

SECOND REGULAR SESSION

HOUSE BILL NO. 1975

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SCHARNHORST (Sponsor), COOPER (120), FISHER, WELLS, RICHARD, SELF, KELLY, HUNTER, TILLEY, PRATT, McGHEE, WILSON (119), SMITH (14), WILSON (130), NOLTE, NANCE, JONES (117), GUEST, MAY, BIVINS, RUZICKA, WASSON, WETER, STEVENSON, EMERY, SCHOELLER, DENISON, AVERY, THRELKELD, SUTHERLAND, NIEVES AND FRAME (Co-sponsors).

Read 1st time February 4, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4523L.01I

AN ACT

To repeal section 571.101, RSMo, and to enact in lieu thereof one new section relating to concealed carry endorsements, with a penalty provision.

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

Section A. Section 571.101, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 571.101, to read as follows:

571.101. 1. All applicants for concealed carry endorsements issued pursuant to subsection 7 of this section must satisfy the requirements of sections 571.101 to 571.121. If the said applicant can show qualification as provided by sections 571.101 to 571.121, the county or city sheriff shall issue a certificate of qualification for a concealed carry endorsement. Upon receipt of such certificate, the certificate holder shall apply for a driver's license or nondriver's license with the director of revenue in order to obtain a concealed carry endorsement. Any person who has been issued a concealed carry endorsement on a driver's license or nondriver's license and such endorsement or license has not been suspended, revoked, canceled, or denied may carry concealed firearms on or about his or her person or within a vehicle. A concealed carry endorsement shall be valid for a period of **[three]** ~~six~~ years from the date of issuance or renewal. The concealed carry endorsement is valid throughout this state.

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.

12 2. A certificate of qualification for a concealed carry endorsement issued pursuant to
13 subsection 7 of this section shall be issued by the sheriff or his or her designee of the county or
14 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 member
18 of the military;

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

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

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

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

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

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

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

46 (9) Submits an affidavit attesting that the applicant complies with the concealed carry
47 safety training requirement pursuant to subsections 1 and 2 of section 571.111;

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

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

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

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

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

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

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

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

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

77 (8) An affirmation that the applicant is not adjudged mentally incompetent at the time
78 of application or for five years prior to application, or has not been committed to a mental health
79 facility, as defined in section 632.005, RSMo, or a similar institution located in another state,
80 except that a person whose release or discharge from a facility in this state pursuant to chapter
81 632, RSMo, or a similar discharge from a facility in another state, occurred more than five years
82 ago without subsequent recommitment may apply;

83 (9) An affirmation that the applicant has received firearms safety training that meets the
84 standards of applicant firearms safety training defined in subsection 1 or 2 of section 571.111;

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

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

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

95 (1) A photocopy of a firearms safety training certificate of completion or other evidence
96 of completion of a firearms safety training course that meets the standards established in
97 subsection 1 or 2 of section 571.111; and

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

100 5. Before an application for a certificate of qualification for a concealed carry
101 endorsement is approved, the sheriff shall make only such inquiries as he or she deems necessary
102 into the accuracy of the statements made in the application. The sheriff may require that the
103 applicant display a Missouri driver's license or nondriver's license or military identification and
104 orders showing the person being stationed in Missouri. In order to determine the applicant's
105 suitability for a certificate of qualification for a concealed carry endorsement, the applicant shall
106 be fingerprinted. The sheriff shall request a criminal background check through the appropriate
107 law enforcement agency within three working days after submission of the properly completed
108 application for a certificate of qualification for a concealed carry endorsement. If no
109 disqualifying record is identified by the fingerprint check at the state level, the fingerprints shall
110 be forwarded to the Federal Bureau of Investigation for a national criminal history record check.
111 Upon receipt of the completed background check, the sheriff shall issue a certificate of
112 qualification for a concealed carry endorsement within three working days. The sheriff shall
113 issue the certificate within forty-five calendar days if the criminal background check has not been
114 received, provided that the sheriff shall revoke any such certificate and endorsement within
115 twenty-four hours of receipt of any background check that results in a disqualifying record, and
116 shall notify the department of revenue.

