

SENATE SUBSTITUTE

FOR

HOUSE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILLS NOS. 349, 120, 136 & 328

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Section A. Section 571.030, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 50.535, 571.030, and 571.094, to read as follows:

50.535. 1. Notwithstanding the provisions of sections 50.525 to 50.745 the fee collected pursuant to subsections 10 and 11 of section 571.094, RSMo, shall be deposited by the county treasurer into a separate interest-bearing fund to be known as the county sheriff's revolving fund to be expended at the direction of the county or city sheriff or his or her designee as provided in this section.

2. No prior approval of the expenditures from this fund shall be required by the governing body of the county or city not within a county, nor shall any prior audit or encumbrance of the fund be required before any expenditure is made by the sheriff

1 from this fund. This fund shall only be used by law enforcement  
2 agencies for the purchase of equipment and to provide training.  
3 If the moneys collected and deposited into this fund are not  
4 totally expended annually, then the unexpended balance shall  
5 remain in said fund and the balance shall be kept in said fund to  
6 accumulate from year to year. This fund may be audited by the  
7 state auditor's office or the appropriate auditing agency.

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

17 571.030. 1. A person commits the crime of unlawful use of  
18 weapons if he or she knowingly:

19 (1) Carries concealed upon or about his or her person a  
20 knife, a firearm, a blackjack or any other weapon readily capable  
21 of lethal use; or

22 (2) Sets a spring gun; or

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

27 (4) Exhibits, in the presence of one or more persons, any  
28 weapon readily capable of lethal use in an angry or threatening

1 manner; or

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

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

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

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

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

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

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

1 of the following:

2 (1) All state, county and municipal [law enforcement] peace  
3 officers possessing the duty and power of arrest for violation of  
4 the general criminal laws of the state or for violation of  
5 ordinances of counties or municipalities of the state, whether  
6 such officers are within or outside their jurisdictions or on or  
7 off duty, or any person summoned by such officers to assist in  
8 making arrests or preserving the peace while actually engaged in  
9 assisting such officer;

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

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

15 (4) Those persons vested by article V, section 1 of the  
16 Constitution of Missouri with the judicial power of the state and  
17 those persons vested by article III of the Constitution of the  
18 United States with the judicial power of the United States, the  
19 members of the federal judiciary;

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

22 (6) Any federal probation officer;

23 (7) Any state probation or parole officer, including  
24 supervisors and members of the board of probation and parole;  
25 [and]

26 (8) Any corporate security advisor meeting the definition  
27 and fulfilling the requirements of the regulations established by  
28 the board of police commissioners under section 84.340, RSMo; and

1           (9) Any coroner, deputy coroner, medical examiner, or  
2 assistant medical examiner.

3           3. Subdivisions (1), (5), (8), and (10) of subsection 1 of  
4 this section do not apply when the actor is transporting such  
5 weapons in a nonfunctioning state or in an unloaded state when  
6 ammunition is not readily accessible or when such weapons are not  
7 readily accessible. Subdivision (1) of subsection 1 of this  
8 section does not apply to any person twenty-one years of age or  
9 older transporting a concealable firearm in the passenger  
10 compartment of a motor vehicle, so long as such concealable  
11 firearm is otherwise lawfully possessed, nor when the actor is  
12 also in possession of an exposed firearm or projectile weapon for  
13 the lawful pursuit of game, or is in his or her dwelling unit or  
14 upon [business] premises over which the actor has possession,  
15 authority or control, or is traveling in a continuous journey  
16 peaceably through this state. Subdivision (10) of subsection 1  
17 of this section does not apply if the firearm is otherwise  
18 lawfully possessed by a person while traversing school premises  
19 for the purposes of transporting a student to or from school, or  
20 possessed by an adult for the purposes of facilitation of a  
21 school-sanctioned firearm-related event.

22           4. Subdivisions (1), (8), and (10) of subsection 1 of this  
23 section shall not apply to any person who has a valid concealed  
24 carry endorsement issued pursuant to section 571.094 or a valid  
25 permit or endorsement to carry concealed firearms issued by  
26 another state or political subdivision of another state.

27           5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10)  
28 of subsection 1 of this section shall not apply to persons who

1 are engaged in a lawful act of defense pursuant to section  
2 563.031, RSMo.

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

11 [5.] 7. Unlawful use of weapons is a class D felony unless  
12 committed pursuant to subdivision [(5),] (6), (7), or (8) of  
13 subsection 1 of this section, in which cases it is a class B  
14 misdemeanor, or subdivision (5) or (10) of subsection 1 of this  
15 section, in which case it is a class A misdemeanor if the firearm  
16 is unloaded and a class D felony if the firearm is loaded, or  
17 subdivision (9) of subsection 1 of this section, in which case it  
18 is a class B felony, except that if the violation of subdivision  
19 (9) of subsection 1 of this section results in injury or death to  
20 another person, it is a class A felony.

21 [6.] 8. Violations of subdivision (9) of subsection 1 of  
22 this section shall be punished as follows:

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

25 (2) For any violation by a prior offender as defined in  
26 section 558.016, RSMo, a person shall be sentenced to the maximum  
27 authorized term of imprisonment for a class B felony without the  
28 possibility of parole, probation or conditional release for a

1 term of ten years;

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

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

10 [7.] 9. Any person knowingly aiding or abetting any other  
11 person in the violation of subdivision (9) of subsection 1 of  
12 this section shall be subject to the same penalty as that  
13 prescribed by this section for violations by other persons.

