

FIRST REGULAR SESSION

HOUSE BILL NO. 120

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BARNITZ, RANSDALL, HAMPTON, KUESSNER,
TOWNLEY, WARD, SAGER (Co-sponsors), MYERS AND LUETKEMEYER.

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TED WEDEL, Chief Clerk

0511L.011

AN ACT

To repeal section 571.030, RSMo, and to enact in lieu thereof three new sections relating to concealable weapons, with penalty provisions.

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

Section A. Section 571.030, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 50.535, 571.030 and 571.094, to read as follows:

2 **50.535. 1. Notwithstanding the provisions of sections 50.525 to 50.745 the fee**
3 **collected pursuant to subsection 7 of section 571.090, RSMo, or subsection 14, 15, 21, 22**
4 **or 23 of section 571.094, RSMo, shall be deposited by the county treasurer into a separate**
5 **interest-bearing fund to be known as the county sheriff's revolving fund to be expended**
6 **at the direction of the sheriff as provided in this section.**

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

12 **3. If the moneys collected and deposited into this fund are not totally expended**
13 **annually, then the unexpended balance shall remain in said fund and the balance used to**
14 **produce and distribute public service announcements promoting the safe storage of**
15 **firearms in the presence of children.**

16 **4. If pursuant to subsection 12 of section 571.094, RSMo, the sheriff of a county of**
 the first classification designates one or more chiefs of police of any town, city, or

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

17 **municipality within such county to accept and process applications for concealed carry**
18 **permits then that sheriff shall reimburse such chiefs of police, out of the moneys deposited**
19 **into this fund, for any reasonable expenses related to accepting and processing such**
20 **applications.**

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

3 (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or
4 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, boat, aircraft,
7 or motor vehicle as defined in section 302.010, RSMo, or any building or structure used for the
8 assembling of people; or

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

11 (5) Possesses or discharges a firearm or projectile weapon while intoxicated; or

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

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

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

21 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section
22 301.010, RSMo, while within any city, town, or village, and discharges or shoots a firearm at any
23 person, or at any other motor vehicle, or at any building or habitable structure, unless the person
24 was lawfully acting in self-defense; or

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

28 2. Subdivisions (1), (3), (4), (6), (7), (8), (9) and (10) of subsection 1 of this section shall
29 not apply to or affect any of the following:

30 (1) All state, county and municipal [law enforcement] **peace** officers possessing the duty
31 and power of arrest for violation of the general criminal laws of the state or for violation of
32 ordinances of counties or municipalities of the state, **whether such officers are within or**

33 **outside their jurisdictions or on or off duty**, or any person summoned by such officers to assist
34 in making arrests or preserving the peace while actually engaged in assisting such officer;

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

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

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

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

42 (6) Any federal probation officer;

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

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

47 3. Subdivisions (1), (5), (8) and (10) of subsection 1 of this section do not apply when
48 the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when
49 ammunition is not readily accessible or when such weapons are not readily accessible.
50 Subdivision (1) of subsection 1 of this section does not apply **to any person twenty-one years**
51 **of age or older transporting a concealable firearm anywhere in the passenger compartment**
52 **of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor**
53 when the actor is also in possession of an exposed firearm or projectile weapon for the lawful
54 pursuit of game, or is in his **or her** dwelling unit or upon [business] premises over which the
55 actor has possession, authority or control, or is traveling in a continuous journey peaceably
56 through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm
57 is otherwise lawfully possessed by a person while traversing school premises for the purposes
58 of transporting a student to or from school, or possessed by an adult for the purposes of
59 facilitation of a school-sanctioned firearm-related event.

60 4. **Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any**
61 **person who has a valid concealed carry endorsement issued pursuant to section 571.094 or**
62 **a valid permit or endorsement to carry concealed firearms issued by another state or**
63 **political subdivision of another state.**

64 5. **Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section**
65 **shall not apply to persons who are engaged in a lawful act of defense pursuant to section**
66 **563.031, RSMo.**

67 6. Nothing in this section shall make it unlawful for a student to actually participate in
68 school-sanctioned gun safety courses, student military or ROTC courses, or other

69 school-sponsored firearm-related events, provided the student does not carry a firearm or other
70 weapon readily capable of lethal use into any school, onto any school bus, or onto the premises
71 of any function or activity sponsored or sanctioned by school officials or the district school
72 board.

73 [5.] 7. Unlawful use of weapons is a class D felony unless committed pursuant to
74 subdivision [(5),] (6), (7) or (8) of subsection 1 of this section, in which cases it is a class B
75 misdemeanor, or subdivision (5) or (10) of subsection 1 of this section, in which case it is a class
76 A misdemeanor if the firearm is unloaded and a class D felony if the firearm is loaded, or
77 subdivision (9) of subsection 1 of this section, in which case it is a class B felony, except that
78 if the violation of subdivision (9) of subsection 1 of this section results in injury or death to
79 another person, it is a class A felony.

80 [6.] 8. Violations of subdivision (9) of subsection 1 of this section shall be punished as
81 follows:

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

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

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

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

92 [7.] 9. Any person knowingly aiding or abetting any other person in the violation of
93 subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that
94 prescribed by this section for violations by other persons.

