively**
88 **return the permit to good standing within the concealed carry permit**
89 **system.**

90 **(2) Any conviction, discharge, or commitment specified in**
91 **sections 571.101 to 571.121 shall result in a revocation. Upon**
92 **conviction, the court shall forward a notice of conviction or action and**
93 **the permit to the issuing county sheriff. The sheriff who issued the**
94 **concealed carry permit shall report the change in status of the**
95 **concealed carry permit to the concealed carry permit system.**

96 **[2.] 3. A concealed carry permit shall be renewed for a qualified applicant**
97 **upon receipt of the properly completed renewal application and the required**

98 renewal fee by the sheriff of the county of the applicant's residence. The renewal
99 application shall contain the same required information as set forth in subsection
100 3 of section 571.101, except that in lieu of the fingerprint requirement of
101 subsection 5 of section 571.101 and the firearms safety training, the applicant
102 need only display his or her current concealed carry permit. A name-based
103 [background check, including an] inquiry of the National Instant Criminal
104 Background Check System, shall be completed for each renewal application. The
105 sheriff shall review the results of the [background check] **report from the**
106 **National Instant Criminal Background Check System**, and when the
107 sheriff has determined the applicant has successfully completed all renewal
108 requirements and is not disqualified under any provision of section 571.101, the
109 sheriff shall issue a new concealed carry permit which contains the date such
110 permit was renewed. The process for renewing a concealed carry endorsement
111 issued prior to August 28, 2013, shall be the same as the process for renewing a
112 permit, except that in lieu of the fingerprint requirement of subsection 5 of
113 section 571.101 and the firearms safety training, the applicant need only display
114 his or her current driver's license or nondriver's license containing an
115 endorsement. Upon successful completion of all renewal requirements, the sheriff
116 shall issue a new concealed carry permit as provided under this subsection.

117 [3.] 4. A person who has been issued a concealed carry permit, or a
118 certificate of qualification for a concealed carry endorsement prior to August 28,
119 2013, who fails to file a renewal application for a concealed carry permit on or
120 before its expiration date must pay an additional late fee of ten dollars per month
121 for each month it is expired for up to six months. After six months, the sheriff
122 who issued the expired concealed carry permit or certificate of qualification shall
123 notify the [Missouri uniform law enforcement] **concealed carry permit** system
124 [and the individual] that such permit is expired and cancelled. If the person has
125 a concealed carry endorsement issued prior to August 28, 2013, the sheriff who
126 issued the certificate of qualification for the endorsement shall notify the director
127 of revenue that such certificate is expired regardless of whether the endorsement
128 holder has applied for a concealed carry permit under subsection 2 of this
129 section. The director of revenue shall immediately remove such endorsement
130 from the individual's driving record and notify the individual that his or her
131 driver's license or nondriver's license has expired. The notice shall be conducted
132 in the same manner as described in subsection 1 of this section. Any person who
133 has been issued a concealed carry permit pursuant to sections 571.101 to 571.121,

134 or a concealed carry endorsement issued prior to August 28, 2013, who fails to
135 renew his or her application within the six-month period must reapply for a new
136 concealed carry permit and pay the fee for a new application.