14 571.094. 1. All applicants for concealed carry  
15 endorsements issued pursuant to subsection 7 of this section must  
16 satisfy the requirements of this section. If the said applicant  
17 can show qualification as provided by this section, the county or  
18 city sheriff shall issue a certificate of qualification for a  
19 concealed carry endorsement. Upon receipt of such certificate,  
20 the certificate holder shall apply for a driver's license or  
21 nondriver's license with the director of revenue in order to  
22 obtain a concealed carry endorsement. Any person who has been  
23 issued a concealed carry endorsement on a driver's license or  
24 nondriver's license and such endorsement or license has not been  
25 suspended, revoked, canceled, or denied may carry concealed  
26 firearms on or about his or her person or within a vehicle. A  
27 concealed carry endorsement shall be valid for a period of three  
28 years from the date of issuance or renewal. The concealed carry

1 endorsement is valid throughout this state.

2 2. A certificate of qualification for a concealed carry  
3 endorsement issued pursuant to subsection 7 of this section shall  
4 be issued by the sheriff or his or her designee of the county or  
5 city in which the applicant resides, if the applicant:

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

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

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

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

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



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

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

11       (6) Has not engaged in a pattern of behavior, documented in  
12 public records, that causes the sheriff to have a reasonable  
13 belief that the applicant presents a danger to himself or others;

14       (7) Is not adjudged mentally incompetent at the time of  
15 application or for five years prior to application, or has not  
16 been committed to a mental health facility, as defined in section  
17 632.005, RSMo, or a similar institution located in another state  
18 following a hearing at which the defendant was represented by  
19 counsel or a representative;

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

22       (9) Submits an affidavit attesting that the applicant  
23 complies with the concealed carry safety training requirement  
24 pursuant to subsections 22 and 23 of this section;

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

27       3. The application for a certificate of qualification for a  
28 concealed carry endorsement issued by the sheriff of the county

1 of the applicant's residence shall contain only the following  
2 information:

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

5 (2) An affirmation that the applicant is a resident of the  
6 state of Missouri and has been a resident thereof for the last  
7 six months or is a member of the armed forces stationed in  
8 Missouri or the spouse of such a member of the armed forces and  
9 is a citizen of the United States;

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

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

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

1 qualification to obtain a concealed carry endorsement;

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

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

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

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

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

28 (11) A conspicuous warning that false statements made by

1 the applicant will result in prosecution for perjury pursuant to  
2 the laws of the state of Missouri.

3 4. An application for a certificate of qualification for a  
4 concealed carry endorsement shall be made to the sheriff of the  
5 county or any city not within a county in which the applicant  
6 resides. An application shall be filed in writing, signed under  
7 oath and under the penalties of perjury, and shall state whether  
8 the applicant complies with each of the requirements specified in  
9 subsection 2 of this section. In addition to the completed  
10 application, the applicant for a certificate of qualification for  
11 a concealed carry endorsement must also submit the following:

12 (1) A photocopy of a firearms safety training certificate  
13 of completion or other evidence of completion of a firearms  
14 safety training course that meets the standards established in  
15 subsection 22 or 23 of this section; and

16 (2) A nonrefundable certificate of qualification fee as  
17 provided by subsection 10 or 11 of this section.

18 5. Before an application for a certificate of qualification  
19 for a concealed carry endorsement is approved, the sheriff shall  
20 make only such inquiries as he or she deems necessary into the  
21 accuracy of the statements made in the application. The sheriff  
22 may require that the applicant display a Missouri driver's  
23 license or nondriver's license or military identification and  
24 orders showing the person being stationed in Missouri. In order  
25 to determine the applicant's suitability for a certificate of  
26 qualification for a concealed carry endorsement, the applicant  
27 shall be fingerprinted. The sheriff shall request a criminal  
28 background check through the appropriate law enforcement agency

1 within three working days after submission of the properly  
2 completed application for a certificate of qualification for a  
3 concealed carry endorsement. If no disqualifying record is  
4 identified by the fingerprint check at the state level, the  
5 fingerprints shall be forwarded to the Federal Bureau of  
6 Investigation for a national criminal history record check. Upon  
7 receipt of the completed background check, the sheriff shall  
8 issue a certificate of qualification for a concealed carry  
9 endorsement within three working days. The sheriff shall issue  
10 the certificate within forty-five calendar days if the criminal  
11 background check has not been received, provided that the sheriff  
12 shall revoke any such certificate and endorsement within twenty-  
13 four hours of receipt of any background check that results in a  
14 disqualifying record, and shall notify the department of revenue.

