

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
SENATE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR

**HOUSE BILL NOS. 349, 120,  
136 & 328**

**92ND GENERAL ASSEMBLY**

1360S.11T

2003

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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Section A. Section 571.030, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 50.535, 571.030, and 571.094, to read as follows: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 subsections 10 and 11 of section 571.094, RSMo, shall be deposited**  
4           **by the county treasurer into a separate interest-bearing fund to be known as the county**  
5           **sheriff's revolving fund to be expended at the direction of the county or city sheriff or his**  
6           **or her designee as provided in this section.**

7           **2. No prior approval of the expenditures from this fund shall be required by the**  
8           **governing body of the county or city not within a county, nor shall any prior audit or**  
9           **encumbrance of the fund be required before any expenditure is made by the sheriff from**  
10           **this fund. This fund shall only be used by law enforcement agencies for the purchase of**  
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**  
          **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. Matter in boldface type in the above law is proposed language.**

14 **3. If pursuant to subsection 12 of section 571.094, RSMo, the sheriff of a county of**  
15 **the first classification designates one or more chiefs of police of any town, city, or**  
16 **municipality within such county to accept and process applications for certificates of**  
17 **qualification to obtain a concealed carry endorsement then that sheriff shall reimburse**  
18 **such chiefs of police, out of the moneys deposited into this fund, for any reasonable**  
19 **expenses 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 **and**

48 **(9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner.**

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

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

66 **5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section**  
67 **shall not apply to persons who are engaged in a lawful act of defense pursuant to section**  
68 **563.031, RSMo.**

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

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

82 [6.] **8.** Violations of subdivision (9) of subsection 1 of this section shall be punished as  
83 follows:

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

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

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

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

94 [7.] **9.** Any person knowingly aiding or abetting any other person in the violation of  
95 subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that  
96 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 shall 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-three 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 subsections 22 and 23 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-three 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 concealed 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 concealed 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 subsection 22 or 23 of  
90 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 subsection 22 or 23 of this section; and

105 (2) A nonrefundable certificate of qualification fee as provided by subsection 10 or  
106 11 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. The sheriff may  
110 require that the applicant display a Missouri driver's license or nondriver's license or  
111 military identification and orders showing the person being stationed in Missouri. In order  
112 to determine the applicant's suitability for a certificate of qualification for a concealed  
113 carry endorsement, the applicant shall be fingerprinted. The sheriff shall request a

114 **criminal background check through the appropriate law enforcement agency within three**  
115 **working days after submission of the properly completed application for a certificate of**  
116 **qualification for a concealed carry endorsement. If no disqualifying record is identified**  
117 **by the fingerprint check at the state level, the fingerprints shall be forwarded to the**  
118 **Federal Bureau of Investigation for a national criminal history record check. Upon receipt**  
119 **of the completed background check, the sheriff shall issue a certificate of qualification for**  
120 **a concealed carry endorsement within three working days. The sheriff shall issue the**  
121 **certificate within forty-five calendar days if the criminal background check has not been**  
122 **received, provided that the sheriff shall revoke any such certificate and endorsement**  
123 **within twenty-four hours of receipt of any background check that results in a disqualifying**  
124 **record, and shall notify the department of revenue.**

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 verification of the certificate of**  
145 **qualification and completion of a driver's license or nondriver's license application**  
146 **pursuant to chapter 302, RSMo, the director of revenue shall issue a new driver's license**  
147 **or nondriver's license with an endorsement which identifies that the applicant has received**  
148 **a certificate of qualification to carry concealed weapons issued pursuant to this section if**  
149 **the applicant is otherwise qualified to receive such driver's license or nondriver's license.**



150 **The requirements for the director of revenue to issue a concealed carry endorsement**  
151 **pursuant to this subsection shall not be effective until July 1, 2004, and the certificate of**  
152 **qualification issued by a county sheriff pursuant to subsection 1 of this section shall allow**  
153 **the person issued such certificate to carry a concealed weapon pursuant to the**  
154 **requirements of subsection 20 of this section in lieu of the concealed carry endorsement**  
155 **issued by the director of revenue from the effective date of this section until the concealed**  
156 **carry endorsement is issued by the director of revenue on or after July 1, 2004, unless such**  
157 **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 certificate 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 concealed**  
164 **carry endorsement shall not be public information and shall be considered personal**  
165 **protected information. Any person who violates the provisions of this subdivision by**  
166 **disclosing protected information shall be guilty of a class A misdemeanor.**