137 [4.] **5.** Any person issued a concealed carry permit pursuant to sections
138 571.101 to 571.121, or a concealed carry endorsement issued prior to August 28,
139 2013, shall notify the [sheriffs of both the old and new jurisdictions] **sheriff of**
140 **the new jurisdiction** of the permit or endorsement holder's change of residence
141 within thirty days after the changing of a permanent residence **to a location**
142 **outside the county of permit issuance.** The permit or endorsement holder
143 shall furnish proof to the sheriff in the new jurisdiction that the permit or
144 endorsement holder has changed his or her residence. **The sheriff in the new**
145 **jurisdiction shall notify the sheriff in the old jurisdiction of the permit**
146 **holder's change of address and the sheriff in the old jurisdiction shall**
147 **transfer any information on file for the permit holder to the sheriff in**
148 **the new jurisdiction within thirty days.** The sheriff of the new jurisdiction
149 may charge a processing fee of not more than ten dollars for any costs associated
150 with notification of a change in residence. [If the person has a concealed carry
151 endorsement issued prior to August 28, 2013, the endorsement holder shall also
152 furnish proof to the department of revenue of his or her residence change. In
153 such cases, the change of residence shall be made by the department of revenue
154 onto the individual's driving record.] The sheriff shall report the residence change
155 to the [Missouri uniform law enforcement system, and] **concealed carry permit**
156 **system, take possession and destroy the old permit, and then issue a**
157 **new permit to the permit holder.** The new address shall be accessible by the
158 [Missouri uniform law enforcement] **concealed carry permit** system within
159 three days of receipt of the information. **If the person has a concealed carry**
160 **endorsement issued prior to August 28, 2013, the endorsement holder**
161 **shall also furnish proof to the department of revenue of his or her**
162 **residence change. In such cases, the change of residence shall be made**
163 **by the department of revenue onto the individual's driving record.**

164 [5.] **6.** Any person issued a concealed carry permit pursuant to sections
165 571.101 to 571.121, or a concealed carry endorsement issued prior to August 28,
166 2013, shall notify the sheriff or his or her designee of the permit or endorsement
167 holder's county or city of residence within seven days after actual knowledge of
168 the loss or destruction of his or her permit or driver's license or nondriver's
169 license containing a concealed carry endorsement. The permit or endorsement

170 holder shall furnish a statement to the sheriff that the permit or driver's license
171 or nondriver's license containing the concealed carry endorsement has been lost
172 or destroyed. After notification of the loss or destruction of a permit or driver's
173 license or nondriver's license containing a concealed carry endorsement, the
174 sheriff may charge a processing fee of ten dollars for costs associated with
175 ~~[placing]~~ **replacing** a lost or destroyed permit or driver's license or nondriver's
176 license containing a concealed carry endorsement and shall reissue a new
177 concealed carry permit within three working days of being notified by the
178 concealed carry permit or endorsement holder of its loss or destruction. The new
179 concealed carry permit shall contain the same personal information, including
180 expiration date, as the original concealed carry permit.

181 **[6.] 7.** If a person issued a concealed carry permit, or endorsement issued
182 prior to August 28, 2013, changes his or her name, the person to whom the permit
183 or endorsement was issued shall obtain a corrected or new concealed carry permit
184 with a change of name from the sheriff who issued the original concealed carry
185 permit or the original certificate of qualification for an endorsement upon the
186 sheriff's verification of the name change. The sheriff may charge a processing fee
187 of not more than ten dollars for any costs associated with obtaining a corrected
188 or new concealed carry permit. The permit or endorsement holder shall furnish
189 proof of the name change to the sheriff within thirty days of changing his or her
190 name and display his or her concealed carry permit or current driver's license or
191 nondriver's license containing a concealed carry endorsement. The sheriff shall
192 report the name change to the ~~[Missouri uniform law enforcement]~~ **concealed**
193 **carry permit** system, and the new name shall be accessible by the ~~[Missouri~~
194 ~~uniform law enforcement]~~ **concealed carry permit** system within three days
195 of receipt of the information.

