

FIRST REGULAR SESSION  
[PERFECTED]  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NOS. 349, 120,  
136 & 328**

**92ND GENERAL ASSEMBLY**



Taken up for Perfection March 4, 2003.

House Substitute for House Committee Substitute for House Bill Nos. 349, 120, 136 & 328 ordered Perfected and printed, as amended.

STEPHEN S. DAVIS, Chief Clerk

1360L.05P



**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Section A. Section 571.030, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 50.535, 571.030 and 571.094, to read as follows: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 10, 11 and 14**  
4 **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 county or city sheriff or his or her designee as provided in this**  
7 **section.**  
8           **2. No prior approval of the expenditures from this fund shall be required by the**  
9 **governing body of the county or city not within a county, nor shall any prior audit or**  
10 **encumbrance of the fund be required before any expenditure is made by the sheriff from**  
**this fund. This fund shall only be used by law enforcement agencies for the purchase of**

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

11 **equipment and to provide training. If the moneys collected and deposited into this fund are**  
12 **not totally expended annually, then the unexpended balance shall remain in said fund and**  
13 **the balance shall be kept in said fund to accumulate from year to year. This fund may be**  
14 **audited by the state auditor's office or the appropriate auditing agency.**

15 **3. If pursuant to subsection 12 of section 571.094, RSMo, the sheriff of a county of**  
16 **the first classification designates one or more chiefs of police of any town, city, or**  
17 **municipality within such county to accept and process applications for certificates of**  
18 **qualification to obtain a conceal carry endorsement then that sheriff shall reimburse such**  
19 **chiefs of police, out of the moneys deposited into this fund, for any reasonable expenses**  
20 **related to accepting and processing such 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  
23 any person, or at any other motor vehicle, or at any building or habitable structure, unless the  
24 person 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, 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 **other** 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 said**  
3 **applicant can show qualification as provided by this section, the county or city sheriff shall**  
4 **issue a certificate of qualification for a concealed carry endorsement. Upon receipt of such**

5 certificate, the certificate holder must apply for a driver's license or nondriver's license  
6 with the director of revenue in order to obtain a concealed carry endorsement. Any person  
7 who has been issued a concealed carry endorsement on a driver's license or nondriver's  
8 license and such endorsement or license has not been suspended, revoked, canceled, or  
9 denied may carry concealed firearms on or about his or her person or within a vehicle. A  
10 concealed carry endorsement shall be valid for a period of three years from the date of  
11 issuance or renewal. The 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 or his or her designee of the  
14 county or city in which the applicant resides, if the applicant:

15 (1) Is at least twenty-one years of age, is a citizen of the United States and either:

16 (a) Has resided in this state for at least six months; or

17 (b) Is a member of the armed forces stationed in Missouri, or the spouse of such  
18 member of the military;

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

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

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

37 (5) Has not been discharged under dishonorable conditions from the United States  
38 armed forces;

39 (6) Has not engaged in a pattern of behavior, documented in public records, that  
40 causes the sheriff to have a reasonable belief that the applicant presents a danger to himself

41 or others;

42 (7) Is not adjudged mentally incompetent at the time of application or for five years  
43 prior to application, or has not been committed to a mental health facility, as defined in  
44 section 632.005, RSMo, or a similar institution located in another state following a hearing  
45 at which the defendant was represented by counsel or a representative;

46 (8) Submits a completed application for a certificate of qualification as defined in  
47 subsection 3 of this section;

48 (9) Submits an affidavit attesting that the applicant complies with the concealed  
49 carry safety training requirement pursuant to subsection 22 of this section;

50 (10) Is not the respondent of a valid full order of protection which is still in effect.

51 3. The application for a certificate of qualification for a concealed carry  
52 endorsement issued by the sheriff of the county of the applicant's residence shall contain  
53 only the following information:

54 (1) The applicant's name, address, telephone number, gender, and date and place  
55 of birth;

56 (2) An affirmation that the applicant is a resident of the state of Missouri and has  
57 been a resident thereof for the last six months or is a member of the armed forces stationed  
58 in Missouri or the spouse of such a member of the armed forces and is a citizen of the  
59 United States;

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

61 (4) An affirmation that the applicant has not pled guilty to or been convicted of a  
62 crime punishable by imprisonment for a term exceeding one year under the laws of any  
63 state or of the United States other than a crime classified as a misdemeanor under the laws  
64 of any state and punishable by a term of imprisonment of one year or less that does not  
65 involve an explosive weapon, firearm, firearm silencer, or gas gun;

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

74 (6) An affirmation that the applicant is not a fugitive from justice or currently  
75 charged in an information or indictment with the commission of a crime punishable by  
76 imprisonment for a term exceeding one year under the laws of any state or of the United

77 States other than a crime classified as a misdemeanor under the laws of any state and  
78 punishable by a term of imprisonment of two years or less that does not involve an  
79 explosive weapon, firearm, firearm silencer or gas gun;

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

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

88 (9) An affirmation that the applicant has received firearms safety training that  
89 meets the standards of applicant firearms safety training defined in subsections 22 or 23  
90 of this section;

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

93 (11) A conspicuous warning that false statements made by the applicant will result  
94 in prosecution for perjury pursuant to the laws of the state of Missouri.