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

186           **(2) When a valid full order of protection, or any arrest warrant, discharge, or**  
187 **commitment for the reasons listed in subdivision (2), (3), (4), (5), or (7) of subsection 2 of**  
188 **this section, is issued against a person holding a concealed carry endorsement issued**  
189 **pursuant to this section upon notification of said order, warrant, discharge or commitment**  
190 **or upon an order of a court of competent jurisdiction in a criminal proceeding, a**  
191 **commitment proceeding or a full order of protection proceeding ruling that a person**  
192 **holding a concealed carry endorsement presents a risk of harm to themselves or others,**  
193 **then upon notification of such order, the holder of the concealed carry endorsement shall**  
194 **surrender the driver's license or nondriver's license containing the concealed carry**  
195 **endorsement to the court, to the officer, or other official serving the order, warrant,**  
196 **discharge, or commitment.**

197           **(3) The official to whom the driver's license or nondriver's license containing the**  
198 **concealed carry endorsement is surrendered shall issue a receipt to the licensee for the**  
199 **license upon a form, approved by the director of revenue, that serves as a driver's license**  
200 **or a nondriver's license and clearly states the concealed carry endorsement has been**  
201 **suspended. The official shall then transmit the driver's license or a nondriver's license**  
202 **containing the concealed carry endorsement to the circuit court of the county issuing the**  
203 **order, warrant, discharge, or commitment. The concealed carry endorsement issued**  
204 **pursuant to this section shall be suspended until the order is terminated or until the arrest**  
205 **results in a dismissal of all charges. Upon dismissal, the court holding the driver's license**  
206 **or nondriver's license containing the concealed carry endorsement shall return it to the**  
207 **individual.**

208           **(4) Any conviction, discharge, or commitment specified in this section shall result**  
209 **in a revocation. Upon conviction, the court shall forward a notice of conviction or action**  
210 **and the driver's license or nondriver's license with the concealed carry endorsement to the**  
211 **department of revenue. The department of revenue shall notify the sheriff of the county**  
212 **which issued the certificate of qualification for a concealed carry endorsement and shall**  
213 **report the change in status of the concealed carry endorsement to the Missouri uniform law**  
214 **enforcement system. The director of revenue shall immediately remove the endorsement**  
215 **issued pursuant to this section from the individual's driving record within three days of the**  
216 **receipt of the notice from the court. The director of revenue shall notify the licensee that**  
217 **he or she must apply for a new license pursuant to chapter 302, RSMo, which does not**  
218 **contain such endorsement. This requirement does not affect the driving privileges of the**  
219 **licensee. The notice issued by the department of revenue shall be mailed to the last known**  
220 **address shown on the individual's driving record. The notice is deemed received three**  
221 **days after mailing.**

222           **14. A concealed carry endorsement shall be renewed for a qualified applicant upon**  
223 **receipt of the properly completed renewal application and the required renewal fee by the**  
224 **sheriff of the county of the applicant's residence. The renewal application shall contain the**  
225 **same required information as set forth in subsection 3 of this section, except that in lieu of**  
226 **the fingerprint requirement of subsection 5 and the firearms safety training, the applicant**  
227 **need only display his or her current driver's license or nondriver's license containing a**  
228 **concealed carry endorsement. Upon successful completion of all renewal requirements, the**  
229 **sheriff shall issue a certificate of qualification which contains the date such certificate was**  
230 **renewed.**

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

254           **16. Any person issued a concealed carry endorsement pursuant to this section shall**  
255 **notify the department of revenue and the sheriffs of both the old and new jurisdictions of**  
256 **the endorsement holder's change of residence within thirty days after the changing of a**  
257 **permanent residence. The endorsement holder shall furnish proof to the department of**

258 revenue and the sheriff in the new jurisdiction that the endorsement holder has changed  
259 his or her residence. The change of residence shall be made by the department of revenue  
260 onto the individual's driving record and the new address shall be accessible by the  
261 Missouri uniform law enforcement system within three days of receipt of the information.