196 **[7.] 8.** **The person with a concealed carry permit, or endorsement**
197 **issued prior to August 28, 2013, shall notify the sheriff of a name or**
198 **address change within thirty days of the change.** A concealed carry permit
199 and, if applicable, endorsement shall be automatically invalid after ~~[thirty]~~ **one**
200 **hundred eighty** days if the permit or endorsement holder has changed his or
201 her name or changed his or her residence and not notified the sheriff as required
202 in subsections ~~[4]~~ **5** and ~~[6]~~ **7** of this section. **The sheriff shall assess a late**
203 **penalty of ten dollars per month for each month, up to six months and**
204 **not to exceed sixty dollars, for the failure to notify the sheriff of the**
205 **change of name or address within thirty days.**

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

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

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

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

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

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

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

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

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

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

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

37 **either firearm;**

38 (3) The basic principles of marksmanship;

39 (4) Care and cleaning of concealable firearms;

40 (5) Safe storage of firearms at home;

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

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

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

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

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

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

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

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

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

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

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

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

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

72 5. A firearms safety instructor shall be considered to be a qualified

73 firearms safety instructor by any sheriff issuing a concealed carry permit
74 pursuant to sections 571.101 to 571.121 if the instructor:

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

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

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

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

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

86 6. Any firearms safety instructor qualified under subsection 5 of this
87 section may submit a copy of a training instructor certificate, course outline
88 bearing **the** notarized signature of **the** instructor, and **a** recent photograph of [his
89 or herself] **the instructor** to the sheriff of the county in which [he or she] **the**
90 **instructor** resides. **[Each] The sheriff shall review the training instructor**
91 **certificate along with the course outline and verify the firearms safety**
92 **instructor is qualified and the course meets the requirements provided**
93 **under this section. If the sheriff verifies the firearms safety instructor**
94 **is qualified and the course meets the requirements provided under this**
95 **section, the** sheriff shall collect an annual registration fee of ten dollars from each
96 qualified instructor who chooses to submit such information and [shall retain a]
97 **submit the registration to the Missouri sheriff methamphetamine relief**
98 **taskforce. The Missouri sheriff methamphetamine relief taskforce, or its**
99 **designated agent, shall create and maintain a statewide** database of
100 qualified instructors. This information shall be a closed record except for access
101 by any sheriff. **Firearms safety instructors may register annually and the**
102 **registration is only effective for the calendar year in which the**
103 **instructor registered. Any sheriff may access the statewide database**
104 **maintained by the Missouri sheriff methamphetamine relief taskforce**
105 **to verify the firearms safety instructor is qualified and the course**
106 **offered by the instructor meets the requirements provided under this**
107 **section. Unless a sheriff has reason to believe otherwise, a sheriff shall**
108 **presume a firearms safety instructor is qualified to provide firearms**

109 **safety instruction in counties throughout the state under this section**
110 **if the instructor is registered on the statewide database of qualified**
111 **instructors.**

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

 650.350. 1. There is hereby created within the department of public
2 safety the "Missouri Sheriff Methamphetamine Relief Taskforce"
3 (MoSMART). MoSMART shall be composed of five sitting sheriffs. Every two
4 years, the Missouri Sheriffs' Association board of directors will submit twenty
5 names of sitting sheriffs to the governor. The governor shall appoint five
6 members from the list of twenty names, having no more than three from any one
7 political party, to serve a term of two years on MoSMART. The members shall
8 elect a chair from among their membership. Members shall receive no
9 compensation for the performance of their duties pursuant to this section, but
10 each member shall be reimbursed from the MoSMART fund for actual and
11 necessary expenses incurred in carrying out duties pursuant to this section.

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

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

22 4. Except for money deposited into the deputy sheriff salary
23 supplementation fund created under section 57.278 or money deposited into the
24 concealed carry permit fund created under subsection 5 of this section, all moneys
25 **[appropriate] appropriated** to or received by MoSMART shall be deposited and
26 credited to the MoSMART fund. The department of public safety shall only be
27 reimbursed for actual and necessary expenses for the administration of

28 MoSMART, which shall be no less than one percent and which shall not exceed
29 two percent of all moneys appropriated to the fund, except that the department
30 shall not receive any amount of the money deposited into the deputy sheriff
31 salary supplementation fund for administrative purposes. The provisions of
32 section 33.080 to the contrary notwithstanding, moneys in the MoSMART fund
33 shall not lapse to general revenue at the end of the biennium.