15 6. The sheriff may refuse to approve an application for a  
16 certificate of qualification for a concealed carry endorsement if  
17 he or she determines that any of the requirements specified in  
18 subsection 2 of this section have not been met, or if he or she  
19 has a substantial and demonstrable reason to believe that the  
20 applicant has rendered a false statement regarding any of the  
21 provisions of this section. If the applicant is found to be  
22 ineligible, the sheriff is required to deny the application, and  
23 notify the applicant in writing, stating the grounds for denial  
24 and informing the applicant of the right to submit, within thirty  
25 days, any additional documentation relating to the grounds of the  
26 denial. Upon receiving any additional documentation, the sheriff  
27 shall reconsider his or her decision and inform the applicant  
28 within thirty days of the result of the reconsideration. The

1 applicant shall further be informed in writing of the right to  
2 appeal the denial pursuant to subsections 29, 30, 31, and 32 of  
3 this section. After two additional reviews and denials by the  
4 sheriff, the person submitting the application shall appeal the  
5 denial pursuant to subsections 29, 30, 31, and 32 of this  
6 section.

7 7. If the application is approved, the sheriff shall issue  
8 a certificate of qualification for a concealed carry endorsement  
9 to the applicant within a period not to exceed three working days  
10 after his or her approval of the application. The applicant  
11 shall sign the certificate of qualification in the presence of  
12 the sheriff or his or her designee and shall within seven days of  
13 receipt of the certificate of qualification take the certificate  
14 of qualification to the department of revenue. Upon verification  
15 of the certificate of qualification and completion of a driver's  
16 license or nondriver's license application pursuant to chapter  
17 302, RSMo, the director of revenue shall issue a new driver's  
18 license or nondriver's license with an endorsement which  
19 identifies that the applicant has received a certificate of  
20 qualification to carry concealed weapons issued pursuant to this  
21 section if the applicant is otherwise qualified to receive such  
22 driver's license or nondriver's license. The requirements for  
23 the director of revenue to issue a concealed carry endorsement  
24 pursuant to this subsection shall not be effective until July 1,  
25 2004, and the certificate of qualification issued by a county  
26 sheriff pursuant to subsection 1 of this section shall allow the  
27 person issued such certificate to carry a concealed weapon  
28 pursuant to the requirements of subsection 20 of this section in

1 lieu of the concealed carry endorsement issued by the director of  
2 revenue from the effective date of this section until the  
3 concealed carry endorsement is issued by the director of revenue  
4 on or after July 1, 2004, unless such certificate of  
5 qualification has been suspended or revoked for cause.

6 8. The sheriff shall keep a record of all applications for  
7 a certificate of qualification for a concealed carry endorsement  
8 and his or her action thereon. The sheriff shall report the  
9 issuance of a certificate of qualification to the Missouri  
10 uniform law enforcement system. All information on any such  
11 certificate that is protected information on any drivers or  
12 nondriver's license shall have the same personal protection for  
13 purposes of this section. An applicant's status as a holder of a  
14 certificate of qualification or a concealed carry endorsement  
15 shall not be public information and shall be considered personal  
16 protected information. Any person who violates the provisions of  
17 this subdivision by disclosing protected information shall be  
18 guilty of a class A misdemeanor.

19 9. Information regarding any holder of a certificate of  
20 qualification or a concealed carry endorsement is a closed  
21 record.

22 10. For processing an application for a certificate of  
23 qualification for a concealed carry endorsement pursuant to this  
24 section, the sheriff in each county shall charge a nonrefundable  
25 fee not to exceed one hundred dollars which shall be paid to the  
26 treasury of the county to the credit of the sheriff's revolving  
27 fund.

28 11. For processing a renewal for a certificate of

1 qualification for a concealed carry endorsement pursuant to this  
2 section, the sheriff in each county shall charge a nonrefundable  
3 fee not to exceed fifty dollars which shall be paid to the  
4 treasury of the county to the credit of the sheriff's revolving  
5 fund.

6 12. For the purposes of this section, the term sheriff  
7 shall include the sheriff of any county or city not within a  
8 county or his or her designee and in counties of the first  
9 classification the sheriff may designate the chief of police of  
10 any city, town, or municipality within such county.

11 13. (1) A concealed carry endorsement issued pursuant to  
12 this section shall be suspended or revoked if the concealed carry  
13 endorsement holder becomes ineligible for such concealed carry  
14 endorsement under the criteria established in subdivisions (2),  
15 (3), (4), (5), and (7) of subsection 2 of this section or upon  
16 the issuance of a valid full order of protection.

17 (2) When a valid full order of protection, or any arrest  
18 warrant, discharge, or commitment for the reasons listed in  
19 subdivision (2), (3), (4), (5), or (7) of subsection 2 of this  
20 section, is issued against a person holding a concealed carry  
21 endorsement issued pursuant to this section upon notification of  
22 said order, warrant, discharge or commitment or upon an order of  
23 a court of competent jurisdiction in a criminal proceeding, a  
24 commitment proceeding or a full order of protection proceeding  
25 ruling that a person holding a concealed carry endorsement  
26 presents a risk of harm to themselves or others, then upon  
27 notification of such order, the holder of the concealed carry  
28 endorsement shall surrender the driver's license or nondriver's



1 license containing the concealed carry endorsement to the court,  
2 to the officer, or other official serving the order, warrant,  
3 discharge, or commitment.