**571.094. 1. All applicants for concealed carry endorsements issued pursuant to
2 subsection 7 of this section must satisfy the requirements of this section. If the applicant
3 can show qualification as provided by this section, the county sheriff will issue a certificate
4 of qualification for a concealed carry endorsement. Upon receipt of such certificate, the
5 certificate holder must apply for a drivers license or nondriver license with the director of
6 revenue in order to obtain a concealed carry endorsement. Any person who has been
7 issued a concealed carry endorsement on a drivers license or nondriver license and such
8 endorsement has not been suspended, revoked, canceled or denied may carry concealed
9 firearms on or about his or her person or within a vehicle. A certificate of qualification
10 shall be valid for a period of three years from the date of issuance or renewal. The**

11 **concealed carry endorsement is valid throughout this state.**

12 **2. A certificate of qualification for a concealed carry endorsement issued pursuant**
13 **to subsection 7 of this section shall be issued by the sheriff of the county in which the**
14 **applicant resides, if the applicant:**

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

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

22 **(3) Has not been convicted of, pled guilty to or entered a plea of nolo contendere**
23 **to one or more misdemeanor offenses involving crimes of violence within a five-year period**
24 **immediately preceding application for a certificate of qualification for a concealed carry**
25 **endorsement or if the applicant has not been convicted of two or more misdemeanor**
26 **offenses involving driving while under the influence of intoxicating liquor or drugs or the**
27 **possession or abuse of a controlled substance within a five-year period immediately**
28 **preceding application for a certificate of qualification for a concealed carry endorsement;**

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

35 **(5) Has not been discharged under dishonorable conditions from the United States**
36 **armed forces;**

37 **(6) Is not publicly known to be habitually in an intoxicated or drugged condition;**

38 **(7) Is not adjudged mentally incompetent at the time of application or for five years**
39 **prior to application, or has not been committed to a mental health facility, as defined in**
40 **section 632.005, RSMo, or a similar institution located in another state, except that a**
41 **person whose release or discharge from a facility in this state pursuant to chapter 632,**
42 **RSMo, or a similar discharge from a facility in another state, occurred more than five**
43 **years ago without subsequent recommitment may apply;**

44 **(8) Submits a completed application for a certificate of qualification as defined in**
45 **subsection 3 of this section;**

46 **(9) Submits an affidavit attesting that the applicant complies with the concealed**

47 carry endorsement safety training requirement pursuant to subsection 22 of this section.

48 **3. The application for a certificate of qualification for a concealed carry**
49 **endorsement issued by the sheriff of the county of the applicant's residence shall contain**
50 **only the following information:**

51 **(1) The applicant's name, address, telephone number, gender and date and place**
52 **of birth;**

53 **(2) An affirmation that the applicant is a resident of the state of Missouri and has**
54 **been a resident thereof for the last six months and is a citizen of the United States;**

55 **(3) An affirmation that the applicant is at least twenty-one years of age;**

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

61 **(5) An affirmation that the applicant has not been convicted of, pled guilty to, or**
62 **entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes**
63 **of violence within a five-year period immediately preceding application for a certificate of**
64 **qualification for a concealed carry endorsement or if the applicant has not been convicted**
65 **of two or more misdemeanor offenses involving driving while under the influence of**
66 **intoxicating liquor or drugs or the possession or abuse of a controlled substance within a**
67 **five-year period immediately preceding application for a certificate of qualification for a**
68 **concealed carry endorsement;**

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

75 **(7) An affirmation that the applicant has not been discharged under dishonorable**
76 **conditions from the United States armed forces;**

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

83 **(9) A statement that the applicant has received firearm safety training that meets**
84 **the standards of applicant firearm safety training defined in subsection 23 of this section;**
85 **and**

86 **(10) A conspicuous warning that false statements made by the applicant will result**
87 **in prosecution for perjury pursuant to the laws of the state of Missouri.**

88 **4. An application for a certificate of qualification for a concealed carry**
89 **endorsement shall be made to the sheriff of the county in which the applicant resides. An**
90 **application shall be filed in writing, signed under oath and under the penalties of perjury,**
91 **and shall state whether the applicant complies with each of the requirements specified in**
92 **subsection 2 of this section. In addition to the completed application, the applicant for a**
93 **certificate of qualification for a concealed carry endorsement must also submit the**
94 **following:**

95 **(1) A photocopy of a firearm safety training certificate of completion or other**
96 **evidence of completion of a firearm safety training course that meets the standards**
97 **established in subsection 23 of this section; and**

98 **(2) A nonrefundable certificate of qualification fee as provided by subsections 10**
99 **and 11 of this section.**

