

Riddley



5603S03.01F

Mr. Speaker: I am instructed by the Senate to inform the House of

Representatives that the Senate has taken up and passed

SS HCS HB 1647

entitled:

AN ACT

To repeal sections 259.010, 259.020, 259.030, 259.040, 259.070, 260.392, 292.606, 301.010, 320.106, 320.131, 320.136, 414.530, 414.560, 414.570, and 650.230, RSMo, and to enact in lieu thereof seventeen new sections relating to public safety, with an emergency clause for certain sections.

WITH SA 1, 2, SA 1 to SA 3, SA 3 a.a, SA 4, 5, 6, 7, 8, SA 9,

EC.

In which the concurrence of the House is respectfully requested.

Respectfully,

Terry L. Spieler

Terry L. Spieler
Secretary of the Senate

RECEIVED

MAY 17 2007

CLERK

SENATE AMENDMENT NO. 1

Offered by Kraus of _____

Amend SS/HCS/House Bill No. 1647, Page 54, Section 650.230, Line 27

of said page, by inserting immediately after said line the following:

"701.550. 1. As used in this section the following terms mean:

(1) "Anemometer", an instrument for measuring and recording the speed of the wind;

(2) "Anemometer tower", a structure, including all guy wires and accessory facilities, that has been constructed solely for the purpose of mounting an anemometer to document whether a site has wind resources sufficient for the operation of a wind turbine generator;

(3) "Area surrounding the anchor point", an area not less than sixty-four square feet whose outer boundary is at least four feet from the anchor point.

2. Any anemometer tower that is fifty feet in height above the ground or higher that is located outside the exterior boundaries of any municipality, and whose appearance is not otherwise mandated by state or federal law, shall be marked, painted, flagged, or otherwise constructed to be recognizable in clear air during daylight hours. Any anemometer tower that was erected before August 28, 2012, shall be marked as required in

5-15-12
5-16-12

1 this section by January 1, 2014. Any anemometer tower that is
2 erected on or after August 28, 2012, shall be marked as required
3 in this section at the time it is erected. Marking required
4 under this section includes marking the anemometer tower, guy
5 wires, and accessory facilities as follows:

6 (1) The top one-third of the anemometer tower shall be
7 painted in equal, alternating bands of aviation orange and white,
8 beginning with orange at the top of the tower and ending with
9 orange at the bottom of the marked portion of the tower;

10 (2) Two marker balls shall be attached to and evenly spaced
11 on each of the outside guy wires;

12 (3) The area surrounding each point where a guy wire is
13 anchored to the ground shall have a contrasting appearance with
14 any surrounding vegetation. If the adjacent land is grazed, the
15 area surrounding the anchor point shall be fenced; and

16 (4) One or more seven-foot safety sleeves shall be placed
17 at each anchor point and shall extend from the anchor point along
18 each guy wire attached to the anchor point.

19 3. A violation of this section is a class B misdemeanor."
20 and

21 Further amend the title and enacting clause accordingly.
22

SENATE AMENDMENT NO. 2Offered by Munzinger of 18thAmend SS/HCS/House Bill No. 1647, Page 51, Section 414.570, Line 26,

2 by inserting immediately after said line, the following:

3 "571.020. 1. A person commits a crime if such person
4 knowingly possesses, manufactures, transports, repairs, or sells:

5 (1) An explosive weapon;

6 (2) An explosive, incendiary or poison substance or
7 material with the purpose to possess, manufacture or sell an
8 explosive weapon;

9 (3) A gas gun;

10 (4) [A switchblade knife;

11 (5)] A bullet or projectile which explodes or detonates
12 upon impact because of an independent explosive charge after
13 having been shot from a firearm; or

14 [(6)] (5) Knuckles; or

15 [(7)] (6) Any of the following in violation of federal
16 law:

17 (a) A machine gun;

18 (b) A short-barreled rifle or shotgun; [or]

19 (c) A firearm silencer; or

20 (d) A switchblade knife.

21 2. A person does not commit a crime pursuant to this

created 5-12-12

adopted 5-14-12

1 section if his conduct involved any of the items in subdivisions
2 (1) to [(6)] (5) of subsection 1, the item was possessed in
3 conformity with any applicable federal law, and the conduct:

4 (1) Was incident to the performance of official duty by the
5 armed forces, national guard, a governmental law enforcement
6 agency, or a penal institution; or

7 (2) Was incident to engaging in a lawful commercial or
8 business transaction with an organization enumerated in
9 subdivision (1) of this section; or

10 (3) Was incident to using an explosive weapon in a manner
11 reasonably related to a lawful industrial or commercial
12 enterprise; or

13 (4) Was incident to displaying the weapon in a public
14 museum or exhibition; or

15 (5) Was incident to using the weapon in a manner reasonably
16 related to a lawful dramatic performance.

17 3. A crime pursuant to subdivision (1), (2), (3) or [(7)]
18 (6) of subsection 1 of this section is a class C felony; a crime
19 pursuant to subdivision (4)[,] or (5) [or (6)] of subsection 1 of
20 this section is a class A misdemeanor.

21 571.030. 1. A person commits the crime of unlawful use of
22 weapons if he or she knowingly:

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

26 (2) Sets a spring gun; or

27 (3) Discharges or shoots a firearm into a dwelling house, a
28 railroad train, boat, aircraft, or motor vehicle as defined in
29 section 302.010, or any building or structure used for the

1 assembling of people; or

2 (4) Exhibits, in the presence of one or more persons, any
3 weapon readily capable of lethal use in an angry or threatening
4 manner; or

5 (5) Has a firearm or projectile weapon readily capable of
6 lethal use on his or her person, while he or she is intoxicated,
7 and handles or otherwise uses such firearm or projectile weapon
8 in either a negligent or unlawful manner or discharges such
9 firearm or projectile weapon unless acting in self-defense;

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

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

15 (8) Carries a firearm or any other weapon readily capable
16 of lethal use into any church or place where people have
17 assembled for worship, or into any election precinct on any
18 election day, or into any building owned or occupied by any
19 agency of the federal government, state government, or political
20 subdivision thereof; or

21 (9) Discharges or shoots a firearm at or from a motor
22 vehicle, as defined in section 301.010, discharges or shoots a
23 firearm at any person, or at any other motor vehicle, or at any
24 building or habitable structure, unless the person was lawfully
25 acting in self-defense; or

26 (10) Carries a firearm, whether loaded or unloaded, or any
27 other weapon readily capable of lethal use into any school, onto
28 any school bus, or onto the premises of any function or activity
29 sponsored or sanctioned by school officials or the district

1 school board.

2 2. Subdivisions (1), (8), and (10) of subsection 1 of this
3 section shall not apply to the persons described in this
4 subsection, regardless of whether such uses are reasonably
5 associated with or are necessary to the fulfillment of such
6 person's official duties except as otherwise provided in this
7 subsection. Subdivisions (3), (4), (6), (7), and (9) of
8 subsection 1 of this section shall not apply to or affect any of
9 the following persons, when such uses are reasonably associated
10 with or are necessary to the fulfillment of such person's
11 official duties, except as otherwise provided in this subsection:

12 (1) All state, county and municipal peace officers who have
13 completed the training required by the police officer standards
14 and training commission pursuant to sections 590.030 to 590.050
15 and who possess the duty and power of arrest for violation of the
16 general criminal laws of the state or for violation of ordinances
17 of counties or municipalities of the state, whether such officers
18 are on or off duty, and whether such officers are within or
19 outside of the law enforcement agency's jurisdiction, or all
20 qualified retired peace officers, as defined in subsection 11 of
21 this section, and who carry the identification defined in
22 subsection 12 of this section, or any person summoned by such
23 officers to assist in making arrests or preserving the peace
24 while actually engaged in assisting such officer;

25 (2) Wardens, superintendents and keepers of prisons,
26 penitentiaries, jails and other institutions for the detention of
27 persons accused or convicted of crime;

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

1 (4) Those persons vested by article V, section 1 of the
2 Constitution of Missouri with the judicial power of the state and
3 those persons vested by Article III of the Constitution of the
4 United States with the judicial power of the United States, the
5 members of the federal judiciary;

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

8 (6) Any federal probation officer or federal flight deck
9 officer as defined under the federal flight deck officer program,
10 49 U.S.C. Section 44921 regardless of whether such officers are
11 on duty, or within the law enforcement agency's jurisdiction;

12 (7) Any state probation or parole officer, including
13 supervisors and members of the board of probation and parole;

14 (8) Any corporate security advisor meeting the definition
15 and fulfilling the requirements of the regulations established by
16 the board of police commissioners under section 84.340;

17 (9) Any coroner, deputy coroner, medical examiner, or
18 assistant medical examiner;

19 (10) Any prosecuting attorney or assistant prosecuting
20 attorney or any circuit attorney or assistant circuit attorney
21 who has completed the firearms safety training course required
22 under subsection 2 of section 571.111; and

23 (11) Any member of a fire department or fire protection
24 district who is employed on a full-time basis as a fire
25 investigator and who has a valid concealed carry endorsement
26 under section 571.111 when such uses are reasonably associated
27 with or are necessary to the fulfillment of such person's
28 official duties.