4 (3) The official to whom the driver's license or  
5 nondriver's license containing the concealed carry endorsement is  
6 surrendered shall issue a receipt to the licensee for the license  
7 upon a form, approved by the director of revenue, that serves as  
8 a driver's license or a nondriver's license and clearly states  
9 the concealed carry endorsement has been suspended. The official  
10 shall then transmit the driver's license or a nondriver's license  
11 containing the concealed carry endorsement to the circuit court  
12 of the county issuing the order, warrant, discharge, or  
13 commitment. The concealed carry endorsement issued pursuant to  
14 this section shall be suspended until the order is terminated or  
15 until the arrest results in a dismissal of all charges. Upon  
16 dismissal, the court holding the driver's license or nondriver's  
17 license containing the concealed carry endorsement shall return  
18 it to the individual.

19 (4) Any conviction, discharge, or commitment specified in  
20 this section shall result in a revocation. Upon conviction, the  
21 court shall forward a notice of conviction or action and the  
22 driver's license or nondriver's license with the concealed carry  
23 endorsement to the department of revenue. The department of  
24 revenue shall notify the sheriff of the county which issued the  
25 certificate of qualification for a concealed carry endorsement  
26 and shall report the change in status of the concealed carry  
27 endorsement to the Missouri uniform law enforcement system. The  
28 director of revenue shall immediately remove the endorsement

1 issued pursuant to this section from the individual's driving  
2 record within three days of the receipt of the notice from the  
3 court. The director of revenue shall notify the licensee that he  
4 or she must apply for a new license pursuant to chapter 302,  
5 RSMo, which does not contain such endorsement. This requirement  
6 does not affect the driving privileges of the licensee. The  
7 notice issued by the department of revenue shall be mailed to the  
8 last known address shown on the individual's driving record. The  
9 notice is deemed received three days after mailing.

10 14. A concealed carry endorsement shall be renewed for a  
11 qualified applicant upon receipt of the properly completed  
12 renewal application and the required renewal fee by the sheriff  
13 of the county of the applicant's residence. The renewal  
14 application shall contain the same required information as set  
15 forth in subsection 3 of this section, except that in lieu of the  
16 fingerprint requirement of subsection 5 and the firearms safety  
17 training, the applicant need only display his or her current  
18 driver's license or nondriver's license containing a concealed  
19 carry endorsement. Upon successful completion of all renewal  
20 requirements, the sheriff shall issue a certificate of  
21 qualification which contains the date such certificate was  
22 renewed.

23 15. A person who has been issued a certificate of  
24 qualification for a concealed carry endorsement who fails to file  
25 a renewal application on or before its expiration date must pay  
26 an additional late fee of ten dollars per month for each month it  
27 is expired for up to six months. After six months, the sheriff  
28 who issued the expired certificate shall notify the director of

1 revenue that such certificate is expired. The director of  
2 revenue shall immediately cancel the concealed carry endorsement  
3 and remove such endorsement from the individual's driving record  
4 and notify the individual of such cancellation. The notice of  
5 cancellation of the endorsement shall be conducted in the same  
6 manner as described in subsection 13 of this section. Any person  
7 who has been issued a certificate of qualification for a  
8 concealed carry endorsement pursuant to this section who fails to  
9 renew his or her application within the six-month period must  
10 reapply for a new certificate of qualification for a concealed  
11 carry endorsement and pay the fee for a new application. The  
12 director of revenue shall not issue an endorsement on a renewed  
13 driver's license or renewed nondriver's license unless the  
14 applicant for such license provides evidence that he or she has  
15 renewed the certification of qualification for a concealed carry  
16 endorsement in the manner provided for such renewal pursuant to  
17 this section. If an applicant for renewal of a driver's license  
18 or nondriver's license containing a concealed carry endorsement  
19 does not want to maintain the concealed carry endorsement, the  
20 applicant shall inform the director at the time of license  
21 renewal of his or her desire to remove the endorsement. When a  
22 driver or nondriver's license applicant informs the director of  
23 his or her desire to remove the concealed carry endorsement, the  
24 director shall renew the driver's license or nondriver's license  
25 without the endorsement appearing on the license if the applicant  
26 is otherwise qualified for such renewal.

27 16. Any person issued a concealed carry endorsement  
28 pursuant to this section shall notify the department of revenue

1 and the sheriffs of both the old and new jurisdictions of the  
2 endorsement holder's change of residence within thirty days after  
3 the changing of a permanent residence. The endorsement holder  
4 shall furnish proof to the department of revenue and the sheriff  
5 in the new jurisdiction that the endorsement holder has changed  
6 his or her residence. The change of residence shall be made by  
7 the department of revenue onto the individual's driving record  
8 and the new address shall be accessible by the Missouri uniform  
9 law enforcement system within three days of receipt of the  
10 information.

11 17. Any person issued a driver's license or nondriver's  
12 license containing a concealed carry endorsement pursuant to this  
13 section shall notify the sheriff or his or her designee of the  
14 endorsement holder's county or city of residence within seven  
15 days after actual knowledge of the loss or destruction of his or  
16 her driver's license or nondriver's license containing a  
17 concealed carry endorsement. The endorsement holder shall  
18 furnish a statement to the sheriff that the driver's license or  
19 nondriver's license containing the concealed carry endorsement  
20 has been lost or destroyed. After notification of the loss or  
21 destruction of a driver's license or nondriver's license  
22 containing a concealed carry endorsement, the sheriff shall  
23 reissue a new certificate of qualification within three working  
24 days of being notified by the concealed carry endorsement holder  
25 of its loss or destruction. The reissued certificate of  
26 qualification shall contain the same personal information,  
27 including expiration date, as the original certificate of  
28 qualification. The applicant shall then take the certificate to

1 the department of revenue, and the department of revenue shall  
2 proceed on the certificate in the same manner as provided in  
3 subsection 7 of this section. Upon application for a license  
4 pursuant to chapter 302, RSMo, the director of revenue shall  
5 issue a driver's license or nondriver's license containing a  
6 concealed carry endorsement if the applicant is otherwise  
7 eligible to receive such license.