100 **5. Before an application for a certificate of qualification for a concealed carry**
101 **endorsement is approved, the sheriff shall make only such inquiries as he or she deems**
102 **necessary into the accuracy of the statements made in the application. In order to**
103 **determine the applicant's suitability for a certificate of qualification for a concealed carry**
104 **endorsement, the applicant shall be fingerprinted. If no disqualifying record is identified**
105 **at the state level, the fingerprints shall be forwarded to the Federal Bureau of Investigation**
106 **for a national criminal history record check. The sheriff may require that the applicant**
107 **display a Missouri driver's license or nondriver's license. The sheriff shall request a**
108 **criminal background check through the appropriate law enforcement agency within three**
109 **working days after submission of the properly completed application for a certificate of**
110 **qualification for a concealed carry endorsement and if no disqualifying criminal**
111 **background is found and there is no other just cause not to, shall approve the application**
112 **for a certificate of qualification for a concealed carry endorsement in a period not to exceed**
113 **three working days after receipt of the completed background check. In the event that the**
114 **federal criminal background check has not been received within forty-five days of the**
115 **request for such, the sheriff may go ahead and provisionally approve the application**
116 **provided that the sheriff shall, within twenty-four hours of receipt of any federal**
117 **background check that results in a disqualifying record, withdraw any provisional**
118 **approval of such application and revoke any certificate that has been issued based upon**

119 that provisional approval.

120 **6. The sheriff may refuse to approve an application for a certificate of qualification**
121 **for a concealed carry endorsement if he or she determines that any of the requirements**
122 **specified in subsection 2 of this section have not been met, or if he or she has reason to**
123 **believe that the applicant has rendered a false statement regarding any of the provisions**
124 **of this section. If the applicant is found to be ineligible, the sheriff is required to deny the**
125 **application, and notify the applicant in writing, stating the grounds for denial and**
126 **informing the applicant of the right to submit, within thirty days, any additional**
127 **documentation relating to the grounds of the denial. Upon receiving any additional**
128 **documentation, the sheriff shall reconsider his or her decision and inform the applicant**
129 **within thirty days of the result of the reconsideration. The applicant shall further be**
130 **informed in writing of the right to appeal the denial pursuant to subsections 29, 30, 31, and**
131 **32 of this section.**

132 **7. If the application is approved or provisionally approved pursuant to subsection**
133 **5 of this section, the sheriff shall issue a certificate of qualification for a concealed carry**
134 **endorsement to the applicant within a period not to exceed three working days after his or**
135 **her approval or provisional approval of the application. The applicant shall sign the**
136 **certificate of qualification in the presence of the sheriff and shall within seven days of**
137 **receipt of the certificate of qualification take the certificate of qualification to the**
138 **department of revenue. Upon receipt of the certificate of qualification and completion of**
139 **a driver license or nondriver license application pursuant to chapter 302, RSMo, the**
140 **director of revenue shall issue a driver license or nondriver license with an endorsement**
141 **which identifies that the applicant has received a certificate of qualification to carry a**
142 **concealed weapon issued pursuant to this section if the applicant is otherwise qualified to**
143 **receive such driver license or nondriver license.**

144 **8. The requirements for the director of revenue to issue a concealed carry**
145 **endorsement pursuant to subsection 7 of this section shall not be effective until January 1,**
146 **2004. Until January 1, 2004, the certificate of qualification issued by a county sheriff**
147 **pursuant to subsection 1 of this section shall allow the person issued such certificate to**
148 **carry a concealed weapon pursuant to the requirements of subsection 20 of this section in**
149 **lieu of the concealed carry endorsement issued by the director of revenue, unless such**
150 **certificate of qualification has been suspended or revoked for cause.**

151 **9. The sheriff shall keep a record of all applications for a certificate of qualification**
152 **for a concealed carry endorsement and his or her action thereon. The sheriff shall report**
153 **the issuance of a certification of qualification to the Missouri uniform law enforcement**
154 **system. All information on any such permit that is protected information on any drivers**

155 or nondriver's license shall have the same personal protection for purposes of this section.

156 **10. For processing an application for a certificate of qualification for a concealed**
157 **carry endorsement pursuant to this section, the sheriff in each county shall charge a**
158 **nonrefundable fee not to exceed one hundred dollars which shall be paid to the treasury**
159 **of the county to the credit of the sheriff's revolving fund.**

160 **11. For processing a renewal for a certificate of qualification for a concealed carry**
161 **endorsement pursuant to this section, the sheriff in each county shall charge a**
162 **nonrefundable fee not to exceed fifty dollars which shall be paid to the treasury of the**
163 **county to the credit of the sheriff's revolving fund.**

164 **12. For the purposes of this section, the term sheriff shall include the sheriff of any**
165 **county or city not within a county or his or her designee and in counties of the first**
166 **classification the sheriff may designate the chief of police of any city, town, or municipality**
167 **within such county.**