29 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of

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

21 4. Subdivisions (1), (8), and (10) of subsection 1 of this
22 section shall not apply to any person who has a valid concealed
23 carry endorsement issued pursuant to sections 571.101 to 571.121
24 or a valid permit or endorsement to carry concealed firearms
25 issued by another state or political subdivision of another
26 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
29 are engaged in a lawful act of defense pursuant to section

1 563.031.

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

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

21 8. Violations of subdivision (9) of subsection 1 of this
22 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, 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
29 term of ten years;

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

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

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

12 10. Notwithstanding any other provision of law, no person
13 who pleads guilty to or is found guilty of a felony violation of
14 subsection 1 of this section shall receive a suspended imposition
15 of sentence if such person has previously received a suspended
16 imposition of sentence for any other firearms- or weapons-related
17 felony offense.

18 11. As used in this section "qualified retired peace
19 officer" means an individual who:

20 (1) Retired in good standing from service with a public
21 agency as a peace officer, other than for reasons of mental
22 instability;

23 (2) Before such retirement, was authorized by law to engage
24 in or supervise the prevention, detection, investigation, or
25 prosecution of, or the incarceration of any person for, any
26 violation of law, and had statutory powers of arrest;

27 (3) Before such retirement, was regularly employed as a
28 peace officer for an aggregate of fifteen years or more, or
29 retired from service with such agency, after completing any

1 applicable probationary period of such service, due to a
2 service-connected disability, as determined by such agency;

3 (4) Has a nonforfeitable right to benefits under the
4 retirement plan of the agency if such a plan is available;

5 (5) During the most recent twelve-month period, has met, at
6 the expense of the individual, the standards for training and
7 qualification for active peace officers to carry firearms;

8 (6) Is not under the influence of alcohol or another
9 intoxicating or hallucinatory drug or substance; and

10 (7) Is not prohibited by federal law from receiving a
11 firearm.

12 12. The identification required by subdivision (1) of
13 subsection 2 of this section is:

14 (1) A photographic identification issued by the agency from
15 which the individual retired from service as a peace officer that
16 indicates that the individual has, not less recently than one
17 year before the date the individual is carrying the concealed
18 firearm, been tested or otherwise found by the agency to meet the
19 standards established by the agency for training and
20 qualification for active peace officers to carry a firearm of the
21 same type as the concealed firearm; or

22 (2) A photographic identification issued by the agency from
23 which the individual retired from service as a peace officer; and

24 (3) A certification issued by the state in which the
25 individual resides that indicates that the individual has, not
26 less recently than one year before the date the individual is
27 carrying the concealed firearm, been tested or otherwise found by
28 the state to meet the standards established by the state for
29 training and qualification for active peace officers to carry a

1 firearm of the same type as the concealed firearm.

2 571.037. Any person who has a valid concealed carry
3 endorsement, and who is lawfully carrying a firearm in a
4 concealed manner, may briefly and openly display the firearm to
5 the ordinary sight of another person, unless the firearm is
6 intentionally displayed in an angry or threatening manner, not in
7 necessary self-defense.

8 571.092. 1. Any individual who has been adjudged
9 incapacitated under chapter 475, who has been involuntarily
10 committed under chapter 632, or who is otherwise subject to the
11 firearms-related disabilities of 18 U.S.C. Section 922(d)(4) or
12 (g)(4) as a result of an adjudication or commitment that occurred
13 in this state may file a petition for the removal of the
14 disqualification to ship, transport, receive, purchase, possess,
15 or transfer a firearm imposed under 18 U.S.C. Section 922(d)(4)
16 or (g)(4) and the laws of this state.

17 2. The petition shall be filed in the circuit court with
18 jurisdiction in the petitioner's place of residence or that
19 entered the letters of guardianship or the most recent order for
20 involuntary commitment, or the most recent disqualifying order,
21 whichever is later. The petition shall include:

22 (1) The circumstances regarding the firearms disabilities;

23 (2) The applicant's record which at a minimum shall include
24 the applicant's mental health and criminal history records, if
25 any;

26 (3) The applicant's reputation through character witness
27 statements, testimony, or other character evidence; and

28 (4) Any other information or evidence relevant to the
29 relief sought, including but not limited to evidence concerning

1 any changes in the petitioner's condition since the disqualifying
2 commitment or adjudication occurred.

3
4 Upon receipt of the petition, the clerk shall schedule a hearing
5 and provide notice of the hearing to the petitioner.

6 3. The court shall grant the requested relief if it finds
7 by clear and convincing evidence that:

8 (1) The petitioner will not be likely to act in a manner
9 dangerous to public safety; and

10 (2) Granting the relief is not contrary to the public
11 interest.

12 4. In order to determine whether to grant relief under this
13 section, the court may request the local prosecuting attorney,
14 circuit attorney, or attorney general to provide a written
15 recommendation as to whether relief should be granted. In any
16 order requiring such review the court may grant access to any and
17 all mental health records, juvenile records, and criminal history
18 of the petitioner wherever maintained. The court may allow
19 presentation of evidence at the hearing if requested by the
20 petitioner or by the local prosecuting attorney, circuit
21 attorney, or attorney general. A record shall be kept of the
22 proceedings.

23 5. If the petitioner is filing the petition as a result of
24 an involuntary commitment under chapter 632, the hearing and
25 records shall be closed to the public, unless the court finds
26 that public interest would be better served by conducting the
27 hearing in public. If the court determines the hearing should be
28 open to the public, upon motion by the petitioner, the court may
29 allow for the in-camera inspection of mental health records. The

1 court may allow the use of the record but shall restrict it from
2 public disclosure, unless it finds that the public interest would
3 be better served by making the record public.

4 6. The court shall include in its order the specific
5 findings of fact on which it bases its decision.

6 7. Upon a judicial determination to grant a petition under
7 this section, the clerk in the county where the petition was
8 granted shall forward the order to the Missouri state highway
9 patrol for updating of the petitioner's record with the National
10 Instant Criminal Background Check System (NICS). The Missouri
11 state highway patrol shall contact the Federal Bureau of
12 Investigation to effect this updating no later than twenty-one
13 days from receipt of the order.

14 8. Any person who has been denied a petition for the
15 removal of the disqualification to ship, transport, receive,
16 purchase, possess, or transfer a firearm under this section shall
17 not be eligible to file another petition for removal of such
18 disqualification until the expiration of one year from the date
19 of such denial.

20 9. In the event a petition is denied under this section,
21 the petitioner may appeal such denial, and review shall be de
22 novo.

23 571.101. 1. All applicants for concealed carry
24 endorsements issued pursuant to subsection 7 of this section must
25 satisfy the requirements of sections 571.101 to 571.121. If the
26 said applicant can show qualification as provided by sections
27 571.101 to 571.121, the county or city sheriff shall issue a
28 certificate of qualification for a concealed carry endorsement.
29 Upon receipt of such certificate, the certificate holder shall

1 apply for a driver's license or nondriver's license with the
2 director of revenue in order to obtain a concealed carry
3 endorsement. Any person who has been issued a concealed carry
4 endorsement on a driver's license or nondriver's license and such
5 endorsement or license has not been suspended, revoked,
6 cancelled, or denied may carry concealed firearms on or about his
7 or her person or within a vehicle. A concealed carry endorsement
8 shall be valid for a period of three years from the date of
9 issuance or renewal. The concealed carry endorsement is valid
10 throughout this state.

