

SECOND REGULAR SESSION

HOUSE BILL NO. 2076

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES PARSON (Sponsor), FISHER (125), SMITH (14), GRISAMORE, SCHARNHORST, FUNDERBURK, GUERNSEY, JONES (89), DAY, MUNZLINGER, JONES (117), GUEST AND LEARA (Co-sponsors).

4902L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 571.101, RSMo, and to enact in lieu thereof two new sections 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Section A. Section 571.101, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 571.101 and 571.103, to read as follows: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] **five** years from the date of issuance or renewal. The concealed carry endorsement is valid throughout this state.

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

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

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.

- 16 (a) Has assumed residency in this state; 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]
45 **described** in 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 has assumed residency in Missouri or is a member
- 54 of the armed forces stationed in Missouri or the spouse of such a member of the armed forces
- 55 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.

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

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

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

571.103. 1. Any person who has a valid concealed carry endorsement under the provisions of sections 571.101 to 571.121 shall, prior to January 1, 2011, and every three years thereafter, submit an affidavit, on a form to be provided by the director of revenue, stating that such person has, within ninety days prior to the date of the affidavit, reviewed the laws of this state relating to firearms as prescribed in this chapter and has also reviewed the laws relating to the justifiable use of force as prescribed in chapter 563.

2. The director of revenue shall create the affidavit form required under subsection 1 of this section and shall make it available to concealed carry endorsement holders via mail and online.

3. The director of revenue shall suspend the concealed carry endorsement of any person who fails to submit an affidavit as required in subsection 1 of this section and shall send notification to such person stating that such person has seven days from the date of the notice to either submit the affidavit required under subsection 1 of this section to the department of revenue or to surrender their driver's license or nondriver's license containing the concealed carry endorsement to the sheriff's department of their county of residence.

4. The director of revenue shall transmit a copy of the notice of suspension to the sheriff of such person's county of residence and shall report the change in status of the concealed carry endorsement to the Missouri uniform law enforcement system. The sheriff's department to whom the driver's license or nondriver's license containing the concealed carry endorsement is surrendered shall issue a receipt to the licensee for the license upon a form, approved by the director of revenue, that serves as a driver's license or nondriver's license and clearly states the concealed carry endorsement has been

24 suspended. The sheriff's department shall then transmit the driver's license or nondriver's
25 license containing the concealed carry endorsement to the director of revenue.

26 5. The concealed carry endorsement issued under sections 571.101 to 571.121 shall
27 be suspended until the provisions of subsection 1 of this section have been satisfied. Once
28 the provisions of subsection 1 of this section have been satisfied the director of revenue
29 shall reinstate the concealed carry endorsement and return the driver's license or
30 nondriver's license containing the concealed carry endorsement to the individual. The
31 director shall also immediately notify the sheriff of such person's county of residence of the
32 reinstatement and shall report the reinstatement to the Missouri uniform law enforcement
33 system.

34 6. The director of revenue shall promulgate any rules and regulations necessary to
35 carry out the provisions of this section.

36 7. For processing the surrender of a driver's license or nondriver's license
37 containing a concealed carry endorsement which has been surrendered under the
38 provisions of this section the sheriff shall charge a nonrefundable fee not to exceed twenty-
39 five dollars which shall be paid to the treasury of the county to the credit of the sheriff's
40 revolving fund.

41 8. Any person who fails to surrender their driver's license or nondriver's license
42 containing the concealed carry endorsement to the sheriff when required under subsection
43 3 of this section is guilty of a class C misdemeanor.

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