

FIRST REGULAR SESSION

# HOUSE BILL NO. 258

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES KOLLER, CLAYTON,  
HAMPTON AND RELFORD (Co-sponsors).

Read 1<sup>st</sup> time January 4, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

0805L.011

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### AN ACT

To repeal sections 571.030, 571.070 and 571.090, RSMo 2000, relating to certain weapons offenses, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions.

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

Section A. Sections 571.030, 571.070 and 571.090, RSMo 2000, are repealed and six new sections enacted in lieu thereof, to be known as sections 50.535, 571.030, 571.070, 571.090, 571.093 and 571.094, to read as follows:

**50.535. 1. Notwithstanding the provisions of sections 50.525 to 50.745, the fee which is collected as provided in subsection 10 of section 571.093, RSMo, shall be deposited by the county treasurer into a separate interest-bearing fund to be known as the county sheriff's revolving fund to be expended at the direction of the sheriff as provided in this section.**

**2. No prior approval of the expenditures from this fund shall be required by the governing body of the county or a city not within a county, nor shall any prior audit or encumbrance of the fund be required before any expenditure is made by the sheriff from this fund. This fund may be audited by the state auditor's office or the appropriate auditing agency.**

**3. If the moneys collected and deposited into this fund are not totally expended annually, then the unexpended balance shall remain in said fund and the balance shall be kept in said fund to accumulate from year to year.**

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

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

2 knowingly:

3 (1) **Except as otherwise specified in this section**, carries concealed upon or about his  
4 or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use;

5 or

6 (2) Sets a spring gun; or

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

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

12 (5) Possesses, **with or without a permit**, or discharges a firearm or projectile weapon  
13 while intoxicated; or

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

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

18 (8) Carries a firearm or any other weapon readily capable of lethal use into any church  
19 or place where people have assembled for worship, or into any election precinct on any election  
20 day, or into any building owned or occupied by any agency of the federal government, state  
21 government, or political subdivision thereof[, or into any public assemblage of persons met for  
22 any lawful purpose]; or

23 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section  
24 301.010, RSMo, while within any city, town, or village, and discharges or shoots a firearm at any  
25 person, or at any other motor vehicle, or at any building or habitable structure, unless the person  
26 was lawfully acting in self-defense; [or]

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

30 (11) **Carries concealed on or about his or her person a firearm, unless such person**  
31 **has a valid permit to carry a concealed firearm issued pursuant to section 571.093, or a**  
32 **valid permit to carry a concealed firearm issued in another state or in a political**  
33 **subdivision of another state, if such other state or political subdivision has been determined**  
34 **by the department of public safety to have substantially the same requirements as set forth**  
35 **in this act.**

36 2. Subdivisions (1), (3), (4), (6), (7), (8) , (9) [and], (10) **and (11)** of subsection 1 of this  
37 section shall not apply to or affect any of the following:

38 (1) All state, county and municipal [law enforcement] **peace** officers possessing the duty  
39 and power of arrest for violation of the general criminal laws of the state or for violation of  
40 ordinances of counties or municipalities of the state, **whether such officers are within or**  
41 **outside their jurisdictions or on or off duty**, or any person summoned by such officers to assist  
42 in making arrests or preserving the peace while actually engaged in assisting such officer;

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

45 (3) Members of the armed forces or national guard while performing their official duty;

46 (4) Those persons vested by article V, section 1 of the Constitution of Missouri with the  
47 judicial power of the state and those persons vested by article III of the Constitution of the United  
48 States with the judicial power of the United States, the members of the federal judiciary;

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

50 (6) Any federal probation officer;

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

53 (8) Any corporate security advisor meeting the definition and fulfilling the requirements  
54 of the regulations established by the board of police commissioners under section 84.340, RSMo.

55 3. Subdivisions (1), (5), (8) [and], (10) **and (11)** of subsection 1 of this section do not  
56 apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded  
57 state when ammunition is not readily accessible or when such weapons are not readily accessible.  
58 Subdivision (1) **and (11)** of subsection 1 of this section does not apply when the actor is also in  
59 possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his  
60 **or her** dwelling unit or upon [business] premises over which the actor has possession, authority  
61 or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10)  
62 of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by  
63 a person while traversing school premises for the purposes of transporting a student to or from  
64 school, or possessed by an adult for the purposes of facilitation of a school-sanctioned  
65 firearm-related event.