168 **13. A certificate of qualification for a concealed carry endorsement issued pursuant**
169 **to this section shall be suspended or revoked if the certificate holder becomes ineligible for**
170 **such certificate under the criteria established in subdivisions (2), (3), (4), (5), and (7) of**
171 **subsection 2 of this section or upon the issuance of an order of protection. When an order**
172 **of protection, or any arrest warrant, discharge, or commitment for the reasons listed in**
173 **subdivision (2), (3), (4), (5), or (7) of subsection 2 of this section, is issued against a person**
174 **holding a certificate of qualification for a concealed carry endorsement issued pursuant**
175 **to this section, the holder of the certificate shall surrender the certificate of qualification**
176 **and the driver license or nondriver license containing the concealed carry endorsement to**
177 **the court, officer, or other official serving the order, warrant, discharge, or commitment.**
178 **The official to whom the certificate of qualification is surrendered shall forthwith transmit**
179 **such certificate to the circuit court of the county issuing the order, warrant, discharge, or**
180 **commitment. The driver license or nondriver license containing the concealed carry**
181 **endorsement shall be forwarded to the department of revenue and the sheriff shall inform**
182 **the director of revenue of the suspension or revocation of the certificate of qualification**
183 **and the concealed carry endorsement. The certificate and endorsement issued pursuant**
184 **to this section shall be suspended until the order is terminated or until the arrest results**
185 **in a dismissal of all charges. Any conviction, discharge, or commitment specified in**
186 **subsection 2 of this section shall result in a revocation. Any sheriff suspending or revoking**
187 **any certificate of qualification or any concealed carry endorsement shall report the change**
188 **in status of the certificate or endorsement to the Missouri uniform law enforcement system**
189 **and the department of revenue. The director of revenue shall immediately remove the**
190 **endorsement issued pursuant to this section from the individual's driving record upon**

191 receipt of the notice of suspension or revocation from the sheriff and within three days of
192 receipt of such notice of suspension from the sheriff, the director of revenue shall notify the
193 licensee that he or she must apply for a new license pursuant to chapter 302, RSMo, which
194 does not contain such endorsement. The notice issued by the department of revenue shall
195 be mailed to the last known address shown on the individual's driving record. The notice
196 is deemed received three days after mailing.

197 **14. A certificate of qualification for a concealed carry endorsement shall be**
198 **renewed for a qualified applicant upon receipt of the properly completed renewal**
199 **application and the required renewal fee by the sheriff of the county of the applicant's**
200 **residence. The renewal application shall contain the same required information as set**
201 **forth in subsection 3 of this section, except that in lieu of the firearm safety training, the**
202 **applicant need only display his or her current driver license or nondriver license**
203 **containing a concealed carry endorsement. Upon successful completion of all renewal**
204 **requirements, the sheriff shall issue a certificate of qualification which contains the date**
205 **such certificate was renewed.**

206 **15. A person who has been issued a certificate of qualification for a concealed carry**
207 **endorsement who fails to file a renewal application on or before its expiration date must**
208 **pay an additional late fee of ten dollars per month for each month it is expired for up to**
209 **six months. After six months any person who has been issued a certificate of qualification**
210 **for a concealed carry endorsement pursuant to this section who fails to renew his or her**
211 **application within the six month period must reapply for a new certificate of qualification**
212 **for a concealed carry endorsement and pay the fee for a new application. The director of**
213 **revenue shall not renew a driver license or nondriver license with a concealed carry**
214 **endorsement issued pursuant to this section unless the applicant for such license provides**
215 **evidence that he or she has renewed the certificate of qualification for a concealed carry**
216 **endorsement in the manner provided for such renewal pursuant to this section. If an**
217 **applicant for renewal of a driver license or nondriver license containing a concealed carry**
218 **endorsement does not want to maintain the concealed carry endorsement, the applicant**
219 **shall inform the director at the time of license renewal of his or her desire to remove the**
220 **endorsement. When a driver license or nondriver license applicant informs the director**
221 **of his or her desire to remove the concealed carry endorsement, the director shall renew**
222 **the driver license or nondriver license without the endorsement appearing on the license**
223 **if the applicant is otherwise qualified for such renewal.**

224 **16. Any person issued a concealed carry endorsement pursuant to this section shall**
225 **notify the department of revenue and the sheriffs of both the old and new jurisdictions of**
226 **the endorsement holder's change of residence within thirty days after the changing of a**

227 permanent residence. The endorsement holder shall furnish proof to the department of
228 revenue and the sheriff in the new jurisdiction that the endorsement holder has changed
229 his or her residence. The change of residence shall be made by the department of revenue
230 onto the individual's driving record and the new address shall be accessible by the
231 Missouri uniform law enforcement system within three days of receipt of the information.

232 17. Any person issued a driver's license or nondriver's license with a concealed
233 carry endorsement shall notify the sheriff of the endorsement holder's county of residence
234 within forty-eight hours after actual knowledge of the loss or destruction of his or her
235 certificate of qualification or driver license or nondriver license containing a concealed
236 carry endorsement. The endorsement holder shall furnish a statement to the sheriff that
237 the certificate of qualification or license containing the concealed carry endorsement has
238 been lost or destroyed. After notification of the loss or destruction of a certificate of
239 qualification or a driver license or nondriver license containing a concealed carry
240 endorsement, the sheriff shall reissue a new certificate of qualification within three
241 working days of being notified by the certificate or endorsement holder of its loss or
242 destruction. The reissued certificate of qualification shall contain the same personal
243 information, including expiration date, as the lost or destroyed certificate of qualification.
244 The applicant shall then take the certificate to the department of revenue, and the
245 department of revenue shall proceed on the certificate in the same manner as provided in
246 subsection 7 of this section. Upon application for a license pursuant to chapter 302, RSMo,
247 the director of revenue shall issue a driver license or nondriver license containing a
248 concealed carry endorsement if the applicant is otherwise eligible to receive such license.

