

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1439

97TH GENERAL ASSEMBLY

Reported from the Committee on General Laws, April 23, 2014, with recommendation that the Senate Committee Substitute do pass.

5129S.05C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 1.320, 21.750, 571.030, 571.080, 571.101, 571.107, 571.111, 571.117, 590.010, and 590.205, RSMo, and to enact in lieu thereof twenty-three 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A. Sections 1.320, 21.750, 571.030, 571.080, 571.101, 571.107, 571.111, 571.117, 590.010, and 590.205, RSMo, are repealed and twenty-three new sections enacted in lieu thereof, to be known as sections 1.400, 1.410, 1.420, 1.430, 1.440, 1.450, 1.460, 1.470, 1.480, 21.750, 160.665, 571.012, 571.030, 571.101, 571.107, 571.111, 571.117, 590.010, 590.200, 590.205, 590.207, 1, and 2, to read as follows:

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

2. The general assembly finds and declares that:

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

(2) Acting through the United States Constitution, the people of the several states created the federal government to be their agent in

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

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;

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

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

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

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

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

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

11 **(2) Any registering or tracking of firearms, firearm accessories,**
12 **or ammunition which might reasonably be expected to create a chilling**
13 **effect on the purchase or ownership of those items by law-abiding**
14 **citizens;**

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

19 **(4) Any act forbidding the possession, ownership, or use or**
20 **transfer of a firearm, firearm accessory, or ammunition by law-abiding**
21 **citizens; and**

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

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

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

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

1.450. No one, including any public officer or employee of this
2 state or any political subdivision of this state, shall have authority to
3 enforce or attempt to enforce any federal acts, laws, executive orders,

4 administrative orders, court orders, rules, regulations, statutes, or
5 ordinances, infringing on the right to keep and bear arms as defined in
6 section 1.410.

1.460. 1. Any entity or person who knowingly, as defined in
2 section 562.016, violates section 1.440 or 1.450 or otherwise knowingly
3 deprives a citizen of Missouri of the rights or privileges ensured by the
4 Second Amendment of the United States Constitution or section 23 of
5 article I of the Missouri Constitution, while acting under the color of
6 any state or federal law, shall be liable to the injured party in an action
7 at law, suit in equity, or other proper proceeding for redress.

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

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

1.470. 1. Any person who knowingly, as defined in section
2 562.016, and while acting as an official, agent, employee, or deputy of
3 the United States Government or while otherwise acting under the
4 color of federal law while within the borders of this state:

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

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

10 shall forever be ineligible to serve as a law enforcement officer or to
11 supervise law enforcement officers for the state or any political
12 subdivision of the state.

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

17 3. Any person, who resides in or conducts business in a
18 jurisdiction and who believes that a law enforcement officer or a
19 supervisor of law enforcement officers of that jurisdiction has taken
20 action that would render the law enforcement officer or supervisor of
21 law enforcement officers ineligible to serve in such capacity under this
22 section, shall have standing to pursue an action for declaratory

23 judgment regarding the eligibility of the law enforcement officer or the
24 supervisor of law enforcement officers in the circuit court of the county
25 in which the action allegedly occurred, or in the circuit court of Cole
26 County.

27 4. If a court determines that a law enforcement officer or
28 supervisor of law enforcement officers has taken an action that would
29 render him or her ineligible to serve in that capacity under this
30 section:

31 (1) The law enforcement officer or supervisor of law enforcement
32 officers shall immediately be terminated from his or her position as a
33 law enforcement officer or supervisor of law enforcement officers; and

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

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

1.480. For the purposes of sections 1.400 to 1.480, the term "law-
2 abiding citizen" shall mean a person who is not otherwise precluded
3 under state law from possessing a firearm and shall not be construed
4 to include anyone who is not legally present in the United States or the
5 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 the open carrying of firearms is**
23 **prohibited by ordinance, the open carrying of firearms 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**
28 **from another state that is recognized by this state, in his or her**
29 **possession at all times;**

30 **(b) Any person open carrying a firearm in such jurisdiction shall**
31 **display his or her concealed carry endorsement or 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. The school protection officer shall not be
12 permitted to allow any firearm out of his or her personal control while
13 such firearm is on school property. Any school protection officer who
14 violates this subsection may be removed immediately from the
15 classroom and 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 or permit, and all teachers and
36 administrators seeking the designation of school protection officer
37 shall submit a certificate of school protection officer training program
38 completion from a training program approved by the director of the
39 department of public safety which demonstrates that such person has
40 successfully completed the training requirements established by the
41 POST commission under chapter 590 for school protection officers.

