

FIRST REGULAR SESSION

# HOUSE BILL NO. 136

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES CRAWFORD, MOORE, DOUGHERTY, JETTON,  
COOPER (120), WARD, WHORTON (Co-sponsors), MYERS, LUETKEMEYER, BEARDEN, PURGASON,  
SMITH (14), TOWNLEY AND HUNTER.

Pre-filed January 3, 2003, and copies ordered printed.

TED WEDEL, Chief Clerk

0470L.011

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### AN ACT

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

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*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Section A. Section 571.030, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 50.535, 571.030 and 571.094, to read as follows: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 13, 14, 20, 21,**  
4           **or 22 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 and section 571.094, RSMo.**

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

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

16           **4. If the moneys collected and deposited into this fund are not totally expended**  
17 **annually, then the unexpended balance shall remain in said fund and the balance shall be**  
18 **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  
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 in the passenger compartment of a**  
52 **motor vehicle, so long as such concealable firearm is otherwise lawfully possessed and is**  
53 **not carried on the person, nor** when the actor is also in possession of an exposed firearm or  
54 projectile weapon for the lawful pursuit of game, or is in his **or her** dwelling unit or upon  
55 [business] premises over which the actor has possession, authority or control, or is traveling in  
56 a continuous journey peaceably through this state. Subdivision (10) of subsection 1 of this  
57 section does not apply if the firearm is otherwise lawfully possessed by a person while traversing  
58 school premises for the purposes of transporting a student to or from school, or possessed by an  
59 adult for the purposes of 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 permit to carry concealed firearms issued pursuant to section**  
62 **571.094 or a valid permit to carry concealed firearms issued by another state or political**  
63 **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 permits to carry concealed firearms must satisfy the  
2 following requirements to the approval of the county sheriff of issuance. If the said  
3 applicant can show qualification as provided by this section, the county sheriff will issue  
4 a permit to carry a concealed firearm. Any person who has been issued a permit to carry  
5 concealed firearms may carry concealed firearms on or about his or her person. Permits  
6 to carry concealed firearms shall be valid for a period of three years from the date of  
7 issuance or renewal. The permit to carry concealed firearms is valid throughout this state.**

**8 2. A permit to carry concealed firearms shall be issued by the sheriff of the county  
9 in which the applicant resides, if the applicant:**

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

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

17           **(3) Has not been convicted of, pled guilty to or entered a plea of nolo contendere**  
18 **to one or more misdemeanor offenses involving crimes of violence within a five-year period**  
19 **immediately preceding application for a concealed handgun license or if the applicant has**  
20 **not been convicted of two or more misdemeanor offenses involving driving while under the**  
21 **influence of intoxicating liquor or drugs or the possession or abuse of a controlled**  
22 **substance within a five-year period immediately preceding application for a concealed**  
23 **handgun license.**

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

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

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

33           **(7) Is not currently adjudged mentally incompetent or has not been committed to**  
34 **a mental health facility, as defined in section 632.005, RSMo, or a similar institution**  
35 **located in another state;**

36           **(8) Submits a completed application for a permit to carry a concealed firearm as**  
37 **defined in subsection 3 of this section;**

38           **(9) Submits to and clears a background check conducted by the Federal Bureau of**  
39 **Investigation using the National Instant Check System (NICS).**

40           **(10) Submits an affidavit attesting that the applicant complies with the permit to**  
41 **carry concealed firearms safety training requirement pursuant to subsection 24 of this**  
42 **section.**

43           **3. The application for a permit to carry concealed firearms shall contain only the**  
44 **following information:**

45           **(1) The applicant's name, address, gender and date and place of birth;**

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

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

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

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

60           **(6) An affirmation that the applicant has not been discharged under dishonorable**  
61 **conditions from the United States armed forces;**

62           **(7) An affirmation that the applicant has not been committed to a mental health**  
63 **facility, as defined in section 632.005, RSMo, or a similar institution located in another**  
64 **state;**

65           **(8) A statement that the applicant has received firearm safety training that meets**  
66 **the standards of applicant firearm safety training defined in subsection 25 of this section;**  
67 **and**

