

SECOND REGULAR SESSION

HOUSE BILL NO. 1129

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GATSCHENBERGER.

4091H.021

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 571.030, 571.101, and 571.117, RSMo, and to enact in lieu thereof three new sections relating to concealed carry permits, with a penalty provision.

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

Section A. Sections 571.030, 571.101, and 571.117, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 571.030, 571.101, and 571.117, to read as follows:

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

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

(2) Sets a spring gun; or

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

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

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

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

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

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

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

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

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

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

36 (1) All state, county and municipal peace officers who have completed the training
37 required by the police officer standards and training commission pursuant to sections 590.030
38 to 590.050 and who possess the duty and power of arrest for violation of the general criminal
39 laws of the state or for violation of ordinances of counties or municipalities of the state, whether
40 such officers are on or off duty, and whether such officers are within or outside of the law
41 enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection
42 11 of this section, and who carry the identification defined in subsection 12 of this section, or
43 any person summoned by such officers to assist in making arrests or preserving the peace while
44 actually engaged in assisting such officer;

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

47 (3) Members of the Armed Forces or National Guard while performing their official
48 duty;

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

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

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

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

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

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

61 (10) Any prosecuting attorney or assistant prosecuting attorney or any circuit attorney
62 or assistant circuit attorney who has completed the firearms safety training course required under
63 subsection 2 of section 571.111;

64 (11) Any member of a fire department or fire protection district who is employed on a
65 full-time basis as a fire investigator and who has a valid concealed carry endorsement issued
66 prior to August 28, 2013, or a valid concealed carry permit under section 571.111 when such
67 uses are reasonably associated with or are necessary to the fulfillment of such person's official
68 duties; and

69 (12) Upon the written approval of the governing body of a fire department or fire
70 protection district, any paid fire department or fire protection district chief who is employed on
71 a full-time basis and who has a valid concealed carry endorsement **or permit**, when such uses
72 are reasonably associated with or are necessary to the fulfillment of such person's official duties.

73 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when
74 the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when
75 ammunition is not readily accessible or when such weapons are not readily accessible.
76 Subdivision (1) of subsection 1 of this section does not apply to any person [twenty-one]
77 **nineteen** years of age or older or eighteen years of age or older and a member of the United
78 States Armed Forces, or honorably discharged from the United States Armed Forces,
79 transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as
80 such concealable firearm is otherwise lawfully possessed, nor when the actor is also in
81 possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his
82 or her dwelling unit or upon premises over which the actor has possession, authority or control,
83 or is traveling in a continuous journey peaceably through this state. Subdivision (10) of
84 subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a
85 person while traversing school premises for the purposes of transporting a student to or from
86 school, or possessed by an adult for the purposes of facilitation of a school-sanctioned
87 firearm-related event or club event.

88 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any
89 person who has a valid concealed carry permit issued pursuant to sections 571.101 to 571.121,
90 a valid concealed carry endorsement issued before August 28, 2013, or a valid permit or
91 endorsement to carry concealed firearms issued by another state or political subdivision of
92 another state.

93 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall
94 not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

95 6. Notwithstanding any provision of this section to the contrary, the state shall not
96 prohibit any state employee from having a firearm in the employee's vehicle on the state's
97 property provided that the vehicle is locked and the firearm is not visible. This subsection shall
98 only apply to the state as an employer when the state employee's vehicle is on property owned
99 or leased by the state and the state employee is conducting activities within the scope of his or
100 her employment. For the purposes of this subsection, "state employee" means an employee of
101 the executive, legislative, or judicial branch of the government of the state of Missouri.

102 7. Nothing in this section shall make it unlawful for a student to actually participate in
103 school-sanctioned gun safety courses, student military or ROTC courses, or other
104 school-sponsored or club-sponsored firearm-related events, provided the student does not carry
105 a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or
106 onto the premises of any other function or activity sponsored or sanctioned by school officials
107 or the district school board.

108 8. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision
109 (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or
110 subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor
111 if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of
112 subsection 1 of this section, in which case it is a class B felony, except that if the violation of
113 subdivision (9) of subsection 1 of this section results in injury or death to another person, it is
114 a class A felony.

