

HB 349 -- Concealed Firearms

Co-Sponsors: Crawford, Sander, Jetton, Barnitz, Crowell, Townley, Dethrow, Munzlinger, Miller, Hobbs, Quinn, Pearce, Dougherty, Myers, Roark, Wright, Self, Baker, Smith (118), Black, Emery, Rector, May, Rupp, Richard, Goodman, Jackson, Wilson (119), Cunningham (145), Mayer, Kingery, Behnen, Cooper (155), Wood, Viebrock, Stevenson, Wallace, Schlottach, Guest, Taylor, Dusenberg, Angst, Morris, Lembke (85), Lipke (157), Luetkemeyer, King, Bearden, Moore, Merideth, Bruns, Kelly (144), Deeken, Parker, Bean, Dempsey, Avery, Wilson (130), Nieves, Shoemaker (8), Wasson, Threlkeld, Ruestman, Dixon, Sager, Kelly (36), Whorton, Kuessner, Ward, Ransdall, Selby, Hampton, Henke, Davis (122), Seigfreid, Salva, McKenna, Green, Harris (110), Shoemyer (9), Bringer, Wagner

This bill authorizes county sheriffs to issue permits to individuals to carry concealed firearms and creates the county sheriff's revolving fund, in which the fees for these permits will be deposited. Any money in a county sheriff's revolving fund may be expended at the direction of the sheriff without prior approval of the governing board of the county.

The bill also amends the crime of unlawful use of a weapon.

The bill sets forth the qualifications necessary to acquire a permit and a procedure by which the permits must be granted by county sheriffs to anyone meeting the qualifications. Permits will be valid for three years.

QUALIFICATIONS FOR OBTAINING A CONCEALED CARRY PERMIT

To qualify for a concealed carry permit, individuals must:

- (1) Be at least 21 years of age;
- (2) Be a citizen of the United States;
- (3) Have resided in Missouri for at least six months;
- (4) Not have been found guilty of a felony;
- (5) Not have been found guilty, in the five years preceding the application, of a misdemeanor involving a crime of violence, or two misdemeanors involving either alcohol-related driving offenses or possession of a controlled substance;
- (6) Not be a fugitive from justice;
- (7) Not be currently charged with a felony;

- (8) Not be dishonorably discharged from the armed forces;
- (9) Not be known to be habitually in an intoxicated or drugged condition;
- (10) Not have been adjudged mentally incompetent or released from a mental health facility for five years prior to the application;
- (11) Not be the respondent in an order of protection currently in effect;
- (12) Be fingerprinted;
- (13) Clear a criminal background check by the state and the Federal Bureau of Investigation; and
- (14) Comply with training requirements set forth in the bill.

#### TRAINING REQUIREMENTS

Applicants for a concealed carry endorsement must complete a firearms safety course provided by an instructor certified by a state or federal law enforcement agency or the National Rifle Association. The bill specifies the required curriculum which includes classroom work and live firing exercises. The bill sets forth the training required for the certification of a firearms safety instructor. Instructors must keep their course records available for at least four years. Instructors who provide false information about the performance of an applicant in the training program are guilty of a class C misdemeanor.

#### ADMINISTRATIVE PROVISIONS

Sheriffs in first classification counties may authorize police chiefs in the municipalities in the county to process applications for concealed firearms permits. Sheriffs must reimburse the municipalities for the reasonable expenses incurred as a result.

Sheriffs must request the criminal background check within three working days of the submission of the completed application and must issue a certificate of qualification to the applicant within three days of the receipt of the completed background check. Sheriffs may issue a certificate without a federal criminal background check if the background check has not been received within 45 days. Sheriffs may deny an application if there is reason to believe an applicant lied on the application. Denials must be communicated in writing, state the grounds for denial, and inform the applicant of the right to appeal for a 30-day

period. The bill sets forth an appeal form and a process by which appeals may be made through the small claims court. Sheriffs must keep records of all applications and report the issuance of all permits to the Missouri Uniform Law Enforcement System (MULES). Application fees may not exceed \$100, and renewal fees may not exceed \$50. The Department of Revenue will issue the concealed weapon permit by issuing a new driver's or nondriver's license containing the permit designation to the applicant. The department will charge a duplicate license fee.

The application must contain a conspicuous warning that false statements will constitute perjury, a class D felony. Any person attempting to transfer, alter, or use the permit of another person or otherwise obtain a permit through false representation is guilty of a class A misdemeanor. Permits issued to anyone who later fails to meet any of the requirements for a permit will be suspended or revoked. A permit holder must notify the department within 30 days of changing his or her name or address, or the permit becomes invalid. Permit holders who have their permit revoked may petition the small claims court for reinstatement. Any person aggrieved by a final decision in small claims court may petition the associate circuit court for a trial de novo. The court, upon a finding that a plaintiff brought an action against a permit holder without a reasonable basis and with an intent to harass the permit holder, may assess all costs and fees to the plaintiff, including attorney fees, which are presumed to be \$150 per hour.

#### LIMITATIONS ON WHERE CONCEALED FIREARMS MAY BE CARRIED

Permits to carry a concealed weapon are not valid in many places, including: police stations; polling places on election day; correctional facilities; courthouses; airports; bars; schools; child care facilities; hospitals; stadiums; amusement parks; gambling facilities; churches; any place where the carrying of a firearm is prohibited by federal law; the meeting place of any elected officials (except for the elected officials themselves who have permits); or any privately owned property where the owner has posted that the premises is off-limits to concealed firearms. The bill also allows governmental units to limit concealed firearms in their public buildings. Violating prohibitions on carrying concealed firearms in certain locations is grounds for being denied access to or being removed from the premises. Frequent violators are subject to monetary penalties and permit suspensions.

The bill also changes the crime of unlawful use of a weapon by:

- (1) Removing the prohibition on the carrying of a firearm into any public gathering;

(2) Allowing a person who lawfully possesses a concealable firearm to transport the firearm in the passenger compartment of a motor vehicle; and

(3) Increases the penalty for possessing a firearm while intoxicated. Under current law, it is class B misdemeanor. The bill makes it a class A misdemeanor if the gun is not loaded and a class D felony when it is loaded.