262 17. Any person issued a driver's license or nondriver's license containing a  
263 concealed carry endorsement pursuant to this section shall notify the sheriff or his or her  
264 designee of the endorsement holder's county or city of residence within seven days after  
265 actual knowledge of the loss or destruction of his or her driver's license or nondriver's  
266 license containing a concealed carry endorsement. The endorsement holder shall furnish  
267 a statement to the sheriff that the driver's license or nondriver's license containing the  
268 concealed carry endorsement has been lost or destroyed. After notification of the loss or  
269 destruction of a driver's license or nondriver's license containing a concealed carry  
270 endorsement, the sheriff shall reissue a new certificate of qualification within three  
271 working days of being notified by the concealed carry endorsement holder of its loss or  
272 destruction. The reissued certificate of qualification shall contain the same personal  
273 information, including expiration date, as the original certificate of qualification. The  
274 applicant shall then take the certificate to the department of revenue, and the department  
275 of revenue shall proceed on the certificate in the same manner as provided in subsection  
276 7 of this section. Upon application for a license pursuant to chapter 302, RSMo, the  
277 director of revenue shall issue a driver's license or nondriver's license containing a  
278 concealed carry endorsement if the applicant is otherwise eligible to receive such license.

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

293 record and the new name shall be accessible by the Missouri uniform law enforcement  
294 system within three days of receipt of the information.

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

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

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

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

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

320 **(4) Any courthouse solely occupied by the circuit, appellate or supreme court, or**  
321 **any courtrooms, administrative offices, libraries or other rooms of any such court whether**  
322 **or not such court solely occupies the building in question. This subdivision shall also**  
323 **include, but not be limited to, any juvenile, family, drug, or other court offices, any room**  
324 **or office wherein any of the courts or offices listed in this subdivision are temporarily**  
325 **conducting any business within the jurisdiction of such courts or offices, and such other**  
326 **locations in such manner as may be specified by supreme court rule pursuant to**  
327 **subdivision (6) of this subsection. Nothing in this subdivision shall preclude those persons**  
328 **listed in subdivision (1) of subsection 2 of section 571.030 while within their jurisdiction**

329 and on duty, those persons listed in subdivisions (2) and (4) of subsection 2 of section  
330 571.030, or such other persons who serve in a law enforcement capacity for a court as may  
331 be specified by supreme court rule pursuant to subdivision (6) of this subsection, from  
332 carrying a concealed firearm within any of the areas described in this subdivision.  
333 Possession of a firearm in a vehicle on the premises of any of the areas listed in this  
334 subdivision shall not be a criminal offense so long as the firearm is not removed from the  
335 vehicle or brandished while the vehicle is on the premises;

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

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

357 (7) Any establishment licensed to dispense intoxicating liquor or nonintoxicating  
358 beer for consumption on the premises, which portion is primarily devoted to that purpose  
359 without the consent of the owner or manager. The provisions of this subdivision shall not  
360 apply to the licensee of said establishment. The provisions of this subdivision shall not  
361 apply to any bona fide restaurant open to the general public having dining facilities for not  
362 less than fifty persons and that receives at least fifty-one percent of its gross annual income  
363 from the dining facilities by the sale of food. This subdivision does not prohibit the  
364 possession of a firearm in a vehicle on the premises of the establishment and shall not be

365 a criminal offense so long as the firearm is not removed from the vehicle or brandished  
366 while the vehicle is on the premises. Nothing in this subdivision authorizes any individual  
367 who has been issued a concealed carry endorsement to possess any firearm while  
368 intoxicated;

369 (8) Any area of an airport to which access is controlled by the inspection of persons  
370 and property. Possession of a firearm in a vehicle on the premises of the airport shall not  
371 be a criminal offense so long as the firearm is not removed from the vehicle or brandished  
372 while the vehicle is on the premises;

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

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

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

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

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

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

397 (15) Any private property whose owner has posted the premises as being off-limits  
398 to concealed firearms by means of one or more signs displayed in a conspicuous place of  
399 a minimum size of eleven inches by fourteen inches with the writing thereon in letters of  
400 not less than one inch. The owner, business or commercial lessee, manager of a private

401 **business enterprise, or any other organization, entity, or person may prohibit persons**  
402 **holding a concealed carry endorsement from carrying concealed firearms on the premises**  
403 **and may prohibit employees, not authorized by the employer, holding a concealed carry**  
404 **endorsement from carrying concealed firearms on the property of the employer. If the**  
405 **building or the premises are open to the public, the employer of the business enterprise**  
406 **shall post signs on or about the premises if carrying a concealed firearm is prohibited.**  
407 **Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long**  
408 **as the firearm is not removed from the vehicle or brandished while the vehicle is on the**  
409 **premises. An employer may prohibit employees or other persons holding a concealed carry**  
410 **endorsement from carrying a concealed firearm in vehicles owned by the employer;**

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

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

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



437 **notify the licensee that he or she must apply for a new license pursuant to chapter 302,**  
438 **RSMo, which does not contain such endorsement. A concealed carry endorsement**  
439 **suspension pursuant to this section shall be reinstated at the time of the renewal of his or**  
440 **her driver's license. The notice issued by the department of revenue shall be mailed to the**  
441 **last known address shown on the individual's driving record. The notice is deemed**  
442 **received three days after mailing.**