249 18. If a person issued a concealed carry endorsement changes his or her name, the
250 person to whom the endorsement was issued shall obtain a corrected certificate of
251 qualification for a concealed carry endorsement with a change of name from the sheriff
252 who issued such certificate upon the sheriff's verification of the name change. The
253 endorsement holder shall furnish proof of the name change to the department of revenue
254 and the sheriff within thirty days of changing his or her name and display his or her
255 current driver license or nondriver license containing a concealed carry endorsement. The
256 endorsement holder shall apply for a new driver license or nondriver license containing his
257 or her new name. Such application for a driver license or nondriver license shall be made
258 pursuant to chapter 302, RSMo. The director of revenue shall issue a new driver's license
259 or nondriver's license with concealed carry endorsement with the endorsement holder's
260 new name if the applicant is otherwise eligible for such license. The director of revenue
261 shall take custody of the old driver license or nondriver license. The name change shall be
262 made by the department of revenue onto the individual's driving record and the new name

263 shall be accessible by the Missouri uniform law enforcement system within three days of
264 receipt of the information.

265 **19. A concealed carry endorsement shall be automatically invalid after thirty days**
266 **if the endorsement holder has changed his or her name or changed his or her residence and**
267 **not notified the department of revenue and sheriff of a change of name or residence as**
268 **required in subsections 16 and 18 of this section.**

269 **20. A concealed carry endorsement shall authorize the person in whose name the**
270 **driver license or nondriver license that contains such endorsement is issued to carry**
271 **concealed firearms on or about his or her person or vehicle throughout the state. No driver**
272 **license or nondriver license containing a concealed carry endorsement issued pursuant to**
273 **this section or a concealed carry endorsement or permit issued by another state or political**
274 **subdivision of another state shall authorize any person to carry concealed firearms into:**

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

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

284 **(3) The facility of any adult or juvenile detention or correctional institution, prison**
285 **or jail. Possession of a firearm in a vehicle on the premises of a correctional institution,**
286 **prison or jail shall not be a criminal offense so long as the firearm is not removed from the**
287 **vehicle or brandished while the vehicle is on the premises;**

288 **(4) Any courthouse, solely occupied by the circuit, appellate, or supreme court or**
289 **a courtroom of any of those courts, or court proceeding, except that nothing in this**
290 **subdivision shall preclude a judge or other officer of the court, holding a valid concealed**
291 **carry endorsement, from carrying a concealed firearm within a courthouse. Possession of**
292 **a firearm in a vehicle on the premises of the courthouse shall not be a criminal offense so**
293 **long as the firearm is not removed from the vehicle or brandished while the vehicle is on**
294 **the premises;**

295 **(5) Any meeting of the governing body of a unit of local government; or any**
296 **meeting of the general assembly or a committee of the general assembly, except that**
297 **nothing in this subdivision shall preclude a member of the body, holding a valid concealed**
298 **carry endorsement from carrying a concealed firearm at a meeting of the body of which**

299 he or she is a member;

300 (6) The general assembly, county, or municipality may by statute, administrative
301 regulation, or ordinance, prohibit or limit the carrying of concealed firearms by
302 endorsement holders in that portion of a building owned, leased or controlled by that unit
303 of government. Any portion of a building in which the carrying of concealed firearms is
304 prohibited or limited shall be clearly identified by signs posted at the entrance to the
305 restricted area. The statute or ordinance shall exempt any building used for public
306 housing by private persons, highways or rest areas, firing ranges, and private dwellings
307 owned, leased, or controlled by that unit of government from any restriction on the
308 carrying or possession of a firearm. The statute or ordinance shall not specify any criminal
309 penalty for its violation but may specify that persons violating the statute or ordinance may
310 be denied entrance to the building, ordered to leave the building and if employees of the
311 unit of government, be subjected to disciplinary measures for violation of the provisions
312 of the statute or ordinance. The provisions of this subdivision shall not apply to any other
313 unit of government;

314 (7) Any portion of an establishment licensed to dispense beer or alcoholic beverages
315 for consumption on the premises, which portion of the establishment is primarily devoted
316 to that purpose without the consent of the owner or manager. This subdivision of the
317 subsection does not apply to any bona fide restaurant open to the general public having
318 dining facilities for not less than fifty persons and that receives at least fifty percent of its
319 gross annual income from the dining facilities by the sale of food. This subdivision does
320 not prohibit the possession of a firearm in a vehicle on the premises of the establishment
321 and shall not be a criminal offense so long as the firearm is not removed from the vehicle
322 or brandished while the vehicle is on the premises. Nothing in this subdivision authorizes
323 any individual who has been issued a concealed carry endorsement to possess any firearm
324 while intoxicated;

325 (8) Any area of an airport to which access is controlled by the inspection of persons
326 and property;

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

328 (10) Any higher education institution or elementary or secondary school facility
329 without the consent of the governing body of the higher education institution or a school
330 official or the district school board. Possession of a firearm in a vehicle on the premises of
331 any elementary or secondary school facility shall not be a criminal offense so long as the
332 firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

333 (11) Any portion of a building used as a child care facility without the consent of
334 the manager. Nothing in this subdivision shall prevent the operator of a child care facility