11 2. A certificate of qualification for a concealed carry
12 endorsement issued pursuant to subsection 7 of this section shall
13 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-one years of age, is a citizen of
16 the United States and either:

17 (a) Has assumed residency in this state; or

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

20 (2) Is at least twenty-one years of age, or is at least
21 eighteen years of age and a member of the United States Armed
22 Forces or honorably discharged from the United States Armed
23 Forces, and is a citizen of the United States and either:

24 (a) Has assumed residency in this state;

25 (b) Is a member of the armed forces stationed in Missouri;

26 or

27 (c) The spouse of such member of the military stationed in
28 Missouri and twenty-one years of age;

29 (3) Has not pled guilty to or entered a plea of nolo

1 contendere or been convicted of a crime punishable by
2 imprisonment for a term exceeding one year under the laws of any
3 state or of the United States other than a crime classified as a
4 misdemeanor under the laws of any state and punishable by a term
5 of imprisonment of one year or less that does not involve an
6 explosive weapon, firearm, firearm silencer or gas gun;

7 [(3)] (4) Has not been convicted of, pled guilty to or
8 entered a plea of nolo contendere to one or more misdemeanor
9 offenses involving crimes of violence within a five-year period
10 immediately preceding application for a certificate of
11 qualification for a concealed carry endorsement or if the
12 applicant has not been convicted of two or more misdemeanor
13 offenses involving driving while under the influence of
14 intoxicating liquor or drugs or the possession or abuse of a
15 controlled substance within a five-year period immediately
16 preceding application for a certificate of qualification for a
17 concealed carry endorsement;

18 [(4)] (5) Is not a fugitive from justice or currently
19 charged in an information or indictment with the commission of a
20 crime punishable by imprisonment for a term exceeding one year
21 under the laws of any state of the United States other than a
22 crime classified as a misdemeanor under the laws of any state and
23 punishable by a term of imprisonment of two years or less that
24 does not involve an explosive weapon, firearm, firearm silencer,
25 or gas gun;

26 [(5)] (6) Has not been discharged under dishonorable
27 conditions from the United States armed forces;

28 [(6)] (7) Has not engaged in a pattern of behavior,
29 documented in public records, that causes the sheriff to have a

1 reasonable belief that the applicant presents a danger to himself
2 or others;

3 [(7)] (8) Is not adjudged mentally incompetent at the time
4 of application or for five years prior to application, or has not
5 been committed to a mental health facility, as defined in section
6 632.005, or a similar institution located in another state
7 following a hearing at which the defendant was represented by
8 counsel or a representative;

9 [(8)] (9) Submits a completed application for a certificate
10 of qualification as described in subsection 3 of this section;

11 [(9)] (10) Submits an affidavit attesting that the
12 applicant complies with the concealed carry safety training
13 requirement pursuant to subsections 1 and 2 of section 571.111;

14 [(10)] (11) Is not the respondent of a valid full order of
15 protection which is still in effect. 3. The application for a
16 certificate of qualification for a concealed carry endorsement
17 issued by the sheriff of the county of the applicant's residence
18 shall contain only the following information:

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

21 (2) An affirmation that the applicant has assumed residency
22 in Missouri or is a member of the armed forces stationed in
23 Missouri or the spouse of such a member of the armed forces and
24 is a citizen of the United States;

25 (3) An affirmation that the applicant is at least
26 twenty-one years of age or is eighteen years of age or older and
27 a member of the United States Armed Forces or honorably
28 discharged from the United States Armed Forces;

29 (4) An affirmation that the applicant has not pled guilty

1 to or been convicted of a crime punishable by imprisonment for a
2 term exceeding one year under the laws of any state or of the
3 United States other than a crime classified as a misdemeanor
4 under the laws of any state and punishable by a term of
5 imprisonment of one year or less that does not involve an
6 explosive weapon, firearm, firearm silencer, or gas gun;

7 (5) An affirmation that the applicant has not been
8 convicted of, pled guilty to, or entered a plea of nolo
9 contendere to one or more misdemeanor offenses involving crimes
10 of violence within a five-year period immediately preceding
11 application for a certificate of qualification to obtain a
12 concealed carry endorsement or if the applicant has not been
13 convicted of two or more misdemeanor offenses involving driving
14 while under the influence of intoxicating liquor or drugs or the
15 possession or abuse of a controlled substance within a five-year
16 period immediately preceding application for a certificate of
17 qualification to obtain a concealed carry endorsement;

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

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

29 (8) An affirmation that the applicant is not adjudged

1 mentally incompetent at the time of application or for five years
2 prior to application, or has not been committed to a mental
3 health facility, as defined in section 632.005, or a similar
4 institution located in another state, except that a person whose
5 release or discharge from a facility in this state pursuant to
6 chapter 632, or a similar discharge from a facility in another
7 state, occurred more than five years ago without subsequent
8 recommitment may apply;

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

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

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

18 4. An application for a certificate of qualification for a
19 concealed carry endorsement shall be made to the sheriff of the
20 county or any city not within a county in which the applicant
21 resides. An application shall be filed in writing, signed under
22 oath and under the penalties of perjury, and shall state whether
23 the applicant complies with each of the requirements specified in
24 subsection 2 of this section. In addition to the completed
25 application, the applicant for a certificate of qualification for
26 a concealed carry endorsement must also submit the following:

27 (1) A photocopy of a firearms safety training certificate
28 of completion or other evidence of completion of a firearms
29 safety training course that meets the standards established in

1 subsection 1 or 2 of section 571.111; and

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

4 5. Before an application for a certificate of qualification
5 for a concealed carry endorsement is approved, the sheriff shall
6 make only such inquiries as he or she deems necessary into the
7 accuracy of the statements made in the application. The sheriff
8 may require that the applicant display a Missouri driver's
9 license or nondriver's license or military identification and
10 orders showing the person being stationed in Missouri. In order
11 to determine the applicant's suitability for a certificate of
12 qualification for a concealed carry endorsement, the applicant
13 shall be fingerprinted. The sheriff shall request a criminal
14 background check through the appropriate law enforcement agency
15 within three working days after submission of the properly
16 completed application for a certificate of qualification for a
17 concealed carry endorsement. If no disqualifying record is
18 identified by the fingerprint check at the state level, the
19 fingerprints shall be forwarded to the Federal Bureau of
20 Investigation for a national criminal history record check. Upon
21 receipt of the completed background check, the sheriff shall
22 issue a certificate of qualification for a concealed carry
23 endorsement within three working days. The sheriff shall issue
24 the certificate within forty-five calendar days if the criminal
25 background check has not been received, provided that the sheriff
26 shall revoke any such certificate and endorsement within
27 twenty-four hours of receipt of any background check that results
28 in a disqualifying record, and shall notify the department of
29 revenue.

1 6. The sheriff may refuse to approve an application for a
2 certificate of qualification for a concealed carry endorsement if
3 he or she determines that any of the requirements specified in
4 subsection 2 of this section have not been met, or if he or she
5 has a substantial and demonstrable reason to believe that the
6 applicant has rendered a false statement regarding any of the
7 provisions of sections 571.101 to 571.121. If the applicant is
8 found to be ineligible, the sheriff is required to deny the
9 application, and notify the applicant in writing, stating the
10 grounds for denial and informing the applicant of the right to
11 submit, within thirty days, any additional documentation relating
12 to the grounds of the denial. Upon receiving any additional
13 documentation, the sheriff shall reconsider his or her decision
14 and inform the applicant within thirty days of the result of the
15 reconsideration. The applicant shall further be informed in
16 writing of the right to appeal the denial pursuant to subsections
17 2, 3, 4, and 5 of section 571.114. After two additional reviews
18 and denials by the sheriff, the person submitting the application
19 shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of
20 section 571.114.

21 7. If the application is approved, the sheriff shall issue
22 a certificate of qualification for a concealed carry endorsement
23 to the applicant within a period not to exceed three working days
24 after his or her approval of the application. The applicant
25 shall sign the certificate of qualification in the presence of
26 the sheriff or his or her designee and shall within seven days of
27 receipt of the certificate of qualification take the certificate
28 of qualification to the department of revenue. Upon verification
29 of the certificate of qualification and completion of a driver's

1 license or nondriver's license application pursuant to chapter
2 302, the director of revenue shall issue a new driver's license
3 or nondriver's license with an endorsement which identifies that
4 the applicant has received a certificate of qualification to
5 carry concealed weapons issued pursuant to sections 571.101 to
6 571.121 if the applicant is otherwise qualified to receive such
7 driver's license or nondriver's license. Notwithstanding any
8 other provision of chapter 302, a nondriver's license with a
9 concealed carry endorsement shall expire three years from the
10 date the certificate of qualification was issued pursuant to this
11 section. The requirements for the director of revenue to issue a
12 concealed carry endorsement pursuant to this subsection shall not
13 be effective until July 1, 2004, and the certificate of
14 qualification issued by a county sheriff pursuant to subsection 1
15 of this section shall allow the person issued such certificate to
16 carry a concealed weapon pursuant to the requirements of
17 subsection 1 of section 571.107 in lieu of the concealed carry
18 endorsement issued by the director of revenue from October 11,
19 2003, until the concealed carry endorsement is issued by the
20 director of revenue on or after July 1, 2004, unless such
21 certificate of qualification has been suspended or revoked for
22 cause.