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

70           **4. Application for a permit to carry concealed firearms shall be made to the sheriff**  
71 **of the county in which the applicant resides. An application shall be filed in writing, signed**  
72 **under oath and under the penalties of perjury, and shall state whether the applicant**  
73 **complies with each of the requirements specified in subsection 2 of this section. In addition**  
74 **to the completed application, the applicant for a permit to carry concealed firearms must**  
75 **also submit the following:**

76           **(1) A head and shoulder color photograph measuring one inch by one inch and**  
77 **taken within thirty days preceding the date on which the application is submitted;**

78           **(2) A photocopy of a firearm safety training certificate of completion or other**  
79 **evidence of completion of a firearm safety training course that meets the standards**  
80 **established in subsection 25 of this section; and**

81           **(3) A nonrefundable permit fee as provided by subsections 11 and 12 of this section.**

82           **5. Before an application for a permit to carry concealed firearms is approved, the**  
83 **sheriff shall make only such inquiries as he or she deems necessary into the accuracy of the**

84 statements made in the application. Applicant must be able to produce a current Missouri  
85 operator's license or other suitable form of identification to the sheriff.

86           6. The sheriff is required to either approve or deny the application for a permit to  
87 carry concealed firearms within thirty days of submission of the completed application  
88 excluding Saturdays, Sundays or holidays observed by the state of Missouri.

89           7. The sheriff may refuse to approve an application for a permit to carry concealed  
90 firearms if he or she determines that any of the requirements specified in subsection 2 of  
91 this section have not been met, or if he or she has reason to believe that the applicant has  
92 rendered a false statement regarding any of the provisions of this section. If the applicant  
93 is found to be ineligible, the sheriff is required to deny the application, and notify the  
94 applicant in writing, stating the grounds for denial and informing the applicant of the right  
95 to submit, within thirty days, any additional documentation relating to the grounds of the  
96 denial. Upon receiving any additional documentation, the sheriff shall reconsider his or  
97 her decision and inform the applicant within thirty days of the result of the  
98 reconsideration. The applicant shall further be informed in writing of the right to appeal  
99 the denial pursuant to subsections 31, 32, 33, and 34 of this section.

100           8. If the application is approved, the sheriff shall issue a permit to carry concealed  
101 firearms to the applicant within a period not to exceed seven days after his or her approval  
102 of the application excluding Saturdays, Sundays or holidays observed by the state of  
103 Missouri.

104           9. The permit to carry concealed firearms issued pursuant to this section shall bear  
105 a photograph, date of birth and physical description of the applicant on the front of the  
106 permit. The permit shall recite the date of issuance, the date of expiration and the name  
107 and address of the person to whom the permit has been issued. The applicant shall sign  
108 the permit in the presence of the sheriff or his or her designee. The sheriff shall keep a  
109 record of all applications for permits and his or her action thereon. The sheriff shall  
110 report the issuance of permits to carry concealed firearms to the Missouri uniform law  
111 enforcement system.

112           10. No person shall in any manner transfer, alter or change a permit to carry  
113 concealed firearms issued pursuant to this section, or make a false notation thereon, or  
114 obtain a permit upon any false representation, or use, or attempt to use a permit issued to  
115 another. Violation of this subsection is a class A misdemeanor.

116           11. For processing an application for a permit to carry concealed firearms pursuant  
117 to this section, the sheriff in each county shall charge a nonrefundable fee not to exceed  
118 fifty dollars which shall be paid to the treasury of the county to the credit of the sheriff's  
119 revolving fund.

120           **12. For processing a renewal for a permit to carry concealed firearms pursuant to**  
121 **this section, the sheriff in each county shall charge a nonrefundable fee not to exceed ten**  
122 **dollars which shall be paid to the treasury of the county to the credit of the sheriff's**  
123 **revolving fund.**

124           **13. For the purposes of this section, the term sheriff shall include the sheriff of any**  
125 **county or city not within a county or his or her designee.**

126           **14. A permit to carry concealed firearms issued pursuant to this section shall be**  
127 **suspended or revoked if the permit holder becomes ineligible for a permit under the**  
128 **criteria established in this section. When an order of protection is issued against a person**  
129 **holding a permit to carry concealed firearms issued pursuant to this section, the holder of**  
130 **the permit shall surrender the permit to the court or to the officer serving the order. The**  
131 **officer to whom the permit is surrendered shall forthwith transmit the permit to the court**  
132 **issuing the order. The permit shall be suspended until the order is terminated. Any sheriff**  
133 **suspending or revoking any permit to carry concealed firearms shall report the change in**  
134 **status of the permit to the Missouri uniform law enforcement system.**