42 7. No school district may designate a teacher or administrator as
43 a school protection officer unless such person has successfully
44 completed a school protection officer training program, which has been
45 approved by the director of the department of public safety. No school
46 district shall allow a school protection officer to carry a concealed
47 firearm on school property unless the school protection officer has a
48 valid concealed carry endorsement or permit.

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

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

57 Notwithstanding any other law, any identifying information collected
58 under the authority of this subsection shall not be considered public
59 information and shall not be subject to a request for public records
60 made under chapter 610.

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

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

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

3 **(1) Inquire as to whether a patient owns or has access to a**
4 **firearm;**

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

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

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

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

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

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 **issued prior to August 28, 2013, or a valid concealed carry**
86 **permit**, when such uses are reasonably associated with or are necessary to the
87 fulfillment of such person's official duties.

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

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

110 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this

111 section shall not apply to persons who are engaged in a lawful act of defense
112 pursuant to section 563.031.

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

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

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

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

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

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

145 (3) For any violation by a persistent offender as defined in section
146 558.016, a person shall be sentenced to the maximum authorized term of

147 imprisonment for a class B felony without the possibility of parole, probation, or
148 conditional release;

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

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

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

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

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

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

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

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

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

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

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

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

181 (1) A photographic identification issued by the agency from which the
182 individual retired from service as a peace officer that indicates that the individual

183 has, not less recently than one year before the date the individual is carrying the
184 concealed firearm, been tested or otherwise found by the agency to meet the
185 standards established by the agency for training and qualification for active peace
186 officers to carry a firearm of the same type as the concealed firearm; or

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

189 (3) A certification issued by the state in which the individual resides that
190 indicates that the individual has, not less recently than one year before the date
191 the individual is carrying the concealed firearm, been tested or otherwise found
192 by the state to meet the standards established by the state for training and
193 qualification for active peace officers to carry a firearm of the same type as the
194 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. A concealed carry endorsement issued prior to August 28,
10 2013, shall continue for a period of three years from the [date of issuance or
11 renewal] **last day of the month in which the endorsement was issued or**
12 **renewed** to authorize the carrying of a concealed firearm on or about the
13 applicant's person or within a vehicle in the same manner as a concealed carry
14 permit issued under subsection 7 of this section on or after August 28, 2013.

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

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

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

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

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

25 discharged from the United States Armed Forces, and is a citizen of the United
26 States and either:

27 (a) Has assumed residency in this state;

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

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

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

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

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

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

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

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

60 (9) Submits a completed application for a permit as described in

61 subsection 3 of this section;

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

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

67 (12) Is not otherwise prohibited from possessing a firearm under section
68 571.070 [or 18 U.S.C. 922(g)].

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

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

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

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

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

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

96 (6) An affirmation that the applicant is not a fugitive from justice or

97 currently charged in an information or indictment with the commission of a crime
98 punishable by imprisonment for a term exceeding one year under the laws of any
99 state or of the United States other than a crime classified as a misdemeanor
100 under the laws of any state and punishable by a term of imprisonment of two
101 years or less that does not involve an explosive weapon, firearm, firearm silencer
102 or gas gun;

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

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

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

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

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

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

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

132 (1) A photocopy of a firearms safety training certificate of completion or

133 other evidence of completion of a firearms safety training course that meets the
134 standards established in subsection 1 or 2 of section 571.111; and

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

138 5. (1) Before an application for a concealed carry permit is approved, the
139 sheriff shall make only such inquiries as he or she deems necessary into the
140 accuracy of the statements made in the application. The sheriff may require that
141 the applicant display a Missouri driver's license or nondriver's license or military
142 identification and orders showing the person being stationed in Missouri. In
143 order to determine the applicant's suitability for a concealed carry permit, the
144 applicant shall be fingerprinted. No other biometric data shall be collected from
145 the applicant. The sheriff shall request a criminal background check, including
146 an inquiry of the National Instant Criminal Background Check System, through
147 the appropriate law enforcement agency within three working days after
148 submission of the properly completed application for a concealed carry permit. If
149 no disqualifying record is identified by these checks at the state level, the
150 fingerprints shall be forwarded to the Federal Bureau of Investigation for a
151 national criminal history record check. Upon receipt of the completed background
152 checks, the sheriff shall examine the results and, if no disqualifying information
153 is identified, shall issue a concealed carry permit within three working days.