23 8. The sheriff shall keep a record of all applications for
24 a certificate of qualification for a concealed carry endorsement
25 and his or her action thereon. The sheriff shall report the
26 issuance of a certificate of qualification to the Missouri
27 uniform law enforcement system. All information on any such
28 certificate that is protected information on any driver's or
29 nondriver's license shall have the same personal protection for

1 purposes of sections 571.101 to 571.121. An applicant's status
2 as a holder of a certificate of qualification or a concealed
3 carry endorsement shall not be public information and shall be
4 considered personal protected information. Any person who
5 violates the provisions of this subsection by disclosing
6 protected information shall be guilty of a class A misdemeanor.

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

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

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

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

27 571.111. 1. An applicant for a concealed carry endorsement
28 shall demonstrate knowledge of firearms safety training. This
29 requirement shall be fully satisfied if the applicant for a

1 concealed carry endorsement:

2 (1) Submits a photocopy of a certificate of firearms safety
3 training course completion, as defined in subsection 2 of this
4 section, signed by a qualified firearms safety instructor as
5 defined in subsection 5 of this section; or

6 (2) Submits a photocopy of a certificate that shows the
7 applicant completed a firearms safety course given by or under
8 the supervision of any state, county, municipal, or federal law
9 enforcement agency; or

10 (3) Is a qualified firearms safety instructor as defined in
11 subsection 5 of this section; or

12 (4) Submits proof that the applicant currently holds any
13 type of valid peace officer license issued under the requirements
14 of chapter 590; or

15 (5) Submits proof that the applicant is currently allowed
16 to carry firearms in accordance with the certification
17 requirements of section 217.710; or

18 (6) Submits proof that the applicant is currently certified
19 as any class of corrections officer by the Missouri department of
20 corrections and has passed at least one eight-hour firearms
21 training course, approved by the director of the Missouri
22 department of corrections under the authority granted to him or
23 her by section 217.105, that includes instruction on the
24 justifiable use of force as prescribed in chapter 563; or

25 (7) Submits a photocopy of a certificate of firearms safety
26 training course completion that was issued on August 27, 2011, or
27 earlier so long as the certificate met the requirements of
28 subsection 2 of this section that were in effect on the date it
29 was issued.

1 2. A certificate of firearms safety training course
2 completion may be issued to any applicant by any qualified
3 firearms safety instructor. On the certificate of course
4 completion the qualified firearms safety instructor shall affirm
5 that the individual receiving instruction has taken and passed a
6 firearms safety course of at least eight hours in length taught
7 by the instructor that included:

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

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

14 (3) The basic principles of marksmanship;

15 (4) Care and cleaning of concealable firearms;

16 (5) Safe storage of firearms at home;

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

21 (7) The laws relating to firearms as prescribed in this
22 chapter;

23 (8) The laws relating to the justifiable use of force as
24 prescribed in chapter 563;

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

1 (10) A live fire test administered to the applicant while
2 the instructor was present of twenty rounds from each handgun
3 from a standing position or its equivalent at a distance from a
4 B-27 silhouette target, or an equivalent target, of seven yards.

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

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

10 (2) Handles a firearm in a manner that, in the judgment of
11 the qualified firearm safety instructor, poses a danger to the
12 applicant or to others; or

13 (3) During the live fire testing portion of the course
14 fails to hit the silhouette portion of the targets with at least
15 fifteen rounds, with both handguns.

16 4. Qualified firearms safety instructors who provide
17 firearms safety instruction to any person who applies for a
18 concealed carry endorsement shall:

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

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

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

27 5. A firearms safety instructor shall be considered to be a
28 qualified firearms safety instructor by any sheriff issuing a
29 certificate of qualification for a concealed carry endorsement

1 pursuant to sections 571.101 to 571.121 if the instructor:

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

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

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

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

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

16 6. Any firearms safety instructor who knowingly provides
17 any sheriff with any false information concerning an applicant's
18 performance on any portion of the required training and
19 qualification shall be guilty of a class C misdemeanor.

20 571.117. 1. Any person who has knowledge that another
21 person, who was issued a certificate of qualification for a
22 concealed carry endorsement pursuant to sections 571.101 to
23 571.121, never was or no longer is eligible for such endorsement
24 under the criteria established in sections 571.101 to 571.121 may
25 file a petition with the clerk of the small claims court to
26 revoke that person's certificate of qualification for a concealed
27 carry endorsement and such person's concealed carry endorsement.
28 The petition shall be in a form substantially similar to the
29 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 any person:

SMALL CLAIMS COURT

In the Circuit Court of, Missouri

....., PLAINTIFF

)

)

vs.) Case Number

)

....., DEFENDANT,

Carry Endorsement Holder

....., DEFENDANT,

Sheriff of Issuance

PETITION FOR REVOCATION

OF CERTIFICATE OF QUALIFICATION

OR CONCEALED CARRY ENDORSEMENT

Plaintiff states to the court that the defendant,
....., has a certificate of qualification or a concealed
carry endorsement issued pursuant to sections 571.101 to 571.121,
RSMo, and that the defendant's certificate of qualification or
concealed carry endorsement should now be revoked because the
defendant either never was or no longer is eligible for such a
certificate or endorsement pursuant to the provisions of sections
571.101 to 571.121, RSMo, specifically plaintiff states that
defendant,, never was or no longer is eligible for
such certificate or endorsement for one or more of the following
reasons:

(CHECK BELOW EACH REASON

THAT APPLIES TO THIS DEFENDANT)

☐ Defendant is not at least twenty-one years of age or at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces.

☐ Defendant is not a citizen of the United States.

☐ Defendant had not resided in this state prior to issuance of the permit and does not qualify as a military member or spouse of a military member stationed in Missouri.

☐ Defendant has 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 one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.

☐ Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a certificate of qualification or concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo, or if the applicant has been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a certificate of qualification or a concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo.

☐ Defendant is a fugitive from justice or currently charged in an information or indictment with the commission of a

1 crime punishable by imprisonment for a term exceeding one year
2 under the laws of any state of the United States other than a
3 crime classified as a misdemeanor under the laws of any state and
4 punishable by a term of imprisonment of one year or less that
5 does not involve an explosive weapon, firearm, firearm silencer,
6 or gas gun.

7 ☐ Defendant has been discharged under dishonorable
8 conditions from the United States armed forces.

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

11 ☐ Defendant is adjudged mentally incompetent at the time
12 of application or for five years prior to application, or has
13 been committed to a mental health facility, as defined in section
14 632.005, RSMo, or a similar institution located in another state,
15 except that a person whose release or discharge from a facility
16 in this state pursuant to chapter 632, RSMo, or a similar
17 discharge from a facility in another state, occurred more than
18 five years ago without subsequent recommitment may apply.

19 ☐ Defendant failed to submit a completed application for a
20 certificate of qualification or concealed carry endorsement
21 issued pursuant to sections 571.101 to 571.121, RSMo.

22 ☐ Defendant failed to submit to or failed to clear the
23 required background check.

24 ☐ Defendant failed to submit an affidavit attesting that
25 the applicant complies with the concealed carry safety training
26 requirement pursuant to subsection 1 of section 571.111, RSMo.
27 The plaintiff subject to penalty for perjury states that the
28 information contained in this petition is true and correct to the
29 best of the plaintiff's knowledge, is reasonably based upon the

petitioner's personal knowledge and is not primarily intended to harass the defendant/respondent named herein.

....., PLAINTIFF

2. If at the hearing the plaintiff shows that the defendant was not eligible for the certificate of qualification or the concealed carry endorsement issued pursuant to sections 571.101 to 571.121, at the time of issuance or renewal or is no longer eligible for a certificate of qualification or the concealed carry endorsement issued pursuant to the provisions of sections 571.101 to 571.121, the court shall issue an appropriate order to cause the revocation of the certificate of qualification or concealed carry endorsement. Costs shall not be assessed against the sheriff.

3. The finder of fact, in any action brought against an endorsement holder pursuant to subsection 1 of this section, shall make findings of fact and the court shall make conclusions of law addressing the issues at dispute. If it is determined that the plaintiff in such an action acted without justification or with malice or primarily with an intent to harass the endorsement holder or that there was no reasonable basis to bring the action, the court shall order the plaintiff to pay the defendant/respondent all reasonable costs incurred in defending the action including, but not limited to, attorney's fees, deposition costs, and lost wages. Once the court determines that the plaintiff is liable to the defendant/respondent for costs and fees, the extent and type of fees and costs to be awarded should be liberally calculated in defendant/respondent's favor. Notwithstanding any other provision of law, reasonable attorney's fees shall be presumed to be at least one hundred fifty dollars

1 per hour.

2 4. Any person aggrieved by any final judgment rendered by a
3 small claims court in a petition for revocation of a certificate
4 of qualification or concealed carry endorsement may have a right
5 to trial de novo as provided in sections 512.180 to 512.320.