95 4. An application for a certificate of qualification for a concealed carry  
96 endorsement shall be made to the sheriff of the county or any city not within a county in  
97 which the applicant resides. An application shall be filed in writing, signed under oath and  
98 under the penalties of perjury, and shall state whether the applicant complies with each  
99 of the requirements specified in subsection 2 of this section. In addition to the completed  
100 application, the applicant for a certificate of qualification for a concealed carry  
101 endorsement must also submit the following:

102 (1) A photocopy of a firearms safety training certificate of completion or other  
103 evidence of completion of a firearms safety training course that meets the standards  
104 established in subsections 22 or 23 of this section; and

105 (2) A nonrefundable certificate of qualification fee as provided by subsections 9 and  
106 10 of this section.

107 5. Before an application for a certificate of qualification for a concealed carry  
108 endorsement is approved, the sheriff shall make only such inquiries as he or she deems  
109 necessary into the accuracy of the statements made in the application. In order to  
110 determine the applicant's suitability for a certificate of qualification for a concealed carry  
111 endorsement, the applicant shall be fingerprinted. If no disqualifying record is identified  
112 by the fingerprint check at the state level, the fingerprints shall be forwarded to the

113 **Federal Bureau of Investigation for a national criminal history record check. The sheriff**  
114 **may require that the applicant display a Missouri driver's license or nondriver's license**  
115 **or military identification and orders showing the person being stationed in Missouri. The**  
116 **sheriff shall request a criminal background check through the appropriate law**  
117 **enforcement agency within three working days after submission of the properly completed**  
118 **application for a certificate of qualification for a concealed carry endorsement. Upon**  
119 **receipt of the completed background check, the sheriff shall issue a certificate of**  
120 **qualification for a concealed carry endorsement within three working days. In the event**  
121 **that the federal criminal background check has not been received within forty-five**  
122 **calendar days, the sheriff shall issue the certificate provided that the sheriff shall revoke**  
123 **any such certificate within twenty-four hours of receipt of any federal background check**  
124 **that results in a disqualifying record.**

125 **6. The sheriff may refuse to approve an application for a certificate of qualification**  
126 **for a concealed carry endorsement if he or she determines that any of the requirements**  
127 **specified in subsection 2 of this section have not been met, or if he or she has a substantial**  
128 **and demonstrable reason to believe that the applicant has rendered a false statement**  
129 **regarding any of the provisions of this section. If the applicant is found to be ineligible, the**  
130 **sheriff is required to deny the application, and notify the applicant in writing, stating the**  
131 **grounds for denial and informing the applicant of the right to submit, within thirty days,**  
132 **any additional documentation relating to the grounds of the denial. Upon receiving any**  
133 **additional documentation, the sheriff shall reconsider his or her decision and inform the**  
134 **applicant within thirty days of the result of the reconsideration. The applicant shall**  
135 **further be informed in writing of the right to appeal the denial pursuant to subsections 29,**  
136 **30, 31, and 32 of this section. After two additional reviews and denials by the sheriff, the**  
137 **person submitting the application shall appeal the denial pursuant to subsections 29, 30,**  
138 **31, and 32 of this section.**

139 **7. If the application is approved, the sheriff shall issue a certificate of qualification**  
140 **for a concealed carry endorsement to the applicant within a period not to exceed three**  
141 **working days after his or her approval of the application. The applicant shall sign the**  
142 **certificate of qualification in the presence of the sheriff or his or her designee and shall**  
143 **within seven days of receipt of the certificate of qualification take the certificate of**  
144 **qualification to the department of revenue. Upon receipt of the certificate of qualification**  
145 **and completion of a driver's license or nondriver's license application pursuant to chapter**  
146 **302, RSMo, the director of revenue shall issue a new driver's license or nondriver's license**  
147 **with an endorsement which identifies that the applicant has received a certificate of**  
148 **qualification to carry concealed weapons issued pursuant to this section if the applicant is**