66 4. Nothing in this section shall make it unlawful for a student to actually participate in  
67 school-sanctioned gun safety courses, student military or ROTC courses, or other  
68 school-sponsored firearm-related events, provided the student does not carry a firearm or other  
69 weapon readily capable of lethal use into any school, onto any school bus, or onto the premises  
70 of any function or activity sponsored or sanctioned by school officials or the district school  
71 board.

72 5. **Subdivisions (3), (4) and (6) of subsection 1 of this section shall not apply to**  
73 **persons who are engaged in a lawful act of defense pursuant to section 563.031, RSMo.**

74           **6.** Unlawful use of weapons is a class D felony unless committed pursuant to subdivision  
75 (5), (6), (7) or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or  
76 subdivision (10) of subsection 1 of this section, in which case it is a class A misdemeanor if the  
77 firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of subsection  
78 1 of this section, in which case it is a class B felony, except that if the violation of subdivision  
79 (9) of subsection 1 of this section results in injury or death to another person, it is a class A  
80 felony.

81           **[6.] 7.** Violations of subdivision (9) of subsection 1 of this section shall be punished as  
82 follows:

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

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

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

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

93           **[7.] 8.** Any person knowingly aiding or abetting any other person in the violation of  
94 subdivision (9) of subsection 1 of this section shall **also** be subject to the [same penalty as that]  
95 **penalties** prescribed by **subsection 7 of** this section [for violations by other persons].

          571.070. 1. A person commits the crime of unlawful possession of a concealable firearm  
2 if he **or she** has any concealable firearm in his **or her** possession and:

3           (1) He **or she** has pled guilty to or has been convicted of a dangerous felony, as defined  
4 in section 556.061, RSMo, or of an attempt to commit a dangerous felony, or of a crime under  
5 the laws of any state or of the United States which, if committed within this state, would be a  
6 dangerous felony, or confined therefor in this state or elsewhere during the five-year period  
7 immediately preceding the date of such possession; or

8           (2) He **or she** is a fugitive from justice, is habitually in an intoxicated or drugged  
9 condition, or is currently adjudged mentally incompetent[.]; **or**

10           **(3) He or she has been formally adjudicated in the juvenile division of the circuit**  
11 **court for any offense which, if committed by an adult, would have been a dangerous felony,**  
12 **as defined in section 556.061, RSMo, or murder in the first degree, if a concealable firearm**  
13 **was used in the commission of such offense.**

14           2. Unlawful possession of a concealable firearm is a class C felony.

571.090. 1. A permit to acquire a concealable firearm shall be issued by the sheriff of the county in which the applicant resides, if all of the statements in the application are true, and the applicant:

(1) Is at least twenty-one years of age, a citizen of the United States and has resided in this state for at least six months;

(2) Has not pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States, other than a crime classified as a misdemeanor under the laws of any state **[and] which is** punishable by a term of imprisonment of two years or less **[that] and** does not involve an explosive weapon, firearm, firearm silencer or gas gun;

**(3) Has not been formally adjudicated in the juvenile division of the circuit court for any offense which, if committed by an adult, would have been a dangerous felony, as defined in section 556.061, RSMo, or murder in the first degree, if a concealable firearm was used in the commission of such offense;**

**[(3)] (4)** Is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States, other than a crime classified as a misdemeanor under the laws of any state **[and] which is** punishable by a term of imprisonment of two years or less **[that] and** does not involve an explosive weapon, firearm, firearm silencer or gas gun;

**[(4)] (5)** Has not been discharged under dishonorable conditions from the United States armed forces;

**[(5)] (6)** Is not publicly known to be habitually in an intoxicated **[or drugged]** condition **or known to be a controlled substance abuser;** and

**[(6)] (7)** Is not currently adjudged mentally incompetent and has not been committed to a mental health facility, as defined in section 632.005, RSMo, or a similar institution located in another state.

2. Applications shall be made to the sheriff of the county in which the applicant resides. An application shall be filed in writing, signed and verified by the applicant, and shall state only the following: the name, social security number, occupation, age, height, color of eyes and hair, residence and business addresses of the applicant, **[the reason for desiring the permit,]** and whether the applicant complies with each of the requirements specified in subsection 1 of this section.

3. Before a permit is issued, the sheriff shall make only such inquiries as he **or she** deems necessary into the accuracy of the statements made in the application. The sheriff may require that the applicant display a Missouri operator's license or other suitable identification.