6 5. The office of the county sheriff or any employee or
7 agent of the county sheriff shall not be liable for damages in
8 any civil action arising from alleged wrongful or improper
9 granting, renewing, or failure to revoke a certificate of
10 qualification or a concealed carry endorsement issued pursuant to
11 sections 571.101 to 571.121, so long as the sheriff acted in good
12 faith."; and

13 Further amend said bill, page 54, section 650.230, line 27,
14 by inserting after all of said line, the following:

15 "[475.375. 1. Any individual over the age of
16 eighteen years who has been adjudged incapacitated
17 under this chapter or who has been involuntarily
18 committed under chapter 632 may file a petition for the
19 removal of the disqualification to purchase, possess,
20 or transfer a firearm when:

21 (1) The individual no longer suffers from the
22 condition that resulted in the individual's incapacity
23 or involuntary commitment;

24 (2) The individual no longer poses a danger to
25 self or others for purposes of the purchase,
26 possession, or transfer of firearms under 18 U.S.C.
27 Section 922; and

28 (3) Granting relief under this section is not
29 contrary to the public interest. No individual who has
30 been found guilty by reason of mental disease or defect
31 may petition a court for restoration under this
32 section.

33 2. The petition shall be filed in the circuit
34 court that entered the letters of guardianship or the
35 most recent order for involuntary commitment, whichever
36 is later. Upon receipt of the petition, the clerk
37 shall schedule a hearing and provide notice of the
38 hearing to the petitioner.

39 3. The burden is on the petitioner to establish
40 by clear and convincing evidence that:

41 (1) The petitioner no longer suffers from the

1 condition that resulted in the incapacity or the
2 involuntary commitment;

3 (2) The individual no longer poses a danger to
4 self or others for purposes of the purchase,
5 possession, or transfer of firearms under 18 U.S.C.
6 Section 922; and

7 (3) Granting relief under this section is not
8 contrary to the public interest.

9 4. Upon the filing of the petition the court
10 shall review the petition and determine if the petition
11 is based upon frivolous grounds and if so may deny the
12 petition without a hearing. In order to determine
13 whether petitioner has met the burden pursuant to this
14 section, the court may request the local prosecuting
15 attorney, circuit attorney, or attorney general to
16 provide a written recommendation as to whether relief
17 should be granted. In any order requiring such review
18 the court may grant access to any and all mental health
19 records, juvenile records, and criminal history of the
20 petitioner wherever maintained. The court may allow
21 presentation of evidence at the hearing if requested by
22 the local prosecuting attorney, circuit attorney, or
23 attorney general.

24 5. If the petitioner is filing the petition as a
25 result of an involuntary commitment under chapter 632,
26 the hearing and records shall be closed to the public,
27 unless the court finds that public interest would be
28 better served by conducting the hearing in public. If
29 the court determines the hearing should be open to the
30 public, upon motion by the petitioner, the court may
31 allow for the in-camera inspection of mental health
32 records. The court may allow the use of the record but
33 shall restrict from public disclosure, unless it finds
34 that the public interest would be better served by
35 making the record public.

36 6. The court shall enter an order that:

37 (1) The petitioner does or does not continue to
38 suffer from the condition that resulted in commitment;

39 (2) The individual does or does not continue to
40 pose a danger to self or others for purposes of the
41 purchase, possession, or transfer of firearms under 18
42 U.S.C. Section 922; and

43 (3) Granting relief under this section is not
44 contrary to the public interest. The court shall
45 include in its order the specific findings of fact on
46 which it bases its decision.

47 7. Upon a judicial determination to grant a
48 petition under this section, the clerk in the county
49 where the petition was granted shall forward the order
50 to the Missouri state highway patrol for updating of
51 the petitioner's record with the National Instant
52 Criminal Background Check System (NICS).

1 8. (1) Any person who has been denied a petition
2 for the removal of the disqualification to purchase,
3 possess, or transfer a firearm pursuant to this section
4 shall not be eligible to file another petition for
5 removal of the disqualification to purchase, possess,
6 or transfer a firearm until the expiration of one year
7 from the date of such denial.

8 (2) If a person has previously filed a petition
9 for the removal of the disqualification to purchase,
10 possess, or transfer a firearm and the court determined
11 that:

12 (a) The petitioner's petition was frivolous; or

13 (b) The petitioner's condition had not so changed
14 such that the person continued to suffer from the
15 condition that resulted in the individual's incapacity
16 or involuntary commitment and continued to pose a
17 danger to self or others for purposes of the purchase,
18 possession, or transfer of firearms under 18 U.S.C.
19 Section 922; or

20 (3) Granting relief under this section would be
21 contrary to the public interest, then the court shall
22 deny the subsequent petition unless the petition
23 contains the additional facts upon which the court
24 could find the condition of the petitioner had so
25 changed that a hearing was warranted.]" ; and

26 Further amend page 55, section B, line 1, by inserting after
27 the word "law", the following: "and to clarify the requirements
28 for concealed carry endorsements", and further amend line 2, by
29 striking the word "and", and further amend said line, by
30 inserting after "320.136", the following: "and section 571.111";
31 and further amend line 6, by striking the word "and"; and further
32 amend said line, by inserting after "320.136", the following:
33 "and section 571.111" and

34 Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 1
TO
SENATE AMENDMENT NO. 3

Offered by Amly of 9th Distr.

Amend SA#3/SS/HCS/House Bill No. 1647, Page 2, Section 610.140, Line 8

of said page, by inserting immediately after "2." the following:

"The following offenses are eligible to be expunged when such
offenses occurred within the state of Missouri and were
prosecuted under the jurisdiction of a Missouri municipal
associate or circuit court:

(1)"; and further amend line 11 of said page, by striking
"is eligible to be expunged when such" and inserting in lieu
thereof the following: ";

(2) Any misdemeanor offense of sections 569.065, 569.067,
569.090, subdivision (1) of subsection 1 of section 569.120,
sections 569.140, 569.145, 572.020, 574.020, or 574.075; or

(3) Any class B or C misdemeanor offense of section
574.010."; and further amend lines 12-14 of said page, by
striking all of said lines.

Amended 5-17-12
Adopted 5-17-12

SENATE AMENDMENT NO. 3Offered by Lager of 12thAmend SS/HCS/House Bill No. 1647, Page 51, Section 414.570, Line 26

2 of said page, by inserting after all of said line the following:

3 "488.650. There shall be assessed as costs a surcharge in
4 the amount of one hundred dollars on all petitions for
5 expungement filed under the provisions of section 610.140. Such
6 surcharge shall be collected and disbursed by the clerk of the
7 court as provided by sections 488.010 to 488.020. Moneys
8 collected from this surcharge shall be payable to the general
9 revenue fund.

10 561.026. Notwithstanding any other provision of law except
11 for section 610.140, a person who is convicted:

12 (1) Of any crime shall be disqualified from registering and
13 voting in any election under the laws of this state while
14 confined under a sentence of imprisonment;

15 (2) Of a felony or misdemeanor connected with the exercise
16 of the right of suffrage shall be forever disqualified from
17 registering and voting;

18 (3) Of any felony shall be forever disqualified from
19 serving as a juror.

20 610.140. 1. Notwithstanding any other provision of law and
21 subject to the provisions of this section, any person may apply
22 to any court in which such person was found guilty of any of the

offered 5-17-12-
adapted 5-17-12-

1 offenses specified in subsection 2 of this section for an order
2 to expunge recordations of such arrest, plea, trial, or
3 conviction. A person may apply to have one or more offenses
4 expunged so long as such person lists all the offenses he or she
5 is seeking to have expunged in the same petition and so long as
6 all such offenses are eligible under subsection 2 of this
7 section.

8 2. Any felony or misdemeanor offense of passing a bad check
9 under 570.120, fraudulently stopping payment of an instrument
10 under 570.125, or fraudulent use of a credit device or debit
11 device under section 570.130 is eligible to be expunged when such
12 felony or misdemeanor offense occurred within the state of
13 Missouri, and was prosecuted under the jurisdiction of a Missouri
14 municipal, associate, or circuit court.

15 3. The petition shall name as defendants all law
16 enforcement agencies, courts, prosecuting or circuit attorneys,
17 central state repositories of criminal records, or others who the
18 petitioner has reason to believe may possess the records subject
19 to expungement for each of the offenses listed in the petition.
20 The court's order of expungement shall not affect any person or
21 entity not named as a defendant in the action.