135           **15. Not later than one hundred twenty days before the expiration of any permit**  
136 **issued pursuant to this section, the sheriff shall notify the permit holder in writing of the**  
137 **expiration of the permit and furnish an application for renewal of the permit.**

138           **16. A permit to carry concealed firearms shall be renewed for a qualified applicant**  
139 **upon receipt of the properly completed renewal application and the required renewal fee.**  
140 **The renewal application shall contain the same required information as set forth in**  
141 **subsection 3 of this section, except that in lieu of the firearm safety training, the applicant**  
142 **need only display his or her current permit to carry concealed firearms.**

143           **17. A person who has been issued a concealed firearms permit who fails to file a**  
144 **renewal application on or before its expiration date must pay an additional late fee of ten**  
145 **dollars. Any permit holder who fails to renew his or her application within six months**  
146 **after the expiration date must reapply for a new permit and pay the fee for a new**  
147 **application.**

148           **18. Any person issued a permit to carry concealed firearms shall notify the sheriff**  
149 **of the permit holder's new county of residence of the permit holder's change of residence**  
150 **within thirty days after the changing of a permanent residence. The permit holder shall**  
151 **furnish proof to the sheriff that the permit holder has changed his or her residence and**  
152 **display his or her current permit to carry concealed firearms. Within seven days of being**  
153 **notified by the permit holder of his or her change of residence, the sheriff shall issue a new**  
154 **permit with the permit holder's new residence and shall take custody of the old permit.**  
155 **The reissued permit shall contain the same expiration date as the surrendered permit but**



156 shall reflect the change of residence. The sheriff shall report the change of address  
157 information to the Missouri uniform law enforcement system. For processing the reissued  
158 permit to carry concealed firearms, the sheriff of the county of the permit holder's new  
159 residence shall charge a fee not to exceed ten dollars. The reissue fee shall be paid to the  
160 treasury of the county to the credit of the sheriff's revolving fund.

161       **19.** Any person issued a permit to carry concealed firearms shall notify the sheriff  
162 of the permit holder's county of residence within fifteen days after the loss or destruction  
163 of his or her permit to carry concealed firearms. The permit holder shall furnish a  
164 statement to the sheriff that the permit has been lost or destroyed. After notification of the  
165 loss or destruction of a permit to carry concealed firearms, the sheriff shall reissue a new  
166 permit within fifteen days of being notified by the permit holder of its loss or destruction.  
167 The reissued permit shall contain the same personal information, including expiration  
168 date, as the lost or destroyed permit. For processing the reissued permit to carry concealed  
169 firearms, the sheriff shall charge a fee not to exceed ten dollars. The reissue fee shall be  
170 paid to the treasury of the county to the credit of the sheriff's revolving fund.

171       **20.** If a person issued a permit to carry concealed firearms changes his or her name,  
172 the person to whom the permit was issued may obtain a corrected permit to carry  
173 concealed firearms with a change of name. The permit holder shall furnish a Missouri  
174 operator's license or other form of identification with the permit holder's new name and  
175 display his or her current permit to carry concealed firearms. Within seven days of being  
176 notified by the permit holder of his or her change of name, the sheriff shall issue a new  
177 permit with the permit holder's new name and shall take custody of the old permit. The  
178 expiration date on the reissued permit shall be the same date as on the surrendered permit.  
179 The sheriff shall report the change of name information to the Missouri uniform law  
180 enforcement system. For processing the reissued permit to carry concealed firearms, the  
181 sheriff of the county shall charge a fee not to exceed ten dollars. The reissue fee shall be  
182 paid into the treasury of the county to the credit of the sheriff's revolving fund.

183       **21.** A permit to carry concealed firearms shall be automatically invalid after thirty  
184 days if the permit holder has changed his or her name or changed his or her residence and  
185 not notified the sheriff of a change of name or residence.