34 5. A special fund is hereby created in the state treasury to be known as
35 the "Concealed Carry Permit Fund". The state treasurer shall invest the moneys
36 in such fund in the manner authorized by law. All moneys **appropriated by**
37 **the general assembly to the fund** shall be deposited to the credit of the
38 fund. The director of the department of public safety shall annually distribute
39 all moneys in the fund in the form of grants approved by MoSMART. The
40 department of public safety shall administer all MoSMART grant deposits under
41 this section. Grant funds deposited into the fund created under this section shall
42 be spent first to ensure county law enforcement agencies' ability to comply with
43 the issuance of concealed carry permits including, but not limited to, equipment,
44 records management hardware and software, personnel, supplies, and other
45 services. **MoSMART shall provide grants as authorized by the general**
46 **assembly to sheriffs, and any designee that is created and authorized**
47 **to support sheriffs in the creation, maintenance, and operation of a**
48 **statewide concealed carry permit system for Missouri sheriffs and law**
49 **enforcement purposes. The concealed carry permit system shall consist**
50 **of a server network accessible by all Missouri sheriffs and law**
51 **enforcement agencies for purposes that do not conflict with this**
52 **chapter. All equipment, software, and services necessary to create,**
53 **maintain, and operate the concealed carry permit system shall be the**
54 **property of the sheriffs and MoSMART's designee. A designee of**
55 **MoSMART and the sheriffs may administer and operate the concealed**
56 **carry permit system utilizing policies and procedures established by**
57 **MoSMART by way of a memorandum of understanding and MoSMART**
58 **protocol. Any equipment, software, or services provided to a sheriff as**
59 **part of the concealed carry permit system shall become property of**
60 **MoSMART's designee and the sheriff's office and MoSMART shall not be**
61 **responsible for the maintenance or replacement of such equipment,**
62 **software, or services.** Notwithstanding the provisions of section 33.080 to the
63 contrary, any moneys remaining in the fund at the end of the biennium shall not

64 revert to the credit of the general revenue fund. The state treasurer shall invest
65 moneys in the fund in the same manner as other funds are invested. Any interest
66 and moneys earned on such investments shall be credited to the fund.

67 6. Any rule or portion of a rule, as that term is defined in section 536.010,
68 that is created under the authority delegated in this section shall become effective
69 only if it complies with and is subject to all of the provisions of chapter 536 and,
70 if applicable, section 536.028. This section and chapter 536 are nonseverable and
71 if any of the powers vested with the general assembly pursuant to chapter 536 to
72 review, to delay the effective date or to disapprove and annul a rule are
73 subsequently held unconstitutional, then the grant of rulemaking authority and
74 any rule proposed or adopted after August 28, 2003, shall be invalid and void.

75 7. Any county law enforcement entity or established task force with a
76 memorandum of understanding and protocol may apply for grants from the
77 MoSMART fund on an application to be developed by the department of public
78 safety with the approval of MoSMART. All applications shall be evaluated by
79 MoSMART and approved or denied based upon the level of funding designated for
80 methamphetamine enforcement before 1997 and upon current need and
81 circumstances. No applicant shall receive a MoSMART grant in excess of one
82 hundred thousand dollars per year. The department of public safety shall
83 monitor all MoSMART grants.

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

85 (1) Sheriffs who are participating in coordinated multijurisdictional task
86 forces and have their task forces apply for funding;

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

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

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

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

Section B. Because of the need for adequate funding for county jails to
2 ensure public safety, the repeal and reenactment of sections 221.105 and
3 488.5026 of this act is deemed necessary for the immediate preservation of the

4 public health, welfare, peace and safety, and is hereby declared to be an
5 emergency act within the meaning of the constitution, and the repeal and
6 reenactment of sections 221.105 and 488.5026 of this act shall be in full force and
7 effect on July 1, 2014 or upon its passage and approval, whichever later occurs.

✓

Unofficial

Bill

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