37 The sheriff shall issue the permit within a period not to exceed seven days after submission of  
38 the properly completed application excluding Saturdays, Sundays or legal holidays. The sheriff  
39 may refuse to issue the permit if he **or she** determines that any of the requirements specified in  
40 subsection 1 of this section have not been met, or if he **or she** has reason to believe that the  
41 applicant has rendered a false statement regarding any of the provisions in subsection 1 of this  
42 section. If the application is approved, the sheriff shall issue a permit and a copy [thereof] **of the**  
43 **permit** to the applicant.

44 4. The permit shall recite the date of issuance, that it is invalid after thirty days, the name  
45 and address of the person to whom granted, the nature of the transaction, and a physical  
46 description of the applicant. The applicant shall sign the permit in the presence of the sheriff.

47 5. If the permit is used, the person who receives the permit from the applicant shall  
48 return it to the sheriff within thirty days after its expiration, with a notation thereon showing the  
49 date and manner of disposition of the firearm and a description of the firearm including the  
50 make, model and serial number. The sheriff shall keep a record of all applications for permits,  
51 his **or her** action thereon, and shall preserve all returned permits.

52 6. No person shall in any manner transfer, alter or change a permit, or make a false  
53 notation thereon, or obtain a permit upon any false representation, or use, or attempt to use a  
54 permit issued to another.

55 7. For the processing of the permit, the sheriff in each county and the city of St. Louis  
56 shall charge a fee not to exceed ten dollars which shall be paid into the treasury of the county or  
57 city to the credit of the general revenue fund.

58 8. In any case when the sheriff refuses to issue or to act on an application for a permit,  
59 such refusal shall be in writing setting forth the reasons for such refusal. Such written refusal  
60 shall explain the denied applicant's right to appeal and, with a copy of the completed application,  
61 shall be given to the denied applicant within a period not to exceed seven days after submission  
62 of the properly completed application excluding Saturdays, Sundays or legal holidays. The  
63 denied applicant shall have the right to appeal the denial within ten days of receiving written  
64 notice of the denial. Such appeals shall be heard in small claims court as defined in section  
65 482.300, RSMo, and the provisions of sections 482.300, 482.310 and 482.335, RSMo, shall  
66 apply to such appeals.

67 9. A denial of or refusal to act on an application for permit may be appealed by filing  
68 with the clerk of the small claims court a copy of the sheriff's written refusal and a form  
69 substantially similar to the appeal form provided in this section. Appeal forms shall be provided  
70 by the clerk of the small claims court free of charge to any person:

71

72

SMALL CLAIMS COURT

73 In the Circuit Court of.....Missouri  
 74 Case Number.....  
 75 ..... , Denied Applicant)  
 76 vs. )  
 77 ..... , Sheriff )  
 78 Return Day.....

#### 79 DENIAL OF PERMIT APPEAL

80 The denied applicant states that his **or her** properly completed application for a permit  
 81 to acquire a firearm with a barrel of less than sixteen inches was denied by the sheriff of . . . .  
 82 . . . . County, Missouri, without just cause. The denied applicant affirms that all of the  
 83 statements in the application are true.

84 .....  
 85 Denied Applicant

86 10. The notice of appeal in a denial of permit appeal shall be made to the sheriff in a  
 87 manner and form determined by the small claims court judge.

88 11. If at the hearing the person shows he **or she** is entitled to the requested permit, the  
 89 court shall issue an appropriate order to cause the issuance of the permit. Costs shall not be  
 90 assessed against the sheriff in any case.

91 12. Any person aggrieved by any final judgment rendered by a small claims court in a  
 92 denial of permit appeal may have a trial de novo as provided in sections 512.180 to 512.320,  
 93 RSMo.

94 **13. Notwithstanding any provision of chapter 211, RSMo, to the contrary, the**  
 95 **sheriff shall have access to any juvenile court records of any person who applies for a**  
 96 **permit to acquire a concealable firearm. Any information obtained pursuant to this**  
 97 **subsection shall be shared with the applicant but may not be disclosed to others without**  
 98 **court authorization.**

99 [13.] 14. Violation of any provision of this section is a class A misdemeanor.