186       **22.** A permit to carry concealed firearms shall authorize the person in whose name  
187 the permit is issued to carry concealed firearms on or about his or her person or vehicle  
188 throughout the state. No permit to carry concealed firearms issued pursuant to this section  
189 or issued by another state or political subdivision of another state shall authorize any  
190 person to carry concealed firearms into:

191       **(1)** Any police, sheriff, or highway patrol office or station without the consent of

192 the chief law enforcement officer in charge of that office or station. Possession of a firearm  
193 in a vehicle on the premises of the office or station shall not be a criminal offense so long  
194 as the firearm is not removed from the vehicle or brandished while the vehicle is on the  
195 premises;

196 (2) Any polling place on any election day. Possession of a firearm in a vehicle on  
197 the premises of the polling place shall not be a criminal offense so long as the firearm is not  
198 removed from the vehicle or brandished while the vehicle is on the premises;

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

203 (4) Any courthouse, solely occupied by the circuit, appellate, or supreme court or  
204 a courtroom of any of those courts, or court proceeding, except that nothing in this  
205 subdivision shall preclude a judge or other officer of the court, holding a valid permit to  
206 carry concealed firearms, from carrying a concealed firearm within a courthouse.  
207 Possession of a firearm in a vehicle on the premises of the courthouse shall not be a  
208 criminal offense so long as the firearm is not removed from the vehicle or brandished while  
209 the vehicle is on the premises;

210 (5) Any meeting of the governing body of a unit of local government; or any  
211 meeting of the general assembly or a committee of the general assembly, except that  
212 nothing in this subdivision shall preclude a member of the body, holding a valid permit to  
213 carry concealed firearms from carrying a concealed firearm at a meeting of the body which  
214 he or she is a member;

215 (6) The general assembly, county, or municipality may by statute, administrative  
216 regulation, or ordinance, prohibit or limit the carrying of concealed firearms by permit  
217 holders in that portion of a building owned, leased or controlled by that unit of  
218 government. Any portion of a building in which the carrying of concealed firearms is  
219 prohibited or limited shall be clearly identified by signs posted at the entrance to the  
220 restricted area. The statute or ordinance shall exempt any building used for public  
221 housing by private persons, highways or rest areas, firing ranges, and private dwellings  
222 owned, leased, or controlled by that unit of government from any restriction on the  
223 carrying or possession of a firearm. The statute or ordinance shall not specify any criminal  
224 penalty for its violation but may specify that persons violating the statute or ordinance may  
225 be denied entrance to the building, ordered to leave the building and if employees of the  
226 unit of government, be subjected to disciplinary measures for violation of the provisions  
227 of the statute or ordinance. The provisions of this subdivision shall not apply to any other

228 **unit of government;**

229 **(7) Any portion of an establishment licensed to dispense beer or alcoholic beverages**  
230 **for consumption on the premises, which portion of the establishment is primarily devoted**  
231 **to that purpose without the consent of the owner or manager. This subdivision of the**  
232 **subsection does not apply to any bona fide restaurant open to the general public having**  
233 **dining facilities for not less than fifty persons and that receives at least fifty percent of its**  
234 **gross annual income from the dining facilities by the sale of food. This subdivision does**  
235 **not prohibit the possession of a firearm in a vehicle on the premises of the establishment**  
236 **and shall not be a criminal offense so long as the firearm is not removed from the vehicle**  
237 **or brandished while the vehicle is on the premises. Nothing in this subdivision authorizes**  
238 **any individual who has been issued a permit to carry concealed firearms to possess any**  
239 **firearm while intoxicated;**

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

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

243 **(10) Any elementary or secondary school facility without the consent of a school**  
244 **official or the district school board. Possession of a firearm in a vehicle on the premises of**  
245 **any elementary or secondary school facility shall not be a criminal offense so long as the**  
246 **firearm is not removed from the vehicle or brandished while the vehicle is on the premises;**

247 **(11) Any portion of a building used as a child care facility without the consent of**  
248 **the manager. Nothing in this subdivision shall prevent the operator of a child care facility**  
249 **in a family home from owning or possessing a firearm or permit;**

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

255 **(13) Any gated area of an amusement park;**

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

261 **(15) Any private property whose owner has posted the premises as being off limits**  
262 **to concealed firearms. The owner, business or commercial lessee, manager of a private**  
263 **business enterprise, or any other organization, entity, or person may prohibit persons**