335 in a family home from owning or possessing a firearm or a driver license or nondriver
336 license containing a concealed carry endorsement;

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

342 (13) Any gated area of an amusement park;

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

348 (15) Any private property whose owner has posted the premises as being off limits
349 to concealed firearms. The owner, business or commercial lessee, manager of a private
350 business enterprise, or any other organization, entity, or person may prohibit persons
351 holding a concealed carry endorsement from carrying concealed firearms on the premises
352 and may prohibit employees, not authorized by the employer, holding a concealed carry
353 endorsement from carrying concealed firearms on the property of the employer. If the
354 building or the premises are open to the public, the employer of the business enterprise
355 shall post signs on or about the premises if carrying a concealed firearm is prohibited.
356 Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long
357 as the firearm is not removed from the vehicle or brandished while the vehicle is on the
358 premises. An employer may prohibit employees or other persons holding a concealed carry
359 endorsement from carrying a concealed firearm in vehicles owned by the employer;

360 (16) Any sports arena or stadium with a seating capacity of two hundred fifty or
361 more;

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

365 21. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17)
366 of subsection 20 of this section by any individual who holds a concealed carry endorsement
367 issued pursuant to this section shall not be a criminal act but may subject the person to
368 denial to the premises or removal from the premises. If such person refuses to leave the
369 premises and a peace officer is summoned, such person may be issued a citation for an
370 amount not to exceed one hundred dollars for the first offense. If a second citation for a

371 similar violation occurs within a six-month period, such person shall be fined an amount
372 not to exceed two hundred dollars and his or her permit to carry concealed firearms shall
373 be suspended for a period of one year. If a third citation for a similar violation is issued
374 such person shall be fined an amount not to exceed five hundred dollars and shall have his
375 or her certificate of qualification for a concealed carry endorsement and concealed carry
376 endorsement revoked for a period of three years. Upon conviction of charges arising from
377 a citation issued pursuant to this subsection, the court shall notify the sheriff of the county
378 which issued the certificate of qualification for a concealed carry endorsement and the
379 department of revenue. The sheriff shall suspend or revoke the certificate of qualification
380 for a concealed carry endorsement and the department of revenue shall issue a notice of
381 such suspension or revocation of the concealed carry endorsement and take action to
382 remove the concealed carry endorsement in the same manner as provided in subsection 13
383 of this section.

384 **22. An applicant for a concealed carry endorsement shall demonstrate knowledge**
385 **of firearm safety training. This requirement shall be fully satisfied if the applicant for a**
386 **concealed carry endorsement:**

387 **(1) Submits a photocopy of a certificate of firearm safety training course**
388 **completion, as defined in subsection 23 of this section, signed by a qualified firearms safety**
389 **instructor as defined in subsection 26 of this section; or**

390 **(2) Submits a photocopy of a certificate that shows the applicant completed a**
391 **firearm safety course given by or under the supervision of any state, county, municipal or**
392 **federal law enforcement agency; or**

393 **(3) Is a qualified firearm safety instructor as defined in subsection 26 of this**
394 **section.**

395 **23. A certificate of firearm safety training course completion may be issued to any**
396 **applicant by any qualified firearm safety instructor. On the certificate of course**
397 **completion the qualified firearm safety instructor shall affirm that the individual receiving**
398 **instruction has taken and passed a firearm safety course taught by the instructor that**
399 **included:**

400 **(1) Four hours of classroom instruction covering handgun safety in the classroom,**
401 **at home, on the firing range and while carrying the firearm;**

402 **(2) A physical demonstration performed by the applicant that demonstrated his or**
403 **her ability to safely load and unload a revolver and a semiautomatic pistol and**
404 **demonstrated his or her marksmanship with both a cylinder loaded and clip loaded**
405 **firearm;**

406 **(3) The basic principles of marksmanship;**

- 407 **(4) Care and cleaning of handguns and long guns;**
408 **(5) Safe storage of firearms at home;**
409 **(6) The requirements of this state for obtaining a certificate of qualification for a**
410 **concealed carry endorsement from the sheriff of the individual's county of residence and**
411 **a concealed carry endorsement issued by the department of revenue;**
412 **(7) The laws relating to firearms as prescribed in this chapter;**
413 **(8) The laws relating to the justifiable use of force as prescribed in chapter 563,**
414 **RSMo;**
415 **(9) A live firing exercise of sufficient duration for each applicant to fire a handgun,**
416 **from a standing position or its equivalent, a minimum of fifty rounds at a distance of seven**
417 **yards, and twenty-five rounds at a distance of fifteen yards, from a B-27 silhouette target**
418 **or an equivalent target;**
419 **(10) A live fire test administered to the applicant while the instructor was present**
420 **of ten rounds from a standing position or its equivalent at a distance from a B-27 silhouette**
421 **target, or an equivalent target, of seven yards and ten rounds from a standing position or**
422 **its equivalent at a distance from a B-27 silhouette target, or an equivalent target, of fifteen**
423 **yards.**
- 424 **24. A qualified firearm safety instructor shall not give a grade of "passing" to any**
425 **individual receiving such instruction who:**
- 426 **(1) Does not follow the orders of the qualified firearms instructor or cognizant**
427 **range officer; or**
428 **(2) Handles a firearm in a manner that, in the judgement of the qualified firearm**
429 **safety instructor, poses a danger to the applicant or to others; or**
430 **(3) During the live fire testing portion of the course fails to hit the silhouette portion**
431 **of the targets with at least fifteen rounds.**
- 432 **25. Qualified firearm safety instructors who provide firearm safety instruction to**
433 **any person receiving such instruction shall:**
- 434 **(1) Make the applicant's course records available upon request to the sheriff of the**
435 **county in which the applicant resides;**
436 **(2) Maintain all course records on students for a period of no less than four years**
437 **from course completion date; and**
438 **(3) Not have more than forty students in the classroom portion of the course or**
439 **more than five students per range officer engaged in range firing.**
- 440 **26. A firearm safety instructor shall be considered to be a qualified firearm safety**
441 **instructor by any sheriff issuing a certificate of qualification for a concealed carry**
442 **endorsement pursuant to this section if the instructor:**