149 otherwise qualified to receive such driver's license or nondriver's license. The  
150 requirements for the director of revenue to issue a concealed carry endorsement pursuant  
151 to this subsection shall not be effective until July 1, 2004, and the certificate of qualification  
152 issued by a county sheriff pursuant to subsection 1 of this section shall allow the person  
153 issued such certificate to carry a concealed weapon pursuant to the requirements of  
154 subsection 20 of this section in lieu of the concealed carry endorsement issued by the  
155 director of revenue from the effective date of this section until the concealed carry  
156 endorsement is issued or denied by the director or revenue on or after July 1, 2004, unless  
157 such certificate of qualification has been suspended or revoked for cause.

158 **8. The sheriff shall keep a record of all applications for a certificate of qualification**  
159 **for a concealed carry endorsement and his or her action thereon. The sheriff shall report**  
160 **the issuance of a certification of qualification to the Missouri uniform law enforcement**  
161 **system. All information on any such certificate that is protected information on any**  
162 **drivers or nondriver's license shall have the same personal protection for purposes of this**  
163 **section. An applicant's status as a holder of a certificate of qualification or a conceal carry**  
164 **endorsement shall not be public information and shall be considered personal protected**  
165 **information. Any person who violates the provisions of this subdivision by disclosing**  
166 **protected information shall be guilty of a class A misdemeanor.**

167 **9. Information regarding any holder of a certificate of qualification or a conceal**  
168 **carry endorsement is a closed record.**

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

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

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

181 **13. A certificate of qualification for a concealed carry endorsement issued pursuant**  
182 **to this section shall be suspended or revoked if the certificate holder becomes ineligible for**  
183 **such certificate under the criteria established in subdivisions (2), (3), (4), (5), and (7) of**  
184 **subsection 2 of this section or upon the issuance of a valid full order of protection. When**

185 a valid full order of protection, or any arrest warrant, discharge, or commitment for the  
186 reasons listed in subdivision (2), (3), (4), (5), (7), or (10) of subsection 2 of this section, is  
187 issued against a person holding a certificate of qualification for a concealed carry  
188 endorsement issued pursuant to this section upon notification of said order, warrant,  
189 discharge or commitment or upon an order of a court of competent jurisdiction in a  
190 criminal proceeding, a commitment proceeding or a full order of protection proceeding  
191 ruling that a person holding a certificate of qualification for a concealed carry  
192 endorsement presents a risk of harm to themselves or others, then upon notification of such  
193 order, the holder of the certificate shall surrender the certificate of qualification and the  
194 driver's license or nondriver's license containing the concealed carry endorsement to the  
195 court, to the officer, or other official serving the order, warrant, discharge, or commitment.  
196 The official to whom the certificate of qualification is surrendered shall forthwith transmit  
197 the permit to the circuit court of the county issuing the order, warrant, discharge, or  
198 commitment. The driver's license or nondriver's license containing the concealed carry  
199 endorsement shall be forwarded to the department of revenue and the sheriff shall inform  
200 the director of revenue of the suspension of the certificate of qualification and the  
201 concealed carry endorsement. The certificate and endorsement issued pursuant to this  
202 section shall be suspended until the order is terminated or until the arrest results in a  
203 dismissal of all charges. Any conviction, discharge, or commitment specified in subsection  
204 2 of this section shall result in a revocation. Any sheriff suspending or revoking any  
205 certificate of qualification or any concealed carry endorsement shall report the change in  
206 status of the certificate or endorsement to the Missouri uniform law enforcement system  
207 and the department of revenue. The director of revenue shall immediately remove the  
208 endorsement issued pursuant to this section from the individual's driving record upon  
209 receipt of the notice of suspension from the sheriff and within three days of receipt of such  
210 notice of suspension from the sheriff, the director of revenue shall notify the licensee that  
211 he or she must apply for a new license pursuant to chapter 302, RSMo, which does not  
212 contain such endorsement. This requirement does not affect the driving privileges of the  
213 licensee. The notice issued by the department of revenue shall be mailed to the last known  
214 address shown on the individual's driving record. The notice is deemed received three  
215 days after mailing.

216 14. A certificate of qualification for a concealed carry endorsement shall be  
217 renewed for a qualified applicant upon receipt of the properly completed renewal  
218 application and the required renewal fee by the sheriff of the county of the applicant's  
219 residence. The renewal application shall contain the same required information as set  
220 forth in subsection 3 of this section, except that in lieu of the fingerprint requirement of

221 subsection 5 and the firearms safety training, the applicant need only display his or her  
222 current driver's license or nondriver's license containing a concealed carry endorsement.  
223 Upon successful completion of all renewal requirements, the sheriff shall issue a certificate  
224 of qualification which contains the date such certificate was renewed.