264 holding a permit to carry concealed firearms from carrying concealed firearms on the  
265 premises and may prohibit employees, not authorized by the employer, holding a permit  
266 to carry concealed firearms from carrying concealed firearms on the property of the  
267 employer. If the building or the premises are open to the public, the employer of the  
268 business enterprise shall post signs on or about the premises if carrying a concealed  
269 firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a  
270 criminal offense so long as the firearm is not removed from the vehicle or brandished while  
271 the vehicle is on the premises. An employer may prohibit employees or other persons  
272 holding a permit to carry concealed firearms from carrying a concealed firearm in vehicles  
273 owned by the employer;

274 (16) Any sports arena or stadium with a seating capacity of ten thousand or more;

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

278 23. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17)  
279 of subsection 22 of this section by a permit holder shall not be a criminal act but may  
280 subject the person to denial to the premises or removal from the premises. If the permit  
281 holder refuses to leave the premises and a peace officer is summoned, the permit holder  
282 may be issued a citation for an amount not to exceed one hundred dollars for the first  
283 offense. If a second citation for a similar violation occurs within a six-month period, the  
284 permit holder shall be fined an amount not to exceed two hundred dollars and his or her  
285 permit to carry concealed firearms shall be suspended for a period of six months. If a third  
286 citation for a similar violation is issued within one year of the first citation, the permit  
287 holder shall be fined an amount not to exceed five hundred dollars and shall have his or  
288 her permit revoked for a period of three years.

289 24. An applicant for a permit to carry concealed firearms shall demonstrate  
290 knowledge of firearm safety training. This requirement shall be fully satisfied if the  
291 applicant for a permit to carry concealed firearms:

292 (1) Submits a photocopy of a certificate of firearm safety training course  
293 completion, as defined in subsection 25 of this section, signed by a qualified firearms safety  
294 instructor as defined in subsection 28 of this section; or

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

298 (3) Is a qualified firearm safety instructor as defined in subsection 28 of this  
299 section.

300           **25. A certificate of firearm safety training course completion may be issued to any**  
301 **applicant by any qualified firearm safety instructor. On the certificate of course**  
302 **completion the qualified firearm safety instructor shall affirm that the applicant for a**  
303 **permit to carry concealed firearms has taken and passed a firearm safety course taught by**  
304 **the instructor that included:**

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

307           **(2) A physical demonstration performed by the applicant that demonstrated his or**  
308 **her ability to safely load and unload a revolver and a semiautomatic pistol;**

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

310           **(4) Care and cleaning of handguns;**

311           **(5) Safe storage of firearms at home;**

312           **(6) The requirements for obtaining a permit to carry concealed firearms in this**  
313 **state;**

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

315           **(8) The laws relating to the justifiable use of force as prescribed in chapter 563,**  
316 **RSMo;**

317           **(9) A live firing exercise of sufficient duration for each applicant to fire a handgun**  
318 **a minimum of fifty rounds from a standing position or its equivalent at a distance from a**  
319 **B-27 silhouette target, or an equivalent target, of seven yards;**

320           **(10) A written test administered to the applicant while the instructor was present**  
321 **of no less than fifty questions covering the subjects listed in subdivisions (1) to (6) of this**  
322 **subsection and twenty-five questions covering the subjects listed in subdivisions (7) and (8)**  
323 **of this subsection. The instructor shall review any questions answered incorrectly by the**  
324 **applicant on the test;**

325           **(11) A live fire test administered to the applicant while the instructor was present**  
326 **of ten rounds from a standing position or its equivalent at a distance from a B-27 silhouette**  
327 **target, or an equivalent target, of seven yards and ten rounds from a standing position or**  
328 **its equivalent at a distance from a B-27 silhouette target, or an equivalent target, of fifteen**  
329 **yards.**

330           **26. A qualified firearm safety instructor shall not give a grade of "passing" to an**  
331 **applicant for a permit to carry concealed firearms who:**

332           **(1) Does not follow the orders of the qualified firearms instructor or cognizant**  
333 **range officer; or**

334           **(2) Handles a firearm in a manner that, in the judgement of the qualified firearm**  
335 **safety instructor, poses a danger to the applicant or to others; or**