22 4. The petition shall be dismissed if it does not include
23 the following information:

24 (1) The petitioner's:

25 (a) Full name;

26 (b) Sex;

27 (c) Race;

28 (d) Driver's license number, if applicable; and

29 (e) Current address;

1 (2) Each offense charged against the petitioner for which
2 the petitioner is requesting expungement;

3 (3) The date the petitioner was arrested for each offense;

4 (4) The name of the county where the petitioner was
5 arrested for each offense and if any of the offenses occurred in
6 a municipality, the name of the municipality for each offense;

7 (5) The name of the agency that arrested the petitioner for
8 each offense;

9 (6) The case number and name of the court for each offense;
10 and

11 (7) Petitioner's fingerprints on a standard fingerprint
12 card at the time of filing a petition for expungement which will
13 be forwarded to the central repository for the sole purpose of
14 positively identifying the petitioner.

15 5. The court may set a hearing on the matter no sooner than
16 thirty days from the filing of the petition and shall give
17 reasonable notice of the hearing to each entity named in the
18 petition. At the hearing, the court may accept evidence and hear
19 testimony on, and may consider, the following criteria for each
20 of the offenses listed in the petition for expungement:

21 (1) It has been at least twenty years if the offense is a
22 felony, or at least ten years if the offense is a misdemeanor,
23 municipal offense, or infraction, since the person making the
24 application completed:

25 (a) Any sentence of imprisonment; or

26 (b) Any period of probation or parole;

27 (2) The person has not been found guilty of a misdemeanor
28 or felony, not including violations of the traffic regulations
29 provided under chapters 304 and 307, during the time period

1 specified for the underlying offense in subdivision (1) of this
2 subsection;

3 (3) The person has paid any amount of restitution ordered
4 by the court;

5 (4) The circumstances and behavior of the petitioner
6 warrant the expungement; and

7 (5) The expungement is consistent with the public welfare.

8 6. If the court determines at the conclusion of the hearing
9 that such person meets all the criteria set forth in subsection 5
10 of this section for each of the offenses listed in the petition
11 for expungement, the court may enter an order of expungement. A
12 copy of the order shall be provided to each entity named in the
13 petition, and, upon receipt of the order, each entity shall
14 destroy any record in its possession relating to any offense
15 listed in the petition. If destruction of the record is not
16 feasible because of the permanent nature of the record books,
17 such record entries shall be blacked out. Entries of a record
18 ordered expunged shall be removed from all electronic files
19 maintained with the state of Missouri, except for the files of
20 the court. The records and files maintained in any
21 administrative or court proceeding in a municipal, associate, or
22 circuit court for any offense ordered expunged under this section
23 shall be confidential and only available to the parties or by
24 order of the court for good cause shown. The central repository
25 shall request the Federal Bureau of Investigation to expunge the
26 records from its files.

27 7. The order shall not limit any of the petitioner's rights
28 that were restricted as a collateral consequence of such person's
29 criminal record, and such rights shall be restored upon issuance

1 of the order of expungement. Except as otherwise provided under
2 this section, the effect of such order shall be to restore such
3 person to the status he or she occupied prior to such arrests,
4 pleas, trials, or convictions as if such events had never taken
5 place. No person as to whom such order has been entered shall be
6 held thereafter under any provision of law to be guilty of
7 perjury or otherwise giving a false statement by reason of his or
8 her failure to recite or acknowledge such arrests, pleas, trials,
9 convictions, or expungement in response to an inquiry made of him
10 or her and no such inquiry shall be made for information relating
11 to an expungement, except the petitioner shall disclose the
12 expunged offense to any court when asked or upon being charged
13 with any subsequent offense. The expunged offense may be
14 considered a prior offense in determining a sentence to be
15 imposed for any subsequent offense that the person is found
16 guilty of committing.

17 8. Notwithstanding the provisions of subsection 7 of this
18 section to the contrary, a person granted an expungement shall
19 disclose any expunged offense when the disclosure of such
20 information is necessary to complete any application for:

21 (1) A license, certificate, or permit issued by this state
22 to practice such individual's profession;

23 (2) Any license issued under chapter 313; or

24 (3) Paid or unpaid employment with an entity licensed under
25 chapter 313, any state-operated lottery, or any emergency
26 services provider, including any law enforcement agency.

27
28 Notwithstanding any provision of law to the contrary, an expunged
29 offense shall not be grounds for automatic disqualification of an

1 applicant, but may be a factor for denying employment, or a
2 professional license, certificate, or permit.

3 9. If the court determines that such person has not met the
4 criteria for any of the offenses listed in the petition for
5 expungement, the court shall enter an order dismissing the
6 petition. Any person whose petition for expungement has been
7 dismissed by the court for failure to meet the criteria set forth
8 in subsection 5 of this section may not refile another petition
9 until a year has passed since the date of filing for the previous
10 petition.

11 10. A person may be granted more than one expungement under
12 this section provided that no person shall be granted more than
13 one order of expungement from the same court. Nothing contained
14 in this section shall prevent the court from maintaining records
15 to ensure that an individual has only one petition for
16 expungement granted by such court under this section."; and

17 Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 4Offered by Schmitt of _____Amend SS/HCS/House Bill No. 1647, Page 45, Section 320.136, Line 25

2 of said page, by inserting immediately after said line the
3 following:

4 "321.228. 1. As used in this section, the following terms
5 shall mean:

6 (1) "Residential construction", new construction and
7 erection of detached single-family or two-family dwellings or the
8 development of land to be used for detached single-family or two-
9 family dwellings;

10 (2) "Residential construction regulatory system", any
11 bylaw, ordinance, order, rule, or regulation adopted,
12 implemented, or enforced by any city, town, village, or county
13 that pertains to residential construction, to any permitting
14 system, or program relating to residential construction,
15 including but not limited to the use or occupancy by the initial
16 occupant thereof, or to any system or program for the inspection
17 of residential construction. Residential construction regulatory
18 system also includes the whole or any part of a nationally
19 recognized model code, with or without amendments specific to
20 such city, town, village, or county.

21 2. Notwithstanding the provisions of any other law to the
22 contrary, if a city, town, village, or county adopts or has

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1 adopted, implements, and enforces a residential construction
2 regulatory system applicable to residential construction within
3 its jurisdiction, any fire protection districts wholly or partly
4 located within such city, town, village, or county shall be
5 without power, authority, or privilege to enforce or implement a
6 residential construction regulatory system purporting to be
7 applicable to any residential construction within such city,
8 town, village, or county. Any such residential construction
9 regulatory system adopted by a fire protection district or its
10 board shall be treated as advisory only and shall not be enforced
11 by such fire protection district or its board.

12 3. Notwithstanding the provisions of any other law to the
13 contrary, fire protection districts:

14 (1) Shall have final regulatory authority regarding the
15 location and specifications of fire hydrants, fire hydrant flow
16 rates, and fire lanes, all as it relates to residential
17 construction. Nothing in this subdivision shall be construed to
18 require the political subdivision supplying water to incur any
19 costs to modify its water supply infrastructure; and

20 (2) May inspect the alteration, enlargement, replacement or
21 repair of a detached single-family or two-family dwelling; and

22 (3) Shall not collect a fee for the services described in
23 subdivisions (1) and (2) of this subsection.

24 321.460: 1. Two or more fire protection districts may
25 consolidate with each other in the manner hereinafter provided,
26 and only if the districts have one or more common boundaries, in
27 whole or in part, or are located within the same county, in whole
28 or in part, as to any respective two of the districts which are
29 so consolidating.

1 2. By a majority vote of each board of directors of each
2 fire protection district included within the proposed
3 consolidation, a consolidation plan may be adopted. The
4 consolidation plan shall include the name of the proposed
5 consolidated district, the legal description of the boundaries of
6 each district to be consolidated, and a legal description of the
7 boundaries of the consolidated district, the amount of
8 outstanding bonds, if any, of each district proposed to be
9 consolidated, a listing of the firehouses within each district,
10 and the names of the districts to be consolidated.

11 3. Each board of the districts approving the plan for
12 proposed consolidation shall duly certify and file in the office
13 of the clerk of the circuit court of the county in which the
14 district is located a copy of the plan of consolidation, bearing
15 the signatures of those directors who vote in favor thereof,
16 together with a petition for consolidation. The petition may be
17 made jointly by all of the districts within the respective plan
18 of consolidation. A filing fee of fifty dollars shall be
19 deposited with the clerk, on the filing of the petition, against
20 the costs of court.

21 4. The circuit court sitting in and for any county to which
22 the petition is presented is hereby vested with jurisdiction,
23 power and authority to hear the same, and to approve the
24 consolidation and order such districts consolidated, after
25 holding an election, as hereinafter provided.

26 5. If the circuit court finds the plan for consolidation to
27 have been duly approved by the respective boards of directors of
28 the fire protection districts proposed to be consolidated, then
29 the circuit court shall enter its order of record, directing the

1 submission of the question.