115 9. Violations of subdivision (9) of subsection 1 of this section shall be punished as
116 follows:

117 (1) For the first violation a person shall be sentenced to the maximum authorized term
118 of imprisonment for a class B felony;

119 (2) For any violation by a prior offender as defined in section 558.016, a person shall be
120 sentenced to the maximum authorized term of imprisonment for a class B felony without the
121 possibility of parole, probation or conditional release for a term of ten years;

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

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

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

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

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

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

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

(3) Before such retirement, was regularly employed as a peace officer for an aggregate of fifteen years or more, or retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

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

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

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

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

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

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

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

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

571.101. 1. All applicants for concealed carry permits issued pursuant to subsection 7 of this section must satisfy the requirements of sections 571.101 to 571.121. If the said applicant can show qualification as provided by sections 571.101 to 571.121, the county or city sheriff shall issue a concealed carry permit authorizing the carrying of a concealed firearm on or about the applicant's person or within a vehicle. A concealed carry permit shall be valid for a period of five years from the date of issuance or renewal. The concealed carry permit is valid throughout this state. A concealed carry endorsement issued prior to August 28, 2013, shall continue for a period of three years from the date of issuance or renewal to authorize the carrying of a concealed firearm on or about the applicant's person or within a vehicle in the same manner as a concealed carry permit issued under subsection 7 of this section on or after August 28, 2013.

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

(1) Is at least [twenty-one] **nineteen** years of age, is a citizen or permanent resident of the United States and either:

(a) Has assumed residency in this state; or

(b) Is **the spouse of** a member of the Armed Forces stationed in Missouri[, or the spouse of such member of the military];

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

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

(b) Is a member of the Armed Forces stationed in Missouri; [or

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

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

29 and punishable by a term of imprisonment of two years or less that does not involve an explosive
30 weapon, firearm, firearm silencer or gas gun;

31 (4) Has not been convicted of, pled guilty to or entered a plea of nolo contendere to one
32 or more misdemeanor offenses involving crimes of violence within a five-year period
33 immediately preceding application for a concealed carry permit or if the applicant has not been
34 convicted of two or more misdemeanor offenses involving driving while under the influence of
35 intoxicating liquor or drugs or the possession or abuse of a controlled substance within a
36 five-year period immediately preceding application for a concealed carry permit;

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

42 (6) Has not been discharged under dishonorable conditions from the United States
43 Armed Forces;

44 (7) Has not engaged in a pattern of behavior, documented in public or closed records,
45 that causes the sheriff to have a reasonable belief that the applicant presents a danger to himself
46 or others;

47 (8) Is not adjudged mentally incompetent at the time of application or for five years prior
48 to application, or has not been committed to a mental health facility, as defined in section
49 632.005, or a similar institution located in another state following a hearing at which the
50 defendant was represented by counsel or a representative;

51 (9) Submits a completed application for a permit as described in subsection 3 of this
52 section;

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

55 (11) Is not the respondent of a valid full order of protection which is still in effect;

56 (12) Is not otherwise prohibited from possessing a firearm under section 571.070 or 18
57 U.S.C. 922(g).

58 3. The application for a concealed carry permit issued by the sheriff of the county of the
59 applicant's residence shall contain only the following information:

60 (1) The applicant's name, address, telephone number, gender, date and place of birth,
61 and, if the applicant is not a United States citizen, the applicant's country of citizenship and any
62 alien or admission number issued by the Federal Bureau of Customs and Immigration
63 Enforcement or any successor agency;

64 (2) An affirmation that the applicant has assumed residency in Missouri or is a member
65 of the Armed Forces stationed in Missouri or the spouse of such a member of the Armed Forces
66 and is a citizen or permanent resident of the United States;

67 (3) An affirmation that the applicant is at least [twenty-one] **nineteen** years of age or is
68 eighteen years of age or older and a member of the United States Armed Forces or honorably
69 discharged from the United States Armed Forces;