336           **(3) During the live fire testing portion of the course fails to hit the silhouette portion**  
337 **of the target with at least fifteen rounds; or**

338           **(4) Answers less than seventy percent of the written examination questions**  
339 **correctly; or**

340           **(5) Answers less than twenty questions of the written examination relating to topics**  
341 **listed in subdivisions (7) and (8) of subsection 25 of this section correctly.**

342           **27. Qualified firearm safety instructors who provide firearm safety instruction to**  
343 **any person who applies for a permit to carry concealed firearms shall:**

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

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

348           **(3) Not have more than forty students in the classroom portion of the course or**  
349 **more than five students per range officer engaged in range firing.**

350           **28. A firearm safety instructor shall be considered to be a qualified firearm safety**  
351 **instructor by any sheriff issuing a permit to carry concealed firearms pursuant to this**  
352 **section if the instructor:**

353           **(1) Is a valid firearms safety instructor certified by the National Rifle Association**  
354 **holding a rating as a Personal Protection Instructor or Pistol Marksmanship Instructor;**  
355 **or**

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

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

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

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

363           **29. Any firearm safety instructor who knowingly provides any sheriff with false**  
364 **information concerning an applicant's performance on either the written test or the live**  
365 **fire test administered to the applicant by the instructor pursuant to subdivision (8) or (9)**  
366 **of subsection 25 of this section shall be guilty of a class C misdemeanor.**

367           **30. In any case when the sheriff refuses to issue or to act on an application for a**  
368 **permit to carry concealed firearms, the denied applicant shall have the right to appeal the**  
369 **denial within thirty days of receiving written notice of the denial. Such appeals shall be**  
370 **heard in small claims court as defined in section 482.300, RSMo, and the provisions of**  
371 **sections 482.300, 482.310 and 482.335, RSMo, shall apply to such appeals.**

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

376

377

**SMALL CLAIMS COURT**

378

379 **In the Circuit Court of..... Missouri**

380

381 **Case Number.....**

382

383 **....., Denied Applicant**

384

)

385

)

386

**vs.**

387

)

388

)

389 **....., Sheriff )**

390

391 **Return Date .....**

392

**DENIAL OF PERMIT APPEAL**

394

395 **The denied applicant states that his or her properly completed application for a permit to**  
 396 **carry concealed firearms was denied by the sheriff of ..... County, Missouri, without just**  
 397 **cause. The denied applicant affirms that all of the statements in the application are true.**  
 398 **....., Denied Applicant )**

399

400 **32. The notice of appeal in a denial of permit appeal shall be made to the sheriff in**

401

402 **a manner and form determined by the small claims court judge.**  
 403 **33. If at the hearing the person shows he or she is entitled to the requested permit**  
 404 **to carry concealed firearms, the court shall issue an appropriate order to cause the**  
 405 **issuance of the permit. Costs shall not be assessed against the sheriff unless the action of**  
 406 **the sheriff is determined by the judge to be arbitrary and capricious.**

407

408 **34. Any person aggrieved by any final judgment rendered by a small claims court**  
 409 **in a denial of permit appeal may have a right to trial de novo as provided in sections**  
 410 **512.180 to 512.320, RSMo.**

408           **35. Any person who has knowledge that another person, who was issued a permit**  
409 **to carry concealed firearms pursuant to this section, never was or no longer is eligible for**  
410 **such permit under the criteria established in this section, may file a petition with the clerk**  
411 **of the small claims court to revoke that person's permit to carry concealed firearms. The**  
412 **petition shall be in a form substantially similar to the petition for revocation of permit to**  
413 **carry concealed firearms provided in this section. Appeal forms shall be provided by the**  
414 **clerk of the small claims court free of charge to any person:**