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

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

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

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

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

204 (1) Name, address, date of birth, gender, height, weight, color of hair,

205 color of eyes, and signature of the permit holder;

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

207 (3) The date of issuance; and

208 (4) The expiration date.

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

213 9. (1) The sheriff shall keep a record of all applications for a concealed
214 carry permit or a provisional permit and his or her action thereon. Any record
215 of an application that is incomplete or denied for any reason shall be kept for a
216 period not to exceed one year. Any record of an application that was approved
217 shall be kept for a period of one year after the expiration and nonrenewal of the
218 permit. Beginning August 28, 2013, the department of revenue shall not keep
219 any record of an application for a concealed carry permit. Any information
220 collected by the department of revenue related to an application for a concealed
221 carry endorsement prior to August 28, 2013, shall be given to the members of
222 MoSMART, created under section 650.350, for the dissemination of the
223 information to the sheriff of any county or city not within a county in which the
224 applicant resides to keep in accordance with the provisions of this subsection.

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

238 10. Information regarding any holder of a concealed carry permit, or a
239 concealed carry endorsement issued prior to August 28, 2013, is a closed record.
240 No bulk download or batch data shall be performed or distributed to any federal,

241 state, or private entity, except to MoSMART as provided under subsection 9 of
242 this section. Any state agency that has retained any documents or records,
243 including fingerprint records provided by an applicant for a concealed carry
244 endorsement prior to August 28, 2013, shall destroy such documents or records,
245 upon successful issuance of a permit.

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

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

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

258 14. For the purposes of this chapter, "concealed carry permit" shall
259 include any concealed carry endorsement issued by the department of revenue
260 before January 1, 2014, and any concealed carry document issued by any sheriff
261 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.

571.111. 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 notarized signature of instructor, and recent photograph of his or herself
89 to the sheriff of the county in which he or she resides. Each sheriff shall collect
90 an annual registration fee of ten dollars from each qualified instructor who

91 chooses to submit such information and shall retain a database of qualified
92 instructors. This information shall be a closed record except for access by any
93 sheriff.

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

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

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

28 or endorsement pursuant to the provisions of sections 571.101 to 571.121, RSMo,
29 specifically plaintiff states that defendant,, never was or no longer is
30 eligible for such permit or endorsement for one or more of the following reasons:

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

- 32 Defendant is not at least [twenty-one] **nineteen** years of age or at least
33 eighteen years of age and a member of the United States Armed Forces
34 or honorably discharged from the United States Armed Forces.
- 35 Defendant is not a citizen or permanent resident of the United States.
- 36 Defendant had not resided in this state prior to issuance of the permit and
37 does not qualify as a military member or spouse of a military member
38 stationed in Missouri.
- 39 Defendant has pled guilty to or been convicted of a crime punishable by
40 imprisonment for a term exceeding two years under the laws of any state
41 or of the United States other than a crime classified as a misdemeanor
42 under the laws of any state and punishable by a term of imprisonment of
43 one year or less that does not involve an explosive weapon, firearm,
44 firearm silencer, or gas gun.
- 45 Defendant has been convicted of, pled guilty to or entered a plea of nolo
46 contendere to one or more misdemeanor offenses involving crimes of
47 violence within a five-year period immediately preceding application for
48 a concealed carry permit issued pursuant to sections 571.101 to 571.121,
49 RSMo, or a concealed carry endorsement issued prior to August 28, 2013,
50 or if the applicant has been convicted of two or more misdemeanor offenses
51 involving driving while under the influence of intoxicating liquor or drugs
52 or the possession or abuse of a controlled substance within a five-year
53 period immediately preceding application for a concealed carry permit
54 issued pursuant to sections 571.101 to 571.121, RSMo, or a concealed carry
55 endorsement issued prior to August 28, 2013.
- 56 Defendant is a fugitive from justice or currently charged in an information
57 or indictment with the commission of a crime punishable by imprisonment
58 for a term exceeding one year under the laws of any state of the United
59 States other than a crime classified as a misdemeanor under the laws of
60 any state and punishable by a term of imprisonment of two years or less
61 that does not involve an explosive weapon, firearm, firearm silencer, or
62 gas gun.
- 63 Defendant has been discharged under dishonorable conditions from the