571.093. 1. A permit to carry a concealed firearm shall be issued by the sheriff of the  
 2 county or city not within a county in which the applicant resides, if the applicant:

3 (1) Is at least twenty-one years of age, a citizen of the United States and has resided in  
 4 this state for at least six months;

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

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

15           (4) Has not been discharged under dishonorable conditions from the United States armed  
16 forces;

17           (5) Is not publicly known to be habitually intoxicated by alcohol or known to be a  
18 controlled substance abuser;

19           (6) Is not currently mentally incompetent or mentally ill and has not been committed to  
20 a mental health facility, as defined in section 632.005, RSMo, or a similar institution in another  
21 state;

22           (7) Has not, within the past five years, exhibited violent behavior toward another person,  
23 except in self-defense, or offered credible threats of violence against another person; and

24           (8) Has demonstrated to the sheriff a knowledge of handgun safety by submitting proof  
25 that the applicant has successfully completed a course approved by the department of public  
26 safety that included a minimum of twelve hours of handgun safety training by or under the  
27 supervision of a federal, state, county or municipal law enforcement agency, or under the  
28 supervision of a firearms instructor certified by the National Rifle Association.

29           2. Application shall be made to the sheriff of the county in which the applicant resides,  
30 except in a county of the first classification with a charter form of government with a population  
31 in excess of nine hundred thousand inhabitants, in which case, the application shall be made to  
32 the chief of police of the county police department. For the purposes of this section, "sheriff"  
33 shall include the chief of police of the county police department of a county of the first  
34 classification with a charter form of government with a population in excess of nine hundred  
35 thousand inhabitants. An application shall be filed in writing, signed and verified by the  
36 applicant, and shall state only the following: the name, Social Security number, occupation, date  
37 of birth, height, color of eyes and hair, residence and business addresses of the applicant for the  
38 past three years, and whether the applicant complies with each of the requirements specified in  
39 subsection 1 of this section. The sheriff shall take a set of fingerprints of the applicant for use  
40 in background and record checks.

41           3. Before a permit is issued, the sheriff shall make only such inquiries as he **or she**  
42 deems necessary into the accuracy of the statements made in the application. In order to  
43 determine the applicant's suitability for a carry concealed firearm permit, the applicant shall be  
44 fingerprinted. If no disqualifying record is identified at the state level, the fingerprints shall be  
45 forwarded to the Federal Bureau of Investigation for a national criminal history record check.



46 The sheriff may require that the applicant display a Missouri operator's license or other suitable  
47 photo identification. The sheriff shall request a criminal background check through the  
48 appropriate law enforcement agency within seven days after submission of the properly  
49 completed application to carry a concealed firearm and issue a permit in a period not to exceed  
50 ten days after receipt of the completed background check. The sheriff shall issue the permit  
51 within a period not to exceed forty-five days after submission of the properly completed  
52 application unless there is just cause not to, such as the criminal background check has not been  
53 received by the sheriff. The sheriff may refuse to issue the permit if he **or she** determines that  
54 any of the requirements specified in subsection 1 or 2 of this section have not been met or if he  
55 **or she** has reason to believe that the applicant has rendered a false statement regarding any of  
56 the provisions in subsection 1 or 2 of this section. If the application is approved, the sheriff shall  
57 issue the permit and a copy of the permit to the applicant.

58 4. Notwithstanding any provision of chapter 211, RSMo, to the contrary, the sheriff shall  
59 have access to any juvenile court records of the person who applies for a conceal and carry  
60 permit. Any information obtained pursuant to this subsection shall be shared with the applicant  
61 but may not be disclosed to others without court authorization.

62 5. Any competent person, age twenty-one or older, may sign a sworn affidavit alleging  
63 that a person who has been issued a permit to carry a concealed firearm has since the date of  
64 issuance, ceased to be in compliance with subdivisions (2) to (7) of subsection 1 of this section.  
65 Such allegations include, but are not limited to stalking, domestic violence, or reckless  
66 endangerment with a firearm. The small claims court shall be the court of competent  
67 jurisdiction. The court may suspend or order a permit revoked if the permit holder is found not  
68 to be in compliance with the provisions of subdivisions (2) to (7) of subsection 1 of this section.  
69 The court may award to the prevailing party reasonable attorney fees and costs.

70 6. The permit shall bear a photograph, date of birth and a physical description of the  
71 applicant on the front of the permit. The permit shall recite the date of issuance, the date of  
72 expiration and the name and address of the person to whom the permit is granted. The applicant  
73 shall sign the permit in the presence of the sheriff or his **or her** designee.

74 7. The permit shall be valid for a period of three years. The permit shall be renewed by  
75 application and compliance with the provisions of this section, except subdivision (8) of  
76 subsection 1 of this section, in the county where the applicant currently resides.

77 8. The sheriff shall keep a record of all applications for permits, his **or her** action on  
78 such applications, and shall report the issuance of permits to the Missouri uniform law  
79 enforcement system or MULES.