8 18. If a person issued a concealed carry endorsement  
9 changes his or her name, the person to whom the endorsement was  
10 issued shall obtain a corrected certificate of qualification for  
11 a concealed carry endorsement with a change of name from the  
12 sheriff who issued such certificate upon the sheriff's  
13 verification of the name change. The endorsement holder shall  
14 furnish proof of the name change to the department of revenue and  
15 the sheriff within thirty days of changing his or her name and  
16 display his or her current driver's license or nondriver's  
17 license containing a concealed carry endorsement. The  
18 endorsement holder shall apply for a new driver's license or  
19 nondriver's license containing his or her new name. Such  
20 application for a driver's license or nondriver's license shall  
21 be made pursuant to chapter 302, RSMo. The director of revenue  
22 shall issue a driver's license or nondriver's license with  
23 concealed carry endorsement with the endorsement holder's new  
24 name if the applicant is otherwise eligible for such license.  
25 The director of revenue shall take custody of the old driver's  
26 license or nondriver's license. The name change shall be made by  
27 the department of revenue onto the individual's driving record  
28 and the new name shall be accessible by the Missouri uniform law

1 enforcement system within three days of receipt of the  
2 information.

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

8 20. A concealed carry endorsement issued pursuant to this  
9 section or a concealed carry endorsement or permit issued by  
10 another state or political subdivision of another state shall  
11 authorize the person in whose name the permit or endorsement is  
12 issued to carry concealed firearms on or about his or her person  
13 or vehicle throughout the state. No driver's license or  
14 nondriver's license containing a concealed carry endorsement  
15 issued pursuant to this section or a concealed carry endorsement  
16 or permit issued by another state or political subdivision of  
17 another state shall authorize any person to carry concealed  
18 firearms into:

19 (1) Any police, sheriff, or highway patrol office or  
20 station without the consent of the chief law enforcement officer  
21 in charge of that office or station. Possession of a firearm in  
22 a vehicle on the premises of the office or station shall not be a  
23 criminal offense so long as the firearm is not removed from the  
24 vehicle or brandished while the vehicle is on the premises;

25 (2) Within twenty-five feet of any polling place on any  
26 election day. Possession of a firearm in a vehicle on the  
27 premises of the polling place shall not be a criminal offense so  
28 long as the firearm is not removed from the vehicle or brandished

1 while the vehicle is on the premises;

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

8 (4) Any courthouse solely occupied by the circuit,  
9 appellate or supreme court, or any courtrooms, administrative  
10 offices, libraries or other rooms of any such court whether or  
11 not such court solely occupies the building in question. This  
12 subdivision shall also include, but not be limited to, any  
13 juvenile, family, drug, or other court offices, any room or  
14 office wherein any of the courts or offices listed in this  
15 subdivision are temporarily conducting any business within the  
16 jurisdiction of such courts or offices, and such other locations  
17 in such manner as may be specified by supreme court rule pursuant  
18 to subdivision (6) of this subsection. Nothing in this  
19 subdivision shall preclude those persons listed in subdivision  
20 (1) of subsection 2 of section 571.030 while within their  
21 jurisdiction and on duty, those persons listed in subdivisions  
22 (2) and (4) of subsection 2 of section 571.030, or such other  
23 persons who serve in a law enforcement capacity for a court as  
24 may be specified by supreme court rule pursuant to subdivision  
25 (6) of this subsection, from carrying a concealed firearm within  
26 any of the areas described in this subdivision. Possession of a  
27 firearm in a vehicle on the premises of any of the areas listed  
28 in this subdivision shall not be a criminal offense so long as

1 the firearm is not removed from the vehicle or brandished while  
2 the vehicle is on the premises;

3 (5) Any meeting of the governing body of a unit of local  
4 government; or any meeting of the general assembly or a committee  
5 of the general assembly, except that nothing in this subdivision  
6 shall preclude a member of the body, holding a valid concealed  
7 carry endorsement from carrying a concealed firearm at a meeting  
8 of the body which he or she is a member. Possession of a firearm  
9 in a vehicle on the premises shall not be a criminal offense so  
10 long as the firearm is not removed from the vehicle or brandished  
11 while the vehicle is on the premises;