225       **15. A person who has been issued a certificate of qualification for a concealed carry**  
226 **endorsement who fails to file a renewal application on or before its expiration date must**  
227 **pay an additional late fee of ten dollars per month for each month it is expired for up to**  
228 **six months. After six months, the sheriff who issued the expired certificate shall notify the**  
229 **director of revenue that such certificate is expired. The director of revenue shall**  
230 **immediately cancel the conceal carry endorsement and remove such endorsement from the**  
231 **individual's driving record and notify the individual of such cancellation. The notice of**  
232 **cancellation of the endorsement shall be conducted in the same manner as described in**  
233 **subsection 13 of this section. Any person who has been issued a certificate of qualification**  
234 **for a concealed carry endorsement pursuant to this section who fails to renew his or her**  
235 **application within the six-month period must reapply for a new certificate of qualification**  
236 **for a concealed carry endorsement and pay the fee for a new application. The director of**  
237 **revenue shall not renew a driver's license or nondriver's license with a concealed carry**  
238 **endorsement issued pursuant to this section unless the applicant for such license provides**  
239 **evidence that he or she has renewed the certification of qualification for a concealed carry**  
240 **endorsement in the manner provided for such renewal pursuant to this section. If an**  
241 **applicant for renewal of a driver's license or nondriver's license containing a conceal carry**  
242 **endorsement does not want to maintain the conceal carry endorsement, the applicant shall**  
243 **inform the director at the time of license renewal of his or her desire to remove the**  
244 **endorsement. When a driver or nondriver's license applicant informs the director of his**  
245 **or her desire to remove the conceal carry endorsement, the director shall renew the**  
246 **driver's license or nondriver's license without the endorsement appearing on the license**  
247 **if the applicant is otherwise qualified for such renewal.**

248       **16. Any person issued a concealed carry endorsement pursuant to this section shall**  
249 **notify the department of revenue and the sheriffs of both the old and new jurisdictions of**  
250 **the endorsement holder's change of residence within thirty days after the changing of a**  
251 **permanent residence. The endorsement holder shall furnish proof to the department of**  
252 **revenue and the sheriff in the new jurisdiction that the endorsement holder has changed**  
253 **his or her residence. The change of residence shall be made by the department of revenue**  
254 **onto the individual's driving record and the new address shall be accessible by the**  
255 **Missouri uniform law enforcement system within three days of receipt of the information.**

256       **17. Any person issued a driver's license or nondriver's license with a concealed**

257 carry endorsement pursuant to this section shall notify the sheriff or his or her designee  
258 of the endorsement holder's county or city of residence within seven days after actual  
259 knowledge of the loss or destruction of his or her certificate of qualification or driver's  
260 license or nondriver's license containing a concealed carry endorsement. The endorsement  
261 holder shall furnish a statement to the sheriff that the certificate of qualification or license  
262 containing the concealed carry endorsement has been lost or destroyed. After notification  
263 of the loss or destruction of a certificate of qualification or driver's license or nondriver's  
264 license containing a concealed carry endorsement, the sheriff shall reissue a new certificate  
265 of qualification within three working days of being notified by the certificate of  
266 endorsement holder of its loss or destruction. The reissued certificate of qualification shall  
267 contain the same personal information, including expiration date, as the lost or destroyed  
268 certificate of qualification. The applicant shall then take the certificate to the department  
269 of revenue, and the department of revenue shall proceed on the certificate in the same  
270 manner as provided in subsection 7 of this section. Upon application for a license pursuant  
271 to chapter 302, RSMo, the director of revenue shall issue a driver's license or nondriver's  
272 license containing a concealed carry endorsement if the applicant is otherwise eligible to  
273 receive such license.

274       18. If a person issued a concealed carry endorsement changes his or her name, the  
275 person to whom the endorsement was issued shall obtain a corrected certificate of  
276 qualification for a concealed carry endorsement with a change of name from the sheriff  
277 who issued such certificate upon the sheriff's verification of the name change. The  
278 endorsement holder shall furnish proof of the name change to the department of revenue  
279 and the sheriff within thirty days of changing his or her name and display his or her  
280 current driver's license or nondriver's license containing a concealed carry endorsement.  
281 The endorsement holder shall apply for a new driver's license or nondriver's license  
282 containing his or her new name. Such application for a driver's license or nondriver's  
283 license shall be made pursuant to chapter 302, RSMo. The director of revenue shall issue  
284 a driver's license or nondriver's license with concealed carry endorsement with the  
285 endorsement holder's new name if the applicant is otherwise eligible for such license. The  
286 director of revenue shall take custody of the old driver's license or nondriver's license. The  
287 name change shall be made by the department of revenue onto the individual's driving  
288 record and the new name shall be accessible by the Missouri uniform law enforcement  
289 system within three days of receipt of the information.

