

SECOND REGULAR SESSION

HOUSE BILL NO. 1587

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DOUGHERTY (Sponsor), DUSENBERG, DAY, DARROUGH,
WHORTON, MUNZLINGER, MEADOWS, NIEVES, MOORE, WITTE,
FLOOK AND HUGHES (Co-sponsors).

Read 1st time January 31, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4422L.01I

AN ACT

To repeal section 571.090, RSMo, and to enact in lieu thereof one new section relating to permits to acquire concealable firearms, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 571.090, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 571.090, to read as follows:

571.090. 1. A permit to acquire a concealable firearm shall be issued by the sheriff of the county in which the applicant resides **to any applicant who does not already have a valid concealed carry permit**, if all of the statements in the application are true, and the applicant:

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

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

(3) Is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under

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

14 the laws of any state and punishable by a term of imprisonment of two years or less that does not
15 involve an explosive weapon, firearm, firearm silencer or gas gun;

16 (4) Has not been discharged under dishonorable conditions from the United States armed
17 forces;

18 (5) Is not publicly known to be habitually in an intoxicated or drugged condition; and

19 (6) Is not currently adjudged mentally incompetent and has not been committed to a
20 mental health facility, as defined in section 632.005, RSMo, or a similar institution located in
21 another state.

22 2. Applications **by persons who do not already have a valid concealed carry permit**
23 shall be made to the sheriff of the county in which the applicant resides. An application shall be
24 filed in writing, signed and verified by the applicant, and shall state only the following: the
25 name, Social Security number, occupation, age, height, color of eyes and hair, residence and
26 business addresses of the applicant, the reason for desiring the permit, and whether the applicant
27 complies with each of the requirements specified in subsection 1 of this section.

28 3. Before a permit is issued **to an applicant who does not already have a valid**
29 **concealed carry permit or to an applicant who does have a valid concealed carry permit**
30 **but who has had a change in status that would affect his or her ability to receive a permit**
31 **to acquire a concealable firearm**, the sheriff shall make only such inquiries as he deems
32 necessary into the accuracy of the statements made in the application. The sheriff may require
33 that the applicant display a Missouri operator's license or other suitable identification. The
34 sheriff shall issue the permit within a period not to exceed seven days after submission of the
35 properly completed application excluding Saturdays, Sundays or legal holidays.

36 The sheriff may refuse to issue the permit if he **or she** determines that any of the requirements
37 specified in subsection 1 of this section have not been met, or if he **or she** has reason to believe
38 that the applicant has rendered a false statement regarding any of the provisions in subsection
39 1 of this section. If the application is approved, the sheriff shall issue a permit and a copy thereof
40 to the applicant.

41 4. A permit to acquire a concealable firearm shall be issued by the sheriff of the
42 county in which the applicant resides to any applicant who already has a valid concealed
43 carry permit upon the applicant signing a form, to be provided by the sheriff's office,
44 which verifies that there has been no changes in the applicant's status since the applicant
45 applied for and received his or her concealed carry permit or that there has been a change
46 in status but not one that would affect the applicant's ability to receive a permit to acquire
47 a concealable firearm and indicating the change or changes in writing on the form. Upon
48 the signature of the applicant the sheriff's office shall issue a permit to acquire a
49 concealable firearm immediately to the applicant. In the event that the applicant has a

50 **valid concealed carry permit but has had a change in status which would affect his or her**
51 **ability to receive a permit to acquire a concealable firearm the applicant shall be required**
52 **to go through the same application process as any other applicant who does not have a**
53 **valid concealed carry permit.**

54 [4.] 5. The permit shall recite the date of issuance, that it is invalid after thirty days, the
55 name and address of the person to whom granted, the nature of the transaction, and a physical
56 description of the applicant. The applicant shall sign the permit in the presence of the sheriff.

57 [5.] 6. If the permit is used, the person who receives the permit from the applicant shall
58 return it to the sheriff within thirty days after its expiration, with a notation thereon showing the
59 date and manner of disposition of the firearm and a description of the firearm including the
60 make, model and serial number. The sheriff shall keep a record of all applications for permits,
61 his action thereon, and shall preserve all returned permits.

62 [6.] 7. No person shall in any manner transfer, alter or change a permit, or make a false
63 notation thereon, or obtain a permit upon any false representation, or use, or attempt to use a
64 permit issued to another.

65 [7.] 8. For the processing of the permit, the sheriff in each county and the city of St.
66 Louis shall charge a fee not to exceed ten dollars which shall be paid into the treasury of the
67 county or city to the credit of the general revenue fund.

68 [8.] 9. In any case when the sheriff refuses to issue or to act on an application for a
69 permit, such refusal shall be in writing setting forth the reasons for such refusal. Such written
70 refusal shall explain the denied applicant's right to appeal and, with a copy of the completed
71 application, shall be given to the denied applicant within a period not to exceed seven days after
72 submission of the properly completed application excluding Saturdays, Sundays or legal
73 holidays. The denied applicant shall have the right to appeal the denial within ten days of
74 receiving written notice of the denial. Such appeals shall be heard in small claims court as
75 defined in section 482.300, RSMo, and the provisions of sections 482.300, 482.310 and 482.335,
76 RSMo, shall apply to such appeals.

77 [9.] 10. A denial of or refusal to act on an application for permit may be appealed by
78 filing with the clerk of the small claims court a copy of the sheriff's written refusal and a form
79 substantially similar to the appeal form provided in this section. Appeal forms shall be provided
80 by the clerk of the small claims court free of charge to any person:

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82

83

SMALL CLAIMS COURT

84 In the Circuit Court of Missouri

85

Case Number

86 , Denied Applicant)

87)

88 vs.)

89)

90 , Sheriff)

91 Return Date

92

93 DENIAL OF PERMIT APPEAL

94 The denied applicant states that his properly completed application for a permit to acquire
95 a firearm with a barrel of less than sixteen inches was denied by the sheriff of County,
96 Missouri, without just cause. The denied applicant affirms that all of the statements in the
97 application are true.

98

99 Denied Applicant

100 [10.] **11.** The notice of appeal in a denial of permit appeal shall be made to the sheriff
101 in a manner and form determined by the small claims court judge.

102 [11.] **12.** If at the hearing the person shows he is entitled to the requested permit, the
103 court shall issue an appropriate order to cause the issuance of the permit. Costs shall not be
104 assessed against the sheriff in any case.

105 [12.] **13.** Any person aggrieved by any final judgment rendered by a small claims court
106 in a denial of permit appeal may have a trial de novo as provided in sections 512.180 to 512.320,
107 RSMo.

108 [13.] **14.** Violation of any provision of this section is a class A misdemeanor.

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