12 (6) The general assembly, supreme court, county or  
13 municipality may by rule, administrative regulation, or  
14 ordinance, prohibit or limit the carrying of concealed firearms  
15 by endorsement holders in that portion of a building owned,  
16 leased or controlled by that unit of government. Any portion of  
17 a building in which the carrying of concealed firearms is  
18 prohibited or limited shall be clearly identified by signs posted  
19 at the entrance to the restricted area. The statute, rule or  
20 ordinance shall exempt any building used for public housing by  
21 private persons, highways or rest areas, firing ranges, and  
22 private dwellings owned, leased, or controlled by that unit of  
23 government from any restriction on the carrying or possession of  
24 a firearm. The statute, rule or ordinance shall not specify any  
25 criminal penalty for its violation but may specify that persons  
26 violating the statute, rule or ordinance may be denied entrance  
27 to the building, ordered to leave the building and if employees  
28 of the unit of government, be subjected to disciplinary measures



1 for violation of the provisions of the statute, rule or  
2 ordinance. The provisions of this subdivision shall not apply to  
3 any other unit of government;

4 (7) Any establishment licensed to dispense intoxicating  
5 liquor or nonintoxicating beer for consumption on the premises,  
6 which portion is primarily devoted to that purpose without the  
7 consent of the owner or manager. The provisions of this  
8 subdivision shall not apply to the licensee of said  
9 establishment. The provisions of this subdivision shall not  
10 apply to any bona fide restaurant open to the general public  
11 having dining facilities for not less than fifty persons and that  
12 receives at least fifty-one percent of its gross annual income  
13 from the dining facilities by the sale of food. This subdivision  
14 does not prohibit the possession of a firearm in a vehicle on the  
15 premises of the establishment and shall not be a criminal offense  
16 so long as the firearm is not removed from the vehicle or  
17 brandished while the vehicle is on the premises. Nothing in this  
18 subdivision authorizes any individual who has been issued a  
19 concealed carry endorsement to possess any firearm while  
20 intoxicated;

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

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

28 (10) Any higher education institution or elementary or

1 secondary school facility without the consent of the governing  
2 body of the higher education institution or a school official or  
3 the district school board. Possession of a firearm in a vehicle  
4 on the premises of any higher education institution or elementary  
5 or secondary school facility shall not be a criminal offense so  
6 long as the firearm is not removed from the vehicle or brandished  
7 while the vehicle is on the premises;

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

14 (12) Any riverboat gambling operation accessible by the  
15 public without the consent of the owner or manager pursuant to  
16 rules promulgated by the gaming commission. Possession of a  
17 firearm in a vehicle on the premises of a riverboat gambling  
18 operation shall not be a criminal offense so long as the firearm  
19 is not removed from the vehicle or brandished while the vehicle  
20 is on the premises;

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

26 (14) Any church or other place of religious worship without  
27 the consent of the minister or person or persons representing the  
28 religious organization that exercises control over the place of

1 religious worship. Possession of a firearm in a vehicle on the  
2 premises shall not be a criminal offense so long as the firearm  
3 is not removed from the vehicle or brandished while the vehicle  
4 is on the premises;

5 (15) Any private property whose owner has posted the  
6 premises as being off-limits to concealed firearms by means of  
7 one or more signs displayed in a conspicuous place of a minimum  
8 size of eleven inches by fourteen inches with the writing thereon  
9 in letters of not less than one inch. The owner, business or  
10 commercial lessee, manager of a private business enterprise, or  
11 any other organization, entity, or person may prohibit persons  
12 holding a concealed carry endorsement from carrying concealed  
13 firearms on the premises and may prohibit employees, not  
14 authorized by the employer, holding a concealed carry endorsement  
15 from carrying concealed firearms on the property of the employer.  
16 If the building or the premises are open to the public, the  
17 employer of the business enterprise shall post signs on or about  
18 the premises if carrying a concealed firearm is prohibited.  
19 Possession of a firearm in a vehicle on the premises shall not be  
20 a criminal offense so long as the firearm is not removed from the  
21 vehicle or brandished while the vehicle is on the premises. An  
22 employer may prohibit employees or other persons holding a  
23 concealed carry endorsement from carrying a concealed firearm in  
24 vehicles owned by the employer;

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

1 vehicle is on the premises;

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

6 21. Carrying of a concealed firearm in a location specified  
7 in subdivisions (1) to (17) of subsection 20 of this section by  
8 any individual who holds concealed carry endorsement issued  
9 pursuant to this section shall not be a criminal act but may  
10 subject the person to denial to the premises or removal from the  
11 premises. If such person refuses to leave the premises and a  
12 peace officer is summoned, such person may be issued a citation  
13 for an amount not to exceed one hundred dollars for the first  
14 offense. If a second citation for a similar violation occurs  
15 within a six-month period, such person shall be fined an amount  
16 not to exceed two hundred dollars and his or her endorsement to  
17 carry concealed firearms shall be suspended for a period of one  
18 year. If a third citation for a similar violation is issued  
19 within one year of the first citation such person shall be fined  
20 an amount not to exceed five hundred dollars and shall have his  
21 or her concealed carry endorsement revoked and such person shall  
22 not be eligible for a concealed carry endorsement for a period of  
23 three years. Upon conviction of charges arising from a citation  
24 issued pursuant to this subsection, the court shall notify the  
25 sheriff of the county which issued the certificate of  
26 qualification for a concealed carry endorsement and the  
27 department of revenue. The sheriff shall suspend or revoked the  
28 certificate of qualification for a concealed carry endorsement

1 and the department of revenue shall issue a notice of such  
2 suspension or revocation of the concealed carry endorsement and  
3 take action to remove the concealed carry endorsement from the  
4 individual's driving record. The director of revenue shall  
5 notify the licensee that he or she must apply for a new license  
6 pursuant to chapter 302, RSMo, which does not contain such  
7 endorsement. A concealed carry endorsement suspension pursuant  
8 to this section shall be reinstated at the time of the renewal of  
9 his or her driver's license. The notice issued by the department  
10 of revenue shall be mailed to the last known address shown on the  
11 individual's driving record. The notice is deemed received three  
12 days after mailing.