290       19. A concealed carry endorsement shall be automatically invalid after thirty days  
291 if the endorsement holder has changed his or her name or changed his or her residence and  
292 not notified the department of revenue and sheriff of a change of name or residence as

293 required in subsections 16 and 18 of this section.

294       **20. A concealed carry endorsement issued pursuant to this section or a concealed**  
295 **carry endorsement or permit issued by another state or political subdivision of another**  
296 **state shall authorize the person in whose name the permit or endorsement is issued to carry**  
297 **concealed firearms on or about his or her person or vehicle throughout the state. No**  
298 **driver's license or nondriver's license containing a concealed carry endorsement issued**  
299 **pursuant to this section or a concealed carry endorsement or permit issued by another state**  
300 **or political subdivision of another state shall authorize any person to carry concealed**  
301 **firearms into:**

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

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

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

315       **(4) Any courthouse solely occupied by the circuit, appellate or supreme court, or**  
316 **any courtrooms, administrative offices, libraries or other rooms of any such court whether**  
317 **or not such court solely occupies the building in question. This subdivision shall also**  
318 **include, but not be limited to, any juvenile, family, drug, or other court offices, any room**  
319 **or office wherein any of the courts or offices listed in this subdivision are temporarily**  
320 **conducting any business within the jurisdiction of such courts or offices, and such other**  
321 **locations in such manner as may be specified by supreme court rule pursuant to**  
322 **subdivision (6) of this subsection. Nothing in this subdivision shall preclude those persons**  
323 **listed in subdivision (1) of subsection 2 of section 571.030 while within their jurisdiction**  
324 **and on duty, those persons listed in subdivisions (2) and (4) of subsection 2 of section**  
325 **571.030, or such other persons who serve in a law enforcement capacity for a court as may**  
326 **be specified by supreme court rule pursuant to subdivision (6) of this subsection, from**  
327 **carrying a concealed firearm within any of the areas described in this subdivision.**  
328 **Possession of a firearm in a vehicle on the premises of any of the areas listed in this**

329 subdivision shall not be a criminal offense so long as the firearm is not removed from the  
330 vehicle or brandished while the vehicle is on the premises;

331 (5) Any meeting of the governing body of a unit of local government; or any  
332 meeting of the general assembly or a committee of the general assembly, except that  
333 nothing in this subdivision shall preclude a member of the body, holding a valid concealed  
334 carry endorsement from carrying a concealed firearm at a meeting of the body which he  
335 or she is a member. Possession of a firearm in a vehicle on the premises shall not be a  
336 criminal offense so long as the firearm is not removed from the vehicle or brandished while  
337 the vehicle is on the premises;

338 (6) The general assembly, supreme court, county or municipality may by rule,  
339 administrative regulation, or ordinance, prohibit or limit the carrying of concealed  
340 firearms by endorsement holders in that portion of a building owned, leased or controlled  
341 by that unit of government. Any portion of a building in which the carrying of concealed  
342 firearms is prohibited or limited shall be clearly identified by signs posted at the entrance  
343 to the restricted area. The statute, rule or ordinance shall exempt any building used for  
344 public housing by private persons, highways or rest areas, firing ranges, and private  
345 dwellings owned, leased, or controlled by that unit of government from any restriction on  
346 the carrying or possession of a firearm. The statute, rule or ordinance shall not specify any  
347 criminal penalty for its violation but may specify that persons violating the statute, rule or  
348 ordinance may be denied entrance to the building, ordered to leave the building and if  
349 employees of the unit of government, be subjected to disciplinary measures for violation  
350 of the provisions of the statute, rule or ordinance. The provisions of this subdivision shall  
351 not apply to any other unit of government;

352 (7) Any portion of an establishment licensed to dispense beer or alcoholic beverages  
353 for consumption on the premises, which portion of the establishment is primarily devoted  
354 to that purpose without the consent of the owner or manager. This subdivision of the  
355 subsection does not apply to any bona fide restaurant open to the general public having  
356 dining facilities for not less than fifty persons and that receives at least fifty-one percent  
357 of its gross annual income from the dining facilities by the sale of food. This subdivision  
358 does not prohibit the possession of a firearm in a vehicle on the premises of the  
359 establishment and shall not be a criminal offense so long as the firearm is not removed  
360 from the vehicle or brandished while the vehicle is on the premises. Nothing in this  
361 subdivision authorizes any individual who has been issued a concealed carry endorsement  
362 to possess any firearm while intoxicated;