2 6. The order shall direct publication of notice of
3 election, and shall fix the date thereof. The order shall direct
4 that the elections shall be held to vote on the proposition of
5 consolidating the districts and to elect three persons, having
6 the qualifications declared in section 321.130 and being among
7 the then directors of the districts proposed to be consolidated,
8 to become directors of the consolidated district.

9 7. The question shall be submitted in substantially the
10 following form:

11 Shall the Fire Protection Districts and the Fire
12 Protection District be consolidated into one fire protection
13 district to be known as the Fire Protection District, with
14 tax levies not in excess of the following amounts: maintenance
15 fund cents per one hundred dollars assessed valuation;
16 ambulance service cents per one hundred dollars assessed
17 valuation; pension fund cents per one hundred dollars
18 assessed valuation; and dispatching fund cents per one
19 hundred dollars assessed valuation?

20 8. If, upon the canvass and declaration, it is found and
21 determined that a majority of the voters of the districts voting
22 on the proposition or propositions have voted in favor of the
23 proposition to incorporate the consolidated district, then the
24 court shall then further, in its order, designate the first board
25 of directors of the consolidated district, who have been elected
26 by the voters voting thereon, the one receiving the third highest
27 number of votes to hold office until the first Tuesday in April
28 which is more than one year after the date of election, the one
29 receiving the second highest number of votes to hold office until

1 two years after the first Tuesday aforesaid, and the one
2 receiving the highest number of votes until four years after the
3 first Tuesday in April as aforesaid. If any other propositions
4 are also submitted at the election, the court, in its order,
5 shall also declare the results of the votes thereon. If the
6 court shall find and determine, upon the canvass and declaration,
7 that a majority of the voters of the consolidated district have
8 not voted in favor of the proposition to incorporate the
9 consolidated district, then the court shall enter its order
10 declaring the proceedings void and of no effect, and shall
11 dismiss the same at the cost of petitioners."; and

12 Further amend the title and enacting clause accordingly.
13

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SENATE
HOUSE

AMENDMENT NO. 5

Offered By

SENATOR GREEN

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13 TH

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~~1647~~

AMEND Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 489 & 637, Page 1,
Section 2, Line 3, by inserting after all of said section and line the following:

~~"BANDS" AND INSERTING IN LINE 3 THE FOLLOWING: "UTILITY" AND FURTHER~~
~~FROM SEN. BILL, PAGE 51, SECTION 34-602, LINE 26 BY INSERTING~~

"565.081. 1. A person commits the crime of assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer in the first degree if such person attempts to kill or knowingly causes or attempts to cause serious physical injury to a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer.

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2. As used in this section, "emergency personnel" means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in subdivisions (15), (16), (17), and (18) of section 190.100.

3. As used in this section the term "corrections officer" includes any jailer or corrections officer of the state or any political subdivision of the state.

4. When used in this section, the terms "highway worker", "construction zone", or "work zone" shall have the same meaning as such terms are defined in section 304.580.

5. As used in this section, the term "utility worker" means any employee while in performance of their job duties, including any person employed under contract, of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned.

6. As used in this section, the term "cable worker" means any employee including any person employed under contract, of a cable operator, as such term is defined in section 673.2677

7. Assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer in the first degree is a class A felony.

565.082. 1. A person commits the crime of assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer in the second degree if such person:

(1) Knowingly causes or attempts to cause physical injury to a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer by means of a deadly weapon or dangerous

Action Taken

Date

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instrument;

(2) Knowingly causes or attempts to cause physical injury to a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer by means other than a deadly weapon or dangerous instrument;

(3) Recklessly causes serious physical injury to a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer; or

(4) While in an intoxicated condition or under the influence of controlled substances or drugs, operates a motor vehicle or vessel in this state and when so operating, acts with criminal negligence to cause physical injury to a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer;

(5) Acts with criminal negligence to cause physical injury to a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer by means of a deadly weapon or dangerous instrument;

(6) Purposely or recklessly places a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer in apprehension of immediate serious physical injury; or

(7) Acts with criminal negligence to create a substantial risk of death or serious physical injury to a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer.

2. As used in this section, "emergency personnel" means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in subdivisions (15), (16), (17), and (18) of section 190.100.

3. As used in this section the term "corrections officer" includes any jailer or corrections officer of the state or any political subdivision of the state.

4. When used in this section, the terms "highway worker", "construction zone", or "work zone" shall have the same meaning as such terms are defined in section 304.580.

5. As used in this section, the term "utility worker" means any employee while in performance of their job duties, including any person employed under contract, of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned.

6. As used in this section, the term "cable worker" means any employee, including any person employed under contract, of a cable operator, as such term is defined in section 67.2677.

7. Assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer in the second degree is a class B felony unless committed pursuant to subdivision (2), (5), (6), or (7) of subsection 1 of this section in which case it is a class C felony. For any violation of subdivision (1), (3), or (4) of subsection 1 of this section, the defendant must serve mandatory jail time as part of his or her

1 sentence.

2 565.083. 1. A person commits the crime of assault of a law enforcement officer, corrections
3 officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable
4 worker, or probation and parole officer in the third degree if:

5 (1) Such person recklessly causes physical injury to a law enforcement officer, corrections
6 officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable
7 worker, or probation and parole officer;

8 (2) Such person purposely places a law enforcement officer, corrections officer, emergency
9 personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation
10 and parole officer in apprehension of immediate physical injury;

11 (3) Such person knowingly causes or attempts to cause physical contact with a law enforcement
12 officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone,
13 utility worker, cable worker, or probation and parole officer without the consent of the law enforcement
14 officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone,
15 utility worker, cable worker, or probation and parole officer.

16 2. As used in this section, "emergency personnel" means any paid or volunteer firefighter,
17 emergency room or trauma center personnel, or emergency medical technician as defined in subdivisions
18 (15), (16), (17), and (18) of section 190.100.

19 3. As used in this section the term "corrections officer" includes any jailer or corrections officer
20 of the state or any political subdivision of the state.

21 4. When used in this section, the terms "highway worker", "construction zone", or "work zone"
22 shall have the same meaning as such terms are defined in section 304.580.

23 5. As used in this section, the term "utility worker" means any employee while in performance of
24 their job duties, including any person employed under contract, of a utility that provides gas, heat,
25 electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally,
26 or cooperatively owned.

27 6. As used in this section, the term "cable worker" means any employee, including any person
28 employed under contract, of a cable operator, as such term is defined in section 67.2677.

29 7. Assault of a law enforcement officer, corrections officer, emergency personnel, highway
30 worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer
31 in the third degree is a class A misdemeanor."; and
32

33 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

SENATE AMENDMENT NO. 6Offered by Lager of 12thAmend SS/HCS/House Bill No. 1647, Page 23, Section 292.606, Line 18,

2 by inserting after all of said line the following:

3 "292.655. 1. For purposes of this section, the following
4 terms mean:

5 (1) "Engineered injury protection device", a mechanical
6 device or feature to a device that renders the needle incapable
7 of inflicting a needlestick injury either by:

8 (a) Destruction of the medical needle sharp metal point at
9 the point of procedure or use; or

10 (b) Covering the sharp end of the needle at the time the
11 needle is removed from the skin of the subject human or animal.
12 Recapping the medical needle with the original needle packaging
13 cover is not considered an engineered injury protection device.

14 (2) "Medical needles", hypodermic needles or other similar
15 hollow-bore needles, syringes, or blood extraction apparatus with
16 a primary function to penetrate the skin of a living human or
17 animal.

18 2. Employers that use medical needles in the routine course
19 of conducting business in the state may use any commercially
20 available engineered injury protection device that can be
21 reasonably expected to reduce the risk of accidental needlestick
22 injuries to employees, patients, or customers.

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1 3. This section shall not apply to needles for sewing dead
2 animal skins or parts, fish hooks, gaffs, animal tags, or other
3 similar sharp objects related to animals but unrelated to
4 healthcare or testing of live animals. This section shall not
5 apply to any veterinary care provided by a licensed veterinarian
6 or veterinary care provider in or outside of a designated
7 veterinary office, including but not limited to, a ranch, farm,
8 or private residence being provided in the scope of veterinary
9 practices under chapter 340."; and

10 Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 7

Offered by Goodman of 29

Amend SS/HCS/HOUSE Bill No. 1647, Page 1, Section A, Line 2,

2 by inserting after all of said line the following:

3 "190.335. 1. In lieu of the tax levy authorized under
4 section 190.305 for emergency telephone services, the county
5 commission of any county may impose a county sales tax for the
6 provision of central dispatching of fire protection, including
7 law enforcement agencies, emergency ambulance service or any
8 other emergency services, including emergency telephone services,
9 which shall be collectively referred to herein as "emergency
10 services", and which may also include the purchase and
11 maintenance of communications and emergency equipment, including
12 the operational costs associated therein, in accordance with the
13 provisions of this section.