80 9. No person shall in any manner forge, transfer, alter or change a permit, or make a false  
81 notation thereon, or obtain a permit upon any false representation, or use or attempt to use a

82 permit issued to another. Any violation of the provisions of this subsection is a class A  
83 misdemeanor.

84 10. For the processing of the permit, the sheriff of any county or city not within a county  
85 shall charge a fee of eighty dollars to be paid to the treasury of the county or city not within a  
86 county to the credit of the county sheriff's revolving fund which is hereby established expressly  
87 for the purpose of covering costs incurred for the issuing and reviewing of permits to carry  
88 concealed firearms. The permittee shall pay a fee of thirty-five dollars to renew the permit,  
89 which shall be paid to the treasury of the county or city not within a county to the credit of the  
90 county sheriff's revolving fund.

91 11. The sheriff may revoke or suspend any permit to carry a concealed firearm when the  
92 sheriff verifies that any of the conditions of subsection 1 of this section have ceased to exist, or  
93 when the sheriff verifies that the permit was improperly issued. When the sheriff revokes a  
94 permit, the sheriff shall notify the permit holder of such revocation and shall report the  
95 revocation to the Missouri uniform law enforcement system or MULES. When a permit is  
96 revoked, the permit holder shall surrender the permit to the sheriff of the county or city not  
97 within a county in which the permit was issued. If the permit holder fails to surrender a revoked  
98 permit, the sheriff may request that the court order the permit holder to surrender such permit.

99 12. In any case when the sheriff refuses to issue or to act on an application for a permit,  
100 such refusal shall set forth in writing the reasons for such refusal. Such written refusal shall  
101 explain the denied applicant's right to appeal and, with a copy of the completed application, shall  
102 be given to the denied applicant within a period not to exceed ten days after the sheriff's receipt  
103 of the criminal background check. No sheriff shall be liable for the actions of a permit holder  
104 solely because the sheriff issued a permit to such individual. The denied applicant shall have the  
105 right to appeal the denial within thirty days of receiving written notice of the denial. Such  
106 appeals shall be heard in small claims court as defined in section 482.300, RSMo, and the  
107 provisions of sections 482.300, 482.310 and 482.335, RSMo, shall apply to such appeals.

108 13. A denial, suspension or revocation of or refusal to act on any application or a renewal  
109 application of a permit may be appealed by filing with the clerk of the small claims court a copy  
110 of the sheriff's written refusal and a form substantially similar to the appeal form provided in this  
111 section. Appeal forms shall be provided by the clerk of the small claims court free of charge to  
112 any person:

113 SMALL CLAIMS COURT

114 In the Circuit Court of ..... , Missouri  
115 ..... , Applicant)  
116 vs. ) Case Number.....  
117 ..... , Sheriff)

Return Date.....

APPEAL OF DENIAL  
OF PERMIT TO CARRY A CONCEALED WEAPON

The applicant states that his **or her** properly completed application (or renewal application) for a permit to carry a concealed firearm with a barrel of less than sixteen inches was denied by the sheriff of . . . . . County, Missouri, without just cause. The denied applicant affirms that all of the statements in the application are true.

.....  
**Denied Applicant**

**14. The notice of appeal shall be made to the sheriff in a manner and form determined by the small claims court judge.**

**15. If at the hearing the person shows he or she is entitled to the requested permit, the court shall issue an appropriate order to cause the issuance of the permit. Costs shall not be assessed against the sheriff unless the action of the sheriff is determined by the judge to be arbitrary and capricious.**

**16. Any person aggrieved by any final judgment rendered by a small claims court in an appeal of a denial of a permit to carry a concealed firearm may have a trial de novo as provided in sections 512.180 to 512.320, RSMo.**

**17. No permit issued pursuant to this section shall authorize any person to carry a concealed firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any school, or into any election precinct on any election day, or into any building owned or the portion of building occupied by any agency or branch of the federal government, state government, or political subdivision thereof.**

**18. The department of public safety shall design and provide the permit to be issued pursuant to this section to the sheriff of each county.**

**571.094. All citizens, merchants, not-for-profit entities, or public bodies have the right to deny access to persons who attempt to carry concealed firearms into buildings they own or lease. Signs prohibiting concealed firearms shall be posted and shall be clearly visible to all entrances. Any person who enters in violation of this section shall be guilty of the infraction of trespass. The third such violation within a five-year period shall constitute a class C misdemeanor, and the permittee shall have his or her permit revoked and shall not be eligible to reapply for a permit for a period of three years from such violation.**