13 22. An applicant for a concealed carry endorsement shall  
14 demonstrate knowledge of firearms safety training. This  
15 requirement shall be fully satisfied if the applicant for a  
16 concealed carry endorsement:

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

21 (2) Submits a photocopy of a certificate that shows the  
22 applicant completed a firearms safety course given by or under  
23 the supervision of any state, county, municipal, or federal law  
24 enforcement agency; or

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

27 23. A certificate of firearms safety training course  
28 completion may be issued to any applicant by any qualified

1 firearms safety instructor. On the certificate of course  
2 completion the qualified firearms safety instructor shall affirm  
3 that the individual receiving instruction has taken and passed a  
4 firearms safety course of at least eight hours in length taught  
5 by the instructor that included:

6 (1) Handgun safety in the classroom, at home, on the firing  
7 range and while carrying the firearm;

8 (2) A physical demonstration performed by the applicant  
9 that demonstrated his or her ability to safely load and unload a  
10 revolver and a semiautomatic pistol and demonstrated his or her  
11 marksmanship with both;

12 (3) The basic principles of marksmanship;

13 (4) Care and cleaning of concealable firearms;

14 (5) Safe storage of firearms at home;

15 (6) The requirements of this state for obtaining a  
16 certificate of qualification for a concealed carry endorsement  
17 from the sheriff of the individual's county of residence and a  
18 concealed carry endorsement issued by the department of revenue;

19 (7) The laws relating to firearms as prescribed in this  
20 chapter;

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

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

27 (10) A live fire test administered to the applicant while  
28 the instructor was present of twenty rounds from a standing

1 position or its equivalent at a distance from a B-27 silhouette  
2 target, or an equivalent target, of seven yards.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21       28. In any case when the sheriff refuses to issue a  
22 certificate of qualification or to act on an application for such  
23 certificate, the denied applicant shall have the right to appeal  
24 the denial within thirty days of receiving written notice of the  
25 denial. Such appeals shall be heard in small claims court as  
26 defined in section 482.300, RSMo, and the provisions of sections  
27 482.300, 482.310 and 482.335, RSMo, shall apply to such appeals.

28       29. A denial of or refusal to act on an application for a



1 certificate of qualification may be appealed by filing with the  
2 clerk of the small claims court a copy of the sheriff's written  
3 refusal and a form substantially similar to the appeal form  
4 provided in this section. Appeal forms shall be provided by the  
5 clerk of the small claims court free of charge to any person:

6 SMALL CLAIMS COURT

7 In the Circuit Court of..... Missouri

8  
9 ....., Denied Applicant

10 )

11 )

12 vs.

)

Case Number.....

14 )

15 )

16 ....., Sheriff

17  
18 Return Date .....

19  
20 APPEAL OF A DENIAL OF CERTIFICATE OF QUALIFICATION

21 FOR A CONCEALED CARRY ENDORSEMENT

22  
23 The denied applicant states that his or her properly completed  
24 application for a certificate of qualification for a concealed  
25 carry endorsement was denied by the sheriff of ..... County,  
26 Missouri, without just cause. The denied applicant affirms that  
27 all of the statements in the application are true.

....., Denied Applicant

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

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

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

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

1 any person:

2

3

SMALL CLAIMS COURT

4

5 In the Circuit Court of ..... Missouri

6

7

8 ....., PLAINTIFF

9

)

10

)

11

vs.

)

Case Number .....

12

)

13

)

14

....., DEFENDANT,

15

Carry Endorsement Holder

16

17

18

....., DEFENDANT,

19

Sheriff of Issuance

20

21

PETITION FOR REVOCATION

22

OF CERTIFICATE OF QUALIFICATION

23

OR CONCEALED CARRY ENDORSEMENT

24

25 Plaintiff states to the court that the defendant,

26 ....., has a certificate

27 of qualification or a concealed carry endorsement issued pursuant

28 to section 571.094, RSMo, and that the defendant's certificate of

1 qualification or concealed carry endorsement should now be  
2 revoked because the defendant either never was or no longer is  
3 eligible for such a certificate or endorsement pursuant to the  
4 provisions of section 571.094, RSMo, specifically plaintiff  
5 states that defendant, ....., never was or no longer is  
6 eligible for such certificate or endorsement for one or more of  
7 the following reasons:

8  
9 (CHECK BELOW EACH REASON THAT APPLIES TO THIS DEFENDANT)