443 **22. An applicant for a concealed carry endorsement shall demonstrate knowledge**  
444 **of firearms safety training. This requirement shall be fully satisfied if the applicant for a**  
445 **concealed carry endorsement:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

481 (1) Does not follow the orders of the qualified firearms instructor or cognizant  
482 range officer; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

522 SMALL CLAIMS COURT

523 In the Circuit Court of..... Missouri

524  
525 ....., Denied Applicant

526 )

527 )

528 vs.

529 )

Case Number.....

530 )

531 )

532 ....., Sheriff

533  
534 Return Date .....

535  
536 APPEAL OF A DENIAL OF CERTIFICATE OF QUALIFICATION  
537 FOR A CONCEALED CARRY ENDORSEMENT

538  
539 The denied applicant states that his or her properly completed application for a certificate  
540 of qualification for a concealed carry endorsement was denied by the sheriff of .....  
541 County, Missouri, without just cause. The denied applicant affirms that all of the  
542 statements in the application are true.

543

544 ..... , Denied Applicant

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

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

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

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

564  
565 **SMALL CLAIMS COURT**

566  
567 **In the Circuit Court of ..... Missouri**

568  
569  
570 ..... , **PLAINTIFF**

571 )

572 )

573 **vs.** )

**Case Number .....**

574 )

575 )

576 ..... , **DEFENDANT,**

577 **Carry Endorsement Holder**

578

579

580 ....., DEFENDANT,  
581 Sheriff of Issuance

582

583 **PETITION FOR REVOCATION**  
584 **OF CERTIFICATE OF QUALIFICATION**  
585 **OR CONCEALED CARRY ENDORSEMENT**

586

587 Plaintiff states to the court that the defendant, ....., has a certificate  
588 of qualification or a concealed carry endorsement issued pursuant to section 571.094,  
589 RSMo, and that the defendant's certificate of qualification or concealed carry endorsement  
590 should now be revoked because the defendant either never was or no longer is eligible for  
591 such a certificate or endorsement pursuant to the provisions of section 571.094, RSMo,  
592 specifically plaintiff states that defendant, ....., never was or no longer is eligible for  
593 such certificate or endorsement for one or more of the following reasons:

594

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

- 596  Defendant is not at least twenty-three years of age.
- 597  Defendant is not a citizen of the United States.
- 598  Defendant had not resided in this state for at least six months prior to issuance of the
- 599 permit and does not qualify as a military member or spouse of a military member stationed
- 600 in Missouri.
- 601  Defendant has pled guilty to or been convicted of a crime punishable by imprisonment
- 602 for a term exceeding one year under the laws of any state or of the United States other than
- 603 a crime classified as a misdemeanor under the laws of any state and punishable by a term
- 604 of imprisonment of one year or less that does not involve an explosive weapon, firearm,
- 605 firearm silencer, or gas gun.
- 606  Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere to
- 607 one or more misdemeanor offenses involving crimes of violence within a five-year period
- 608 immediately preceding application for a certificate of qualification or concealed carry
- 609 endorsement issued pursuant to section 511.094, RSMo, or if the applicant has been
- 610 convicted of two or more misdemeanor offenses involving driving while under the influence
- 611 of intoxicating liquor or drugs or the possession or abuse of a controlled substance within
- 612 a five-year period immediately preceding application for a certificate of qualification or
- 613 a concealed carry endorsement issued pursuant to section 571.094, RSMo.
- 614  Defendant is a fugitive from justice or currently charged in an information or indictment
- 615 with the commission of a crime punishable by imprisonment for a term exceeding one year

616 under the laws of any state of the United States other than a crime classified as a  
617 misdemeanor under the laws of any state and punishable by a term of imprisonment of one  
618 year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas  
619 gun.

620  Defendant has been discharged under dishonorable conditions from the United States  
621 armed forces.

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

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

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

633  Defendant failed to submit an affidavit attesting that the applicant complies with the  
634 concealed carry safety training requirement pursuant to subsection 22 of section 571.094,  
635 RSMo.

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

640

641 ....., PLAINTIFF

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

649 35. The finder of fact, in any action brought against an endorsement holder  
650 pursuant to subsection 33 of this section, shall make findings of fact and the court shall  
651 make conclusions of law addressing the issues at dispute. If it is determined that the

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

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

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

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

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