363 (8) Any area of an airport to which access is controlled by the inspection of persons  
364 and property. Possession of a firearm in a vehicle on the premises of the airport shall not

365 be a criminal offense so long as the firearm is not removed from the vehicle or brandished  
366 while the vehicle is on the premises;

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

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

374 (11) Any portion of a building used as a child care facility without the consent of  
375 the manager. Nothing in this subdivision shall prevent the operator of a child care facility  
376 in a family home from owning or possessing a firearm or a driver's license or nondriver's  
377 license containing a concealed carry endorsement;

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

383 (13) Any gated area of an amusement park. Possession of a firearm in a vehicle on  
384 the premises of the amusement park shall not be a criminal offense so long as the firearm  
385 is not removed from the vehicle or brandished while the vehicle is on the premises;

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

391 (15) Any private property whose owner has posted the premises as being off-limits  
392 to concealed firearms by means of one or more signs displayed in a conspicuous place of  
393 a minimum size of eleven inches by fourteen inches with the writing thereon in letters of  
394 not less than one inch. The owner, business or commercial lessee, manager of a private  
395 business enterprise, or any other organization, entity, or person may prohibit persons  
396 holding a concealed carry endorsement from carrying concealed firearms on the premises  
397 and may prohibit employees, not authorized by the employer, holding a concealed carry  
398 endorsement from carrying concealed firearms on the property of the employer. If the  
399 building or the premises are open to the public, the employer of the business enterprise  
400 shall post signs on or about the premises if carrying a concealed firearm is prohibited.

401 Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long  
402 as the firearm is not removed from the vehicle or brandished while the vehicle is on the  
403 premises. An employer may prohibit employees or other persons holding a concealed carry  
404 endorsement from carrying a concealed firearm in vehicles owned by the employer;

405 (16) Any sports arena or stadium with a seating capacity of five thousand or more.  
406 Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long  
407 as the firearm is not removed from the vehicle or brandished while the vehicle is on the  
408 premises;

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

412 21. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17)  
413 of subsection 20 of this section by any individual who holds concealed carry endorsement  
414 issued pursuant to this section shall not be a criminal act but may subject the person to  
415 denial to the premises or removal from the premises. If such person refuses to leave the  
416 premises and a peace officer is summoned, such person may be issued a citation for an  
417 amount not to exceed one hundred dollars for the first offense. If a second citation for a  
418 similar violation occurs within a six-month period, such person shall be fined an amount  
419 not to exceed two hundred dollars and his or her endorsement to carry concealed firearms  
420 shall be suspended for a period of one year. If a third citation for a similar violation is  
421 issued within one year of the first citation such person shall be fined an amount not to  
422 exceed five hundred dollars and shall have his or her certificate of qualification for a  
423 concealed carry endorsement and concealed carry endorsement revoked for a period of  
424 three years. Upon conviction of charges arising from a citation issued pursuant to this  
425 subsection, the court shall notify the sheriff of the county which issued the certificate of  
426 qualification for a concealed carry endorsement and the department of revenue. The  
427 sheriff shall suspend or revoke the certificate of qualification for a concealed carry  
428 endorsement and the department of revenue shall issue a notice of such suspension or  
429 revocation of the concealed carry endorsement and take action to remove the concealed  
430 carry endorsement in the same manner as provided in subsection 12 of this section.

431 22. An applicant for a concealed carry endorsement shall demonstrate knowledge  
432 of firearms safety training. This requirement shall be fully satisfied if the applicant for a  
433 concealed carry endorsement:

434 (1) Submits a photocopy of a certificate of firearms safety training course  
435 completion, as defined in subsection 23 of this section, signed by a qualified firearms safety  
436 instructor as defined in subsection 26 of this section; or



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

440           **(3) Is a qualified firearms safety instructor as defined in subsection 26 of this**  
441 **section.**

442           **23. A certificate of firearms safety training course completion may be issued to any**  
443 **applicant by any qualified firearms safety instructor. On the certificate of course**  
444 **completion the qualified firearms safety instructor shall affirm that the individual**  
445 **receiving instruction has taken and passed a firearms safety course of at least eight hours**  
446 **in length taught by the instructor that included:**

447           **(1) Handgun safety in the classroom, at home, on the firing range and while**  
448 **carrying the firearm;**