415  
416                                       **SMALL CLAIMS COURT**

417  
418 **In the Circuit Court of.....Missouri**

419  
420 **Case Number.....**

421  
422 **....., PLAINTIFF**

423                                       **)**

424                                       **)**

425  
426                                       **vs.**

427                                       **)**

428                                       **)**

429  
430 **....., DEFENDANT, Carry Permit Holder**

431  
432 **....., DEFENDANT, Sheriff of Issuance**

433  
434 **PERMIT FOR REVOCATION OF PERMIT TO CARRY CONCEALED FIREARMS**  
435

436 **Plaintiff states to the court that the defendant, ....., has a permit to carry concealed**  
437 **firearms issued pursuant to section 571.094, RSMo 2000, and that the defendant's permit**  
438 **should now be revoked because the defendant either never was or no longer is eligible for**  
439 **such a permit pursuant to the provisions of section 571.094, RSMo 2000, specifically**  
440 **plaintiff states that defendant, ....., never was or no longer is eligible for such permit**  
441 **for one or more of the following reasons:**

442  
443 **(CHECK BELOW EACH REASON THAT APPLIES TO THIS DEFENDANT)**

444  
445  **Defendant is not at least twenty-one years of age**

446  
447  **Defendant is not a citizen of the United States**



448

449  Defendant had not resided in this state for at least six months prior to issuance of the  
450 permit

451

452  Defendant has pled guilty to or been convicted of a crime punishable by imprisonment  
453 for a term exceeding one year under the laws of any state or of the United States other than  
454 a crime classified as a misdemeanor under the laws of any state and punishable by a term  
455 of imprisonment of two years or less that does not involve an explosive weapon, firearm,  
456 firearm silencer or gas gun

457

458  Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere to  
459 one or more misdemeanor offenses involving crimes of violence within a five-year period  
460 immediately preceding application for a concealed handgun license or if the applicant has  
461 been convicted of two or more misdemeanor offenses involving driving while under the  
462 influence of intoxicating liquor or drugs or the possession or abuse of a controlled  
463 substance within a five-year period immediately preceding application for a concealed  
464 handgun license

465

466  Defendant is a fugitive from justice or currently charged in an information or  
467 indictment with the commission of a crime punishable by imprisonment for a term  
468 exceeding one year under the laws of any state of the United States other than a crime  
469 classified as a misdemeanor under the laws of any state and punishable by a term of  
470 imprisonment of two years or less that does not involve an explosive weapon, firearm,  
471 firearm silencer or gas gun

472

473  Defendant has been discharged under dishonorable conditions from the United States  
474 armed forces

475

476  Defendant is publicly known to be habitually in an intoxicated or drugged condition

477

478  Defendant is currently adjudged mentally incompetent or has been committed to a  
479 mental health facility, as defined in section 632.005, RSMo, or a similar institution located  
480 in another state

481

482  Defendant failed to submit a completed application for a permit to carry a concealed  
483 firearm as defined in subsection 3 of section 571.094, RSMo

484  Defendant failed to submit to or failed to clear a background check conducted by the  
485 Federal Bureau of Investigation using the National Instant Check System (NICS)

486

487  Defendant failed to submit an affidavit attesting that the applicant complies with the  
488 permit to carry concealed firearms safety training requirement pursuant to subsection 26  
489 of section 571.094, RSMo

490

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

493

494 .....PLAINTIFF

495

496 **36. If at the hearing the plaintiff shows that the defendant was not eligible for the**  
497 **permit at the time of issuance or renewal or is no longer eligible for a permit pursuant to**  
498 **the provisions of this section, the court shall issue an appropriate order to cause the**  
499 **revocation of the permit. Costs shall not be assessed against the sheriff.**

500 **37. Any person aggrieved by any final judgment rendered by a small claims court**  
501 **in a petition for revocation of permit to carry concealed firearms may have a right to trial**  
502 **de novo as provided in sections 512.180 to 512.320, RSMo.**

503 **38. The department of public safety shall design and provide a permit to be issued**  
504 **pursuant to this section to the sheriff of each county no later than thirty business days after**  
505 **enactment of this section.**

506 **39. The office of the county sheriff or any employee or agent of the county sheriff**  
507 **shall not be liable for damages in any civil action arising from alleged wrongful or**  
508 **improper granting, renewing, or failure to revoke permits issued pursuant to this section.**

509 **40. Any person issued a permit pursuant to this section shall carry the permit at all**  
510 **times the person is carrying a concealed firearm and shall display the permit upon the**  
511 **request of any peace officer. Failure to comply with this subsection shall not be a criminal**  
512 **offense but the permit holder may be issued a citation for an amount not to exceed thirty-**  
513 **five dollars.**