14 2. Such county commission may, by a majority vote of its
15 members, submit to the voters of the county, at a public
16 election, a proposal to authorize the county commission to impose
17 a tax under the provisions of this section. If the residents of
18 the county present a petition signed by a number of residents
19 equal to ten percent of those in the county who voted in the most
20 recent gubernatorial election, then the commission shall submit
21 such a proposal to the voters of the county.

22 3. The ballot of submission shall be in substantially the

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1 following form:

2 Shall the county of
3 (insert name of county) impose a county sales tax of
4 (insert rate of percent) percent for the purpose of providing
5 central dispatching of fire protection, emergency ambulance
6 service, including emergency telephone services, and other
7 emergency services?

8 ☐ YES

☐ NO

9
10 If a majority of the votes cast on the proposal by the qualified
11 voters voting thereon are in favor of the proposal, then the
12 ordinance shall be in effect as provided herein. If a majority
13 of the votes cast by the qualified voters voting are opposed to
14 the proposal, then the county commission shall have no power to
15 impose the tax authorized by this section unless and until the
16 county commission shall again have submitted another proposal to
17 authorize the county commission to impose the tax under the
18 provisions of this section, and such proposal is approved by a
19 majority of the qualified voters voting thereon.

20 4. The sales tax may be imposed at a rate not to exceed one
21 percent on the receipts from the sale at retail of all tangible
22 personal property or taxable services at retail within any county
23 adopting such tax, if such property and services are subject to
24 taxation by the state of Missouri under the provisions of
25 sections 144.010 to 144.525. The sales tax shall not be
26 collected prior to thirty-six months before operation of the
27 central dispatching of emergency services.

28 5. Except as modified in this section, all provisions of
29 sections 32.085 and 32.087 shall apply to the tax imposed under

1 this section.

2 6. Any tax imposed pursuant to section 190.305 shall
3 terminate at the end of the tax year in which the tax imposed
4 pursuant to this section for emergency services is certified by
5 the board to be fully operational. Any revenues collected from
6 the tax authorized under section 190.305 shall be credited for
7 the purposes for which they were intended.

8 7. At least once each calendar year, the board shall
9 establish a tax rate, not to exceed the amount authorized, that
10 together with any surplus revenues carried forward will produce
11 sufficient revenues to fund the expenditures authorized by this
12 act. Amounts collected in excess of that necessary within a
13 given year shall be carried forward to subsequent years. The
14 board shall make its determination of such tax rate each year no
15 later than September first and shall fix the new rate which shall
16 be collected as provided in this act. Immediately upon making
17 its determination and fixing the rate, the board shall publish in
18 its minutes the new rate, and it shall notify every retailer by
19 mail of the new rate.

20 8. Immediately upon the affirmative vote of voters of such
21 a county on the ballot proposal to establish a county sales tax
22 pursuant to the provisions of this section, the county commission
23 shall appoint the initial members of a board to administer the
24 funds and oversee the provision of emergency services in the
25 county. Beginning with the general election in 1994, all board
26 members shall be elected according to this section and other
27 applicable laws of this state. At the time of the appointment of
28 the initial members of the board, the commission shall relinquish
29 and no longer exercise the duties prescribed in this chapter with

1 regard to the provision of emergency services and such duties
2 shall be exercised by the board.

3 9. The initial board shall consist of seven members
4 appointed without regard to political affiliation, who shall be
5 selected from, and who shall represent, the fire protection
6 districts, ambulance districts, sheriff's department,
7 municipalities, any other emergency services and the general
8 public. This initial board shall serve until its successor board
9 is duly elected and installed in office. The commission shall
10 ensure geographic representation of the county by appointing no
11 more than four members from each district of the county
12 commission.

13 10. Beginning in 1994, three members shall be elected from
14 each district of the county commission and one member shall be
15 elected at large, such member to be the chairman of the board.
16 Of those first elected, four members from districts of the county
17 commission shall be elected for terms of two years and two
18 members from districts of the county commission and the member at
19 large shall be elected for terms of four years. In 1996, and
20 thereafter, all terms of office shall be four years.

21 11. Notwithstanding the provisions of subsections 8 to 10
22 of this section to the contrary, in any county of the first
23 classification with more than two hundred forty thousand three
24 hundred but fewer than two hundred forty thousand four hundred
25 inhabitants, any emergency telephone service 911 board appointed
26 by the county under section 190.309 which is in existence on the
27 date the voters approve a sales tax under this section shall
28 continue to exist and shall have the powers set forth under
29 section 190.339.

1 12. (1) Notwithstanding the provisions of subsections 8 to
2 10 of this section to the contrary, in any county of the second
3 classification with more than fifty-four thousand two hundred but
4 fewer than fifty-four thousand three hundred inhabitants or any
5 county of the first classification with more than fifty thousand
6 but fewer than seventy thousand inhabitants that has approved a
7 sales tax under this section, the county commission shall appoint
8 the members of the board to administer the funds and oversee the
9 provision of emergency services in the county.

10 (2) The board shall consist of seven members appointed
11 without regard to political affiliation. Except as provided in
12 subdivision (4) of this subsection, each member shall be one of
13 the following:

14 (a) The head of any of the county's fire protection
15 districts, or a designee;

16 (b) The head of any of the county's ambulance districts, or
17 a designee;

18 (c) The county sheriff, or a designee;

19 (d) The head of any of the police departments in the
20 county, or a designee; and

21 (e) The head of any of the county's emergency management
22 organizations, or a designee. (3) Upon the appointment of
23 the board under this subsection, the board shall have the power
24 provided in section 190.339 and shall exercise all powers and
25 duties exercised by the county commission under this chapter, and
26 the commission shall relinquish all powers and duties relating to
27 the provision of emergency services under this chapter to the
28 board.

29 (4) In any county of the first classification with more

1 than fifty thousand but fewer than seventy thousand inhabitants,
2 each of the entities listed in subdivision (2) of this subsection
3 shall be represented on the board by at least one member."; and

4 Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 8Offered by Schaefer of 19Amend SS/HCS/House Bill No. 1647, Page 51, Section 414.570, Line 26,

2 by inserting after all of said line the following:

3 "488.5026. 1. Upon approval of the governing body of a
4 city, county, or a city not within a county, a surcharge of two
5 dollars shall be assessed as costs in each court proceeding filed
6 in any court in any city, county, or city not within a county
7 adopting such a surcharge, in all criminal cases including
8 violations of any county ordinance or any violation of criminal
9 or traffic laws of the state, including an infraction and
10 violation of a municipal ordinance; except that no such fee shall
11 be collected in any proceeding in any court when the proceeding
12 or the defendant has been dismissed by the court or when costs
13 are to be paid by the state, county, or municipality. A
14 surcharge of two dollars shall be assessed as costs in a juvenile
15 court proceeding in which a child is found by the court to come
16 within the applicable provisions of subdivision (3) of subsection
17 1 of section 211.031.

18 2. Notwithstanding any other provision of law, the moneys
19 collected by clerks of the courts pursuant to the provisions of
20 subsection 1 of this section shall be collected and disbursed in
21 accordance with sections 488.010 to 488.020, and shall be payable

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1 to the treasurer of the governmental unit authorizing such
2 surcharge.

3 3. The treasurer shall deposit funds generated by the
4 surcharge into the "Inmate Prisoner Detainee Security Fund".
5 Funds deposited shall be utilized to acquire and develop
6 biometric verification systems and information sharing to ensure
7 that inmates, prisoners, or detainees in a holding cell facility
8 or other detention facility or area which hold persons detained
9 only for a shorter period of time after arrest or after being
10 formally charged can be properly identified upon booking and
11 tracked within the local law enforcement administration system,
12 criminal justice administration system, or the local jail system.
13 Upon the installation of the information sharing or biometric
14 verification system, funds in the inmate prisoner detainee
15 security fund may also be used for the maintenance, repair, and
16 replacement of the information sharing or biometric verification
17 system, and also to pay for any expenses related to detention,
18 custody, and housing and other expenses for inmates, prisoners,
19 and detainees."; and

20 Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 9Offered by Lager of 12thAmend SS/HCS/House Bill No. 1647, Page 54, Section 650.230, Line 27,

2 by inserting after all of said line the following:

3 "Section 1. Notwithstanding any provision of section
4 292.655 to the contrary, employers that use medical needles in
5 the routine course of conducting business in this state may use
6 any Occupational Safety and Health Administration- or Food and
7 Drug Administration-approved device."; and

8 Further amend the title and enacting clause accordingly.

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