449           **(2) A physical demonstration performed by the applicant that demonstrated his or**  
450 **her ability to safely load and unload a revolver and a semiautomatic pistol and**  
451 **demonstrated his or her marksmanship with both;**

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

453           **(4) Care and cleaning of concealable firearms;**

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

455           **(6) The requirements of this state for obtaining a certificate of qualification for a**  
456 **concealed carry endorsement from the sheriff of the individual's county of residence and**  
457 **a concealed carry endorsement issued by the department of revenue;**

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

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

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

464           **(10) A live fire test administered to the applicant while the instructor was present**  
465 **of twenty rounds from a standing position or its equivalent at a distance from a B-27**  
466 **silhouette target, or an equivalent target, of seven yards.**

467           **24. A qualified firearms safety instructor shall not give a grade of "passing" to an**  
468 **applicant for a concealed carry endorsement who:**

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

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

473           **(3) During the live fire testing portion of the course fails to hit the silhouette portion**  
474 **of the targets with at least fifteen rounds.**

475           **25. Qualified firearms safety instructors who provide firearms safety instruction**  
476 **to any person who applies for a concealed carry endorsement shall:**

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

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

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

483           **26. A firearms safety instructor shall be considered to be a qualified firearms safety**  
484 **instructor by any sheriff issuing a certificate of qualification for a concealed carry**  
485 **endorsement pursuant to this section if the instructor:**

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

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

490           **(3) Submits a photocopy of a certificate from a firearms safety instructor course**  
491 **approved by the department of public safety; or**

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

494 **or**

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

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

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

505           **29. A denial of or refusal to act on an application for a certificate of qualification**  
506 **may be appealed by filing with the clerk of the small claims court a copy of the sheriff's**  
507 **written refusal and a form substantially similar to the appeal form provided in this section.**  
508 **Appeal forms shall be provided by the clerk of the small claims court free of charge to any**

509 **person:**

510 **SMALL CLAIMS COURT**

511

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

513

514 **....., Denied Applicant**

515 )

516 )

517 **vs.** ) **Case Number.....**

518

519 )

520 )

521 **....., Sheriff**

522

523 **Return Date .....**

524

525 **DENIAL OF CERTIFICATE OF QUALIFICATION**  
526 **FOR A CONCEALED CARRY ENDORSEMENT APPEAL**

527

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

532

533 **....., Denied Applicant**

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

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

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

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

553  
 554 **SMALL CLAIMS COURT**

555  
 556 **In the Circuit Court of ..... Missouri**

557  
 558  
 559 **....., PLAINTIFF**

560 )

561 )

562 **vs.**

)

**Case Number .....**

563  
 564 )

565 )

566 **....., DEFENDANT,**

567 **Carry Endorsement Holder**

568  
 569  
 570 **....., DEFENDANT,**

571 **Sheriff of Issuance**

572  
 573 **PETITION FOR REVOCATION**  
 574 **OF CERTIFICATE OF QUALIFICATION**  
 575 **AND CONCEALED CARRY ENDORSEMENT**

576  
 577 **Plaintiff states to the court that the defendant, ....., has a certificate**  
 578 **of qualification and a concealed carry endorsement issued pursuant to section 571.094,**  
 579 **RSMo, and that the defendant's certificate of qualification and concealed carry**  
 580 **endorsement should now be revoked because the defendant either never was or no longer**

581 is eligible for such a certificate and endorsement pursuant to the provisions of section  
582 571.094, RSMo, specifically plaintiff states that defendant, ....., never was or no longer  
583 is eligible for such certificate or endorsement for one or more of the following reasons:

584

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

586

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

588

589  Defendant is not a citizen of the United States.

590

591  Defendant had not resided in this state for at least six months prior to issuance of the  
592 permit and does not qualify as a military member or spouse of a military member stationed  
593 in Missouri.

594

595  Defendant has pled guilty to or been convicted of a crime punishable by imprisonment  
596 for a term exceeding one year under the laws of any state or of the United States other than  
597 a crime classified as a misdemeanor under the laws of any state and punishable by a term  
598 of imprisonment of one year or less that does not involve an explosive weapon, firearm,  
599 firearm silencer, or gas gun.

600

601  Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere to  
602 one or more misdemeanor offenses involving crimes of violence within a five-year period  
603 immediately preceding application for a certificate of qualification or concealed carry  
604 endorsement issued pursuant to section 511.094, RSMo, or if the applicant has been  
605 convicted of two or more misdemeanor offenses involving driving while under the influence  
606 of intoxicating liquor or drugs or the possession or abuse of a controlled substance within  
607 a five-year period immediately preceding application for a certificate of qualification or  
608 a concealed carry endorsement issued pursuant to section 571.094, RSMo.