- 10 9 Defendant is not at least twenty-one years of age.
- 11 9 Defendant is not a citizen of the United States.
- 12 9 Defendant had not resided in this state for at least six  
13 months prior to issuance of the permit and does not qualify as a  
14 military member or spouse of a military member stationed in  
15 Missouri.
- 16 9 Defendant has pled guilty to or been convicted of a crime  
17 punishable by imprisonment for a term exceeding one year under  
18 the laws of any state or of the United States other than a crime  
19 classified as a misdemeanor under the laws of any state and  
20 punishable by a term of imprisonment of one year or less that  
21 does not involve an explosive weapon, firearm, firearm silencer,  
22 or gas gun.
- 23 9 Defendant has been convicted of, pled guilty to or entered a  
24 plea of nolo contendere to one or more misdemeanor offenses  
25 involving crimes of violence within a five-year period  
26 immediately preceding application for a certificate of  
27 qualification or concealed carry endorsement issued pursuant to  
28 section 511.094, RSMo, or if the applicant has been convicted of

1 two or more misdemeanor offenses involving driving while under  
2 the influence of intoxicating liquor or drugs or the possession  
3 or abuse of a controlled substance within a five-year period  
4 immediately preceding application for a certificate of  
5 qualification or a concealed carry endorsement issued pursuant to  
6 section 571.094, RSMo.

7 9 Defendant is a fugitive from justice or currently charged in  
8 an information or indictment with the commission of a crime  
9 punishable by imprisonment for a term exceeding one year under  
10 the laws of any state of the United States other than a crime  
11 classified as a misdemeanor under the laws of any state and  
12 punishable by a term of imprisonment of one year or less that  
13 does not involve an explosive weapon, firearm, firearm silencer,  
14 or gas gun.

15 9 Defendant has been discharged under dishonorable conditions  
16 from the United States armed forces.

17 9 Defendant is reasonably believed by the sheriff to be a danger  
18 to self or others based on previous, documented pattern.

19 9 Defendant is adjudged mentally incompetent at the time of  
20 application or for five years prior to application, or has been  
21 committed to a mental health facility, as defined in section  
22 632.005, RSMo, or a similar institution located in another state,  
23 except that a person whose release or discharge from a facility  
24 in this state pursuant to chapter 632, RSMo, or a similar  
25 discharge from a facility in another state, occurred more than  
26 five years ago without subsequent recommitment may apply.

27 9 Defendant failed to submit a completed application for a  
28 certificate of qualification or concealed carry endorsement

1 issued pursuant to section 571.094, RSMo.

2 9 Defendant failed to submit to or failed to clear the required  
3 background check.

4 9 Defendant failed to submit an affidavit attesting that the  
5 applicant complies with the concealed carry safety training  
6 requirement pursuant to subsection 22 of section 571.094, RSMo.

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

12  
13 .....,

14 PLAINTIFF

15 34. If at the hearing the plaintiff shows that the  
16 defendant was not eligible for the certificate of qualification  
17 or the concealed carry endorsement issued pursuant to this  
18 section, at the time of issuance or renewal or is no longer  
19 eligible for a certificate of qualification or the concealed  
20 carry endorsement issued pursuant to the provisions of this  
21 section, the court shall issue an appropriate order to cause the  
22 revocation of the certificate of qualification or concealed carry  
23 endorsement. Costs shall not be assessed against the sheriff.

24 35. The finder of fact, in any action brought against an  
25 endorsement holder pursuant to subsection 33 of this section,  
26 shall make findings of fact and the court shall make conclusions  
27 of law addressing the issues at dispute. If it is determined  
28 that the plaintiff in such an action acted without justification

1 or with malice or primarily with an intent to harass the  
2 endorsement holder or that there was no reasonable basis to bring  
3 the action, the court shall order the plaintiff to pay the  
4 defendant/respondent all reasonable costs incurred in defending  
5 the action including, but not limited to, attorney's fees,  
6 deposition costs, and lost wages. Once the court determines that  
7 the plaintiff is liable to the defendant/respondent for costs and  
8 fees, the extent and type of fees and costs to be awarded should  
9 be liberally calculated in defendant/respondent's favor.  
10 Notwithstanding any other provision of law, reasonable attorney's  
11 fees shall be presumed to be at least one hundred fifty dollars  
12 per hour.

13 36. Any person aggrieved by any final judgment rendered by  
14 a small claims court in a petition for revocation of a  
15 certificate of qualification or concealed carry endorsement may  
16 have a right to trial de novo as provided in sections 512.180 to  
17 512.320, RSMo.

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

24 38. Any person issued a concealed carry endorsement  
25 pursuant to this section shall carry the concealed carry  
26 endorsement at all times the person is carrying a concealed  
27 firearm and shall display the concealed carry endorsement upon  
28 the request of any peace officer. Failure to comply with this

1 subsection shall not be a criminal offense but the concealed  
2 carry endorsement holder may be issued a citation for an amount  
3 not to exceed thirty-five dollars.

4 39. Notwithstanding any other provisions of law, the  
5 director of revenue by carrying out his or her requirement to  
6 issue a driver or nondriver's license reflecting that a concealed  
7 carry permit has been granted, shall bear no liability and shall  
8 be immune from any claims for damages resulting from any  
9 determination made regarding the qualification of any person for  
10 such permit or for any actions stemming from the conduct of any  
11 person issued such a permit. By issuing the permit on the driver  
12 or nondriver's license the director of revenue is merely acting  
13 as a scrivener for any determination made by the sheriff that the  
14 person is qualified for the permit.