117 6. The sheriff may refuse to approve an application for a certificate of qualification for
118 a concealed carry endorsement if he or she determines that any of the requirements specified in

119 subsection 2 of this section have not been met, or if he or she has a substantial and demonstrable
120 reason to believe that the applicant has rendered a false statement regarding any of the provisions
121 of sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff is required
122 to deny the application, and notify the applicant in writing, stating the grounds for denial and
123 informing the applicant of the right to submit, within thirty days, any additional documentation
124 relating to the grounds of the denial. Upon receiving any additional documentation, the sheriff
125 shall reconsider his or her decision and inform the applicant within thirty days of the result of
126 the reconsideration. The applicant shall further be informed in writing of the right to appeal the
127 denial pursuant to subsections 2, 3, 4, and 5 of section 571.114. After two additional reviews
128 and denials by the sheriff, the person submitting the application shall appeal the denial pursuant
129 to subsections 2, 3, 4, and 5 of section 571.114.

130 7. If the application is approved, the sheriff shall issue a certificate of qualification for
131 a concealed carry endorsement to the applicant within a period not to exceed three working days
132 after his or her approval of the application. The applicant shall sign the certificate of
133 qualification in the presence of the sheriff or his or her designee and shall within seven days of
134 receipt of the certificate of qualification take the certificate of qualification to the department of
135 revenue. Upon verification of the certificate of qualification and completion of a driver's license
136 or nondriver's license application pursuant to chapter 302, RSMo, the director of revenue shall
137 issue a new driver's license or nondriver's license with an endorsement which identifies that the
138 applicant has received a certificate of qualification to carry concealed weapons issued pursuant
139 to sections 571.101 to 571.121 if the applicant is otherwise qualified to receive such driver's
140 license or nondriver's license. The requirements for the director of revenue to issue a concealed
141 carry endorsement pursuant to this subsection shall not be effective until July 1, 2004, and the
142 certificate of qualification issued by a county sheriff pursuant to subsection 1 of this section shall
143 allow the person issued such certificate to carry a concealed weapon pursuant to the requirements
144 of subsection 1 of section 571.107 in lieu of the concealed carry endorsement issued by the
145 director of revenue from October 11, 2003, until the concealed carry endorsement is issued by
146 the director of revenue on or after July 1, 2004, unless such certificate of qualification has been
147 suspended or revoked for cause.

148 8. The sheriff shall keep a record of all applications for a certificate of qualification for
149 a concealed carry endorsement and his or her action thereon. The sheriff shall report the issuance
150 of a certificate of qualification to the Missouri uniform law enforcement system. All information
151 on any such certificate that is protected information on any driver's or nondriver's license shall
152 have the same personal protection for purposes of sections 571.101 to 571.121. An applicant's
153 status as a holder of a certificate of qualification or a concealed carry endorsement shall not be
154 public information and shall be considered personal protected information. Any person who

155 violates the provisions of this subsection by disclosing protected information shall be guilty of
156 a class A misdemeanor.

157 9. Information regarding any holder of a certificate of qualification or a concealed carry
158 endorsement is a closed record.

159 10. For processing an application for a certificate of qualification for a concealed carry
160 endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a
161 nonrefundable fee not to exceed one hundred dollars which shall be paid to the treasury of the
162 county to the credit of the sheriff's revolving fund.

163 11. For processing a renewal for a certificate of qualification for a concealed carry
164 endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a
165 nonrefundable fee not to exceed fifty dollars which shall be paid to the treasury of the county to
166 the credit of the sheriff's revolving fund.

167 12. For the purposes of sections 571.101 to 571.121, the term "sheriff" shall include the
168 sheriff of any county or city not within a county or his or her designee and in counties of the first
169 classification the sheriff may designate the chief of police of any city, town, or municipality
170 within such county.

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