609

610  Defendant is a fugitive from justice or currently charged in an information or indictment  
611 with the commission of a crime punishable by imprisonment for a term exceeding one year  
612 under the laws of any state of the United States other than a crime classified as a  
613 misdemeanor under the laws of any state and punishable by a term of imprisonment of one  
614 year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas  
615 gun.

616

617  Defendant has been discharged under dishonorable conditions from the United States  
618 armed forces.

619

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

622

623  Defendant is adjudged mentally incompetent at the time of application or for five years  
624 prior to application, or has been committed to a mental health facility, as defined in section  
625 632.005, RSMo, or a similar institution located in another state, except that a person whose  
626 release or discharge from a facility in this state pursuant to chapter 632, RSMo, or a  
627 similar discharge from a facility in another state, occurred more than five years ago  
628 without subsequent recommitment may apply.

629

630  Defendant failed to submit a completed application for a certificate of qualification or  
631 concealed carry endorsement issued pursuant to section 571.094, RSMo.

632

633  Defendant failed to submit to or failed to clear the required background check.

634

635  Defendant failed to submit an affidavit attesting that the applicant complies with the  
636 concealed carry safety training requirement pursuant to subsection 26 of section 571.094,  
637 RSMo.

638

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

643

644 ....., PLAINTIFF

645 **34. If at the hearing the plaintiff shows that the defendant was not eligible for the**  
646 **certificate of qualification or the concealed carry endorsement issued pursuant to this**  
647 **section, at the time of issuance or renewal or is no longer eligible for a certificate of**  
648 **qualification or the concealed carry endorsement issued pursuant to the provisions of this**  
649 **section, the court shall issue an appropriate order to cause the revocation of the certificate**  
650 **of qualification and the concealed carry endorsement. Costs shall not be assessed against**  
651 **the sheriff.**

652 **35. The finder of fact, in any action brought against an endorsement holder**

653 pursuant to subsection 33 of this section, shall make findings of fact and the court shall  
654 make conclusions of law addressing the issues at dispute. If it is determined that the  
655 plaintiff in such an action acted without justification or with malice or primarily with an  
656 intent to harass the endorsement holder or that there was no reasonable basis to bring the  
657 action, the court shall order the plaintiff to pay the defendant/respondent all reasonable  
658 costs incurred in defending the action including, but not limited to, attorney's fees,  
659 deposition costs, and lost wages. Once the court determines that the plaintiff is liable to  
660 the defendant/respondent for costs and fees, the extent and type of fees and costs to be  
661 awarded should be liberally calculated in defendant/respondent's favor. Notwithstanding  
662 any other provision of law, reasonable attorney's fees shall be presumed to be at least one  
663 hundred fifty dollars per hour.

664       **36. Any person aggrieved by any final judgment rendered by a small claims court**  
665 **in a petition for revocation of a certificate of qualification and concealed carry**  
666 **endorsement may have a right to trial de novo as provided in sections 512.180 to 512.320,**  
667 **RSMo.**

668       **37. The office of the county sheriff or any employee or agent of the county sheriff**  
669 **shall not be liable for damages in any civil action arising from alleged wrongful or**  
670 **improper granting, renewing, or failure to revoke a certificate of qualification or a**  
671 **concealed carry endorsement issued pursuant to this section, so long as the sheriff acted**  
672 **in good faith.**

673       **38. Any person issued a concealed carry endorsement pursuant to this section shall**  
674 **carry the concealed carry endorsement at all times the person is carrying a concealed**  
675 **firearm and shall display the concealed carry endorsement upon the request of any peace**  
676 **officer. Failure to comply with this subsection shall not be a criminal offense but the**  
677 **concealed carry endorsement holder may be issued a citation for an amount not to exceed**  
678 **thirty-five dollars.**

679       **39. Notwithstanding any other provisions of law, the director of revenue by**  
680 **carrying out his or her requirement to issue a driver or nondriver's license reflecting that**  
681 **a concealed carry permit has been granted, shall bear no liability and shall be immune**  
682 **from any claims for damages resulting from any determination made regarding the**  
683 **qualification of any person for such permit or for any actions stemming from the conduct**  
684 **of any person issued such a permit. By issuing the permit on the driver or nondriver's**  
685 **license the director of revenue is merely acting as a scrivener for any determination made**  
686 **by the sheriff that the person is qualified for the permit.**