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

445 (2) Submits a photocopy of a certificate from a firearms safety instructor's course
446 offered by a state or federal governmental agency; or

447 (3) Submits a photocopy of a certificate from a firearm safety instructor course
448 approved by the department of public safety; or

449 (4) Has successfully completed a firearm safety instructor course given by or under
450 the supervision of any state, county, municipal or federal law enforcement agency; or

451 (5) Is a certified police officer firearm safety instructor.

452 27. Any firearm safety instructor who knowingly provides any sheriff with false
453 information concerning an applicant's performance on the live fire exercise or test
454 administered to the applicant by the instructor pursuant to subdivision (9) or (10) of
455 subsection 23 of this section shall be guilty of a class C misdemeanor.

456 28. In any case when the sheriff refuses to issue a certificate of qualification or to
457 act on an application for such certificate, the denied applicant shall have the right to
458 appeal the denial within thirty days of receiving written notice of the denial. Such appeals
459 shall be heard in small claims court as defined in section 482.300, RSMo, and the
460 provisions of sections 482.300, 482.310 and 482.335, RSMo, shall apply to such appeals.

461 29. A denial of or refusal to act on an application for a certificate of qualification
462 may be appealed by filing with the clerk of the small claims court a copy of the sheriff's
463 written refusal and a form substantially similar to the appeal form provided in this section.
464 Appeal forms shall be provided by the clerk of the small claims court free of charge to any
465 person:

466 **SMALL CLAIMS COURT**

467
468 In the Circuit Court of..... Missouri

469
470 Case Number.....

471
472, Denied Applicant

473)

474)

475 vs.)

476)

477)

478, Sheriff

479 **Return Date**

480

481 **DENIAL OF CERTIFICATE FOR QUALIFICATION FOR A CONCEALED CARRY**
482 **ENDORSEMENT APPEAL**

483

484 **The denied applicant states that his or her properly completed application for a certificate**
485 **of qualification for a concealed carry endorsement was denied by the sheriff of**
486 **County, Missouri, without just cause. The denied applicant affirms that all of the**
487 **statements in the application are true.**

488

489 **....., Denied Applicant**

490 **30. The notice of appeal in a denial of a certificate of qualification for a concealed**
491 **carry endorsement appeal shall be made to the sheriff in a manner and form determined**
492 **by the small claims court judge.**

493 **31. If at the hearing the person shows he or she is entitled to the requested**
494 **certificate of qualification for a concealed carry endorsement, the court shall issue an**
495 **appropriate order to cause the issuance of the certificate of qualification for a concealed**
496 **carry endorsement. Costs shall not be assessed against the sheriff unless the action of the**
497 **sheriff is determined by the judge to be arbitrary and capricious.**

498 **32. Any person aggrieved by any final judgment rendered by a small claims court**
499 **in a denial of a certificate of qualification for a concealed carry endorsement appeal may**
500 **have a right to trial de novo as provided in sections 512.180 to 512.320, RSMo.**

501 **33. Any person who has knowledge that another person, who was issued a**
502 **certificate of qualification for a concealed carry endorsement pursuant to this section,**
503 **never was or no longer is eligible for such endorsement under the criteria established in**
504 **this section, may file a petition with the clerk of the small claims court to revoke that**
505 **person's certificate of qualification for a concealed carry endorsement and such person's**
506 **concealed carry endorsement. The petition shall be in a form substantially similar to the**
507 **petition for revocation of concealed carry endorsement provided in this section. Appeal**
508 **forms shall be provided by the clerk of the small claims court free of charge to any person:**

509

510 **SMALL CLAIMS COURT**

511

512 **In the Circuit Court of Missouri**

513

514 **Case Number**

515

516 , **PLAINTIFF**

517)

518)

519 vs.)