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

75 (5) An affirmation that the applicant has not been convicted of, pled guilty to, or entered
76 a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence
77 within a five-year period immediately preceding application for a permit or if the applicant has
78 not been convicted of two or more misdemeanor offenses involving driving while under the
79 influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance
80 within a five-year period immediately preceding application for a permit;

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

87 (7) An affirmation that the applicant has not been discharged under dishonorable
88 conditions from the United States Armed Forces;

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

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

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

99 (11) A conspicuous warning that false statements made by the applicant will result in
100 prosecution for perjury pursuant to the laws of the state of Missouri; and

101 (12) A government-issued photo identification. This photograph shall not be included
102 on the permit and shall only be used to verify the person's identity for permit renewal, or for the
103 issuance of a new permit due to change of address, or for a lost or destroyed permit.

104 4. An application for a concealed carry permit shall be made to the sheriff of the county
105 or any city not within a county in which the applicant resides. An application shall be filed in
106 writing, signed under oath and under the penalties of perjury, and shall state whether the
107 applicant complies with each of the requirements specified in subsection 2 of this section. In
108 addition to the completed application, the applicant for a concealed carry permit must also
109 submit the following:

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

113 (2) A nonrefundable permit fee as provided by subsection 11 or 12 of this section.

114 5. (1) Before an application for a concealed carry permit is approved, the sheriff shall
115 make only such inquiries as he or she deems necessary into the accuracy of the statements made
116 in the application. The sheriff may require that the applicant display a Missouri driver's license
117 or nondriver's license or military identification and orders showing the person being stationed
118 in Missouri. In order to determine the applicant's suitability for a concealed carry permit, the
119 applicant shall be fingerprinted. No other biometric data shall be collected from the applicant.
120 The sheriff shall request a criminal background check, including an inquiry of the National
121 Instant Criminal Background Check System, through the appropriate law enforcement agency
122 within three working days after submission of the properly completed application for a concealed
123 carry permit. If no disqualifying record is identified by these checks at the state level, the
124 fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal
125 history record check. Upon receipt of the completed background checks, the sheriff shall
126 examine the results and, if no disqualifying information is identified, shall issue a concealed
127 carry permit within three working days.

128 (2) In the event the background checks prescribed by subdivision (1) of this subsection
129 are not completed within forty-five calendar days and no disqualifying information concerning
130 the applicant has otherwise come to the sheriff's attention, the sheriff shall issue a provisional
131 permit, clearly designated on the certificate as such, which the applicant shall sign in the
132 presence of the sheriff or the sheriff's designee. This permit, when carried with a valid Missouri
133 driver's or nondriver's license or a valid military identification, shall permit the applicant to
134 exercise the same rights in accordance with the same conditions as pertain to a concealed carry

135 permit issued under this section, provided that it shall not serve as an alternative to an national
136 instant criminal background check required by 18 U.S.C. 922(t). The provisional permit shall
137 remain valid until such time as the sheriff either issues or denies the certificate of qualification
138 under subsection 6 or 7. The sheriff shall revoke a provisional permit issued under this
139 subsection within twenty-four hours of receipt of any background check that identifies a
140 disqualifying record, and shall notify the Missouri uniform law enforcement system. The
141 revocation of a provisional permit issued under this section shall be proscribed in a manner
142 consistent to the denial and review of an application under subsection 6 of this section.

143 6. The sheriff may refuse to approve an application for a concealed carry permit if he or
144 she determines that any of the requirements specified in subsection 2 of this section have not
145 been met, or if he or she has a substantial and demonstrable reason to believe that the applicant
146 has rendered a false statement regarding any of the provisions of sections 571.101 to 571.121.
147 If the applicant is found to be ineligible, the sheriff is required to deny the application, and notify
148 the applicant in writing, stating the grounds for denial and informing the applicant of the right
149 to submit, within thirty days, any additional documentation relating to the grounds of the denial.
150 Upon receiving any additional documentation, the sheriff shall reconsider his or her decision and
151 inform the applicant within thirty days of the result of the reconsideration. The applicant shall
152 further be informed in writing of the right to appeal the denial pursuant to subsections 2, 3, 4,
153 and 5 of section