64 United States Armed Forces.

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

67 Defendant is adjudged mentally incompetent at the time of application or
68 for five years prior to application, or has been committed to a mental
69 health facility, as defined in section 632.005, RSMo, or a similar
70 institution located in another state, except that a person whose release or
71 discharge from a facility in this state pursuant to chapter 632, RSMo, or
72 a similar discharge from a facility in another state, occurred more than
73 five years ago without subsequent recommitment may apply.

74 Defendant failed to submit a completed application for a concealed carry
75 permit issued pursuant to sections 571.101 to 571.121, RSMo, or a
76 concealed carry endorsement issued prior to August 28, 2013.

77 Defendant failed to submit to or failed to clear the required background
78 check. (Note: This does not apply if the defendant has submitted to a
79 background check and been issued a provisional permit pursuant to
80 subdivision (2) of subsection 5 of section 571.101, and the results of the
81 background check are still pending.)

82 Defendant failed to submit an affidavit attesting that the applicant
83 complies with the concealed carry safety training requirement pursuant
84 to subsection 1 of section 571.111, RSMo.

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

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

91, PLAINTIFF

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

99 3. The finder of fact, in any action brought against a permit or

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

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

117 5. The office of the county sheriff or any employee or agent of the county
118 sheriff shall not be liable for damages in any civil action arising from alleged
119 wrongful or improper granting, renewing, or failure to revoke a concealed carry
120 permit issued pursuant to sections 571.101 to 571.121, or a certificate of
121 qualification for a concealed carry endorsement issued prior to August 28, 2013,
122 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;**

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

16 **(6) Instruction in the proper use of self-defense spray devices.**

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

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

14 3. Each person seeking entrance into a school protection officer training
15 center or training program shall submit a fingerprint card and authorization for
16 a criminal history background check to include the records of the Federal Bureau
17 of Investigation to the training center or training program where such person is
18 seeking entrance. The training center or training program shall cause a criminal

19 history background check to be made and shall cause the resulting report to be
20 forwarded to the school district where the elementary school teacher or
21 administrator is seeking to be designated as a school protection officer.

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

26 5. A certificate of school protection officer training program completion
27 may be issued to any applicant by any approved school protection officer training
28 instructor. On the certificate of program completion the approved school
29 protection officer training instructor shall affirm that the individual receiving
30 instruction has taken and passed a school protection officer training program that
31 meets the requirements of this section and section 590.200 and [that] **indicate**
32 **whether** the individual has a valid concealed carry endorsement **or permit**. The
33 instructor shall also provide a copy of such certificate to the director of the
34 department of public safety.

**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 1.400, 1.410, 1.420, 1.430,
2 1.440, 1.450, 1.460, 1.470, 1.480, 21.750, 160.665, 571.012, 571.030, 571.101,
3 571.107, 571.117, 590.010, 590.200, 590.205, or 590.207 of this act or the
4 application thereof to anyone or to any circumstance is held invalid,
5 the remainder of those sections and the application of such provisions
6 to others or other circumstances shall not be affected thereby.**

**Section 2. Section 1 does not preclude the application of section
2 1.140 to portions of sections 1.400, 1.410, 1.420, 1.430, 1.440, 1.450, 1.460,
3 1.470, 1.480, 21.750, 160.665, 571.012, 571.030, 571.101, 571.107, 571.117,
4 590.010, 590.200, 590.205, or 590.207.**

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

Section B. The enactment of sections 1.400, 1.410, 1.420, 1.430, 1.440,
2 1.450, 1.460, 1.470, and 1.480 shall become effective on January 1, 2017, or upon
3 the revisor of statutes receiving notification that at least four other states have
4 enacted into law substantially similar language as contained in sections 1.400 to
5 1.480 of this act, or upon passage of any new federal acts, or issuance of federal
6 executive, administrative, or court orders which infringe upon or curtail the right
7 to keep and bear arms by law-abiding Missouri citizens as defined in sections
8 1.400 to 1.480 whichever event occurs earlier.

✓
Unofficial

Bill

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