520)

521)

522 , **DEFENDANT, Carry Endorsement Holder**

523

524 , **DEFENDANT, Sheriff**

525

526

527 **PETITION FOR REVOCATION OF CERTIFICATE OR QUALIFICATIONS AND**
528 **CONCEALED CARRY ENDORSEMENT**

529

530 **Plaintiff states to the court that the defendant,, has a certificate of qualification**
531 **for a concealed carry endorsement and a concealed carry endorsement issued pursuant to**
532 **section 571.094, RSMo, and that the defendant's certification of qualification for a**
533 **concealed carry endorsement and concealed carry endorsement should now be revoked**
534 **because the defendant either never was or no longer is eligible for such a certificate and**
535 **endorsement pursuant to the provisions of section 571.094, RSMo, specifically plaintiff**
536 **states that defendant,, never was or no longer is eligible for such certificate or**
537 **endorsement for one or more of the following reasons:**

538

539 **(CHECK BELOW EACH REASON THAT APPLIES TO THIS DEFENDANT)**

540

541 **Defendant is not at least twenty-one years of age.**

542

543 **Defendant is not a citizen of the United States.**

544

545 **Defendant had not resided in this state for at least six months prior to issuance of the**
546 **endorsement.**

547

548 **Defendant has pled guilty to or been convicted of a crime punishable by imprisonment**
549 **for a term exceeding one year under the laws of any state or of the United States other than**
550 **a crime classified as a misdemeanor under the laws of any state and punishable by a term**

551 **of imprisonment of two years or less that does not involve an explosive weapon, firearm,**
552 **firearm silencer or gas gun.**

553

554 **Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere to**
555 **one or more misdemeanor offenses involving crimes of violence within a five-year period**
556 **immediately preceding application for a certificate of qualification for concealed carry**
557 **endorsement issued pursuant to section 571.094, RSMo, or if the applicant has been**
558 **convicted of two or more misdemeanor offenses involving driving while under the influence**
559 **of intoxicating liquor or drugs or the possession or abuse of a controlled substance within**
560 **a five-year period immediately preceding application for a certificate of qualification for**
561 **concealed carry endorsement issued pursuant to section 571.094, RSMo.**

562

563 **Defendant is a fugitive from justice or currently charged in an information or**
564 **indictment with the commission of a crime punishable by imprisonment for a term**
565 **exceeding one year under the laws of any state of the United States other than a crime**
566 **classified as a misdemeanor under the laws of any state and punishable by a term of**
567 **imprisonment of two years or less that does not involve an explosive weapon, firearm,**
568 **firearm silencer or gas gun.**

569

570 **Defendant has been discharged under dishonorable conditions from the United States**
571 **armed forces.**

572

573 **Defendant is publicly known to be habitually in an intoxicated or drugged condition.**

574

575 **Defendant is adjudged mentally incompetent at the time of application or for five years**
576 **prior to application, or has been committed to a mental health facility, as defined in section**
577 **632.005, RSMo, or a similar institution located in another state, except that a person whose**
578 **release or discharge from a facility in this state pursuant to chapter 632, RSMo, or a**
579 **similar discharge from a facility in another state, occurred more than five years ago**
580 **without subsequent recommitment may apply.**

581

582 **Defendant failed to submit a completed application for a certificate of qualification for**
583 **a concealed carry endorsement issued pursuant to section 571.094, RSMo.**

584

585 **Defendant failed to submit to or failed to clear the required background check.**

586

587 Defendant failed to submit an affidavit attesting that the applicant complies with the
588 concealed carry safety training requirement pursuant to subsection 27 of section 571.094,
589 RSMo.

590

591 The plaintiff states that the information contained in this petition is true and correct to the
592 best of petitioner's knowledge.

593

594 PLAINTIFF

595 **34. If at the hearing the plaintiff shows that the defendant was not eligible for the**
596 **certificate of qualification for a concealed carry endorsement or the concealed carry**
597 **endorsement issued pursuant to this section at the time of issuance or renewal or is no**
598 **longer eligible for a certificate of qualification for a concealed carry endorsement or the**
599 **concealed carry endorsement issued pursuant to this section, the court shall issue an**
600 **appropriate order to cause the revocation of the certificate of qualification for a concealed**
601 **carry endorsement and the concealed carry endorsement. Costs shall not be assessed**
602 **against the sheriff.**

603 **35. Any person aggrieved by any final judgment rendered by a small claims court**
604 **in a petition for revocation of a certificate of qualification and concealed carry**
605 **endorsement may have a right to trial de novo as provided in sections 512.180 to 512.320,**
606 **RSMo.**

607 **36. The office of the county sheriff or any employee or agent of the county sheriff**
608 **shall not be liable for damages in any civil action arising from alleged wrongful or**
609 **improper granting, renewing, or failure to suspend or revoke a certificate of qualification**
610 **or a concealed carry endorsement issued pursuant to this section.**

611 **37. Any person issued a concealed carry endorsement pursuant to this section shall**
612 **carry the concealed carry endorsement at all times the person is carrying a concealed**
613 **firearm and shall display the concealed carry endorsement upon the request of any peace**
614 **officer. Failure to comply with this subsection shall not be a criminal offense but the**
615 **endorsement holder may be issued a citation for an amount not to exceed thirty-five**
616 **dollars.**

617 **38. Notwithstanding the provisions of subdivision (10) of subsection 20 of this**
618 **section, no driver license or nondriver license containing a concealed carry endorsement**
619 **issued pursuant to this section or a concealed carry endorsement or permit issued by**
620 **another state or political subdivision of another state shall authorize any person to carry**
621 **a concealed firearm into any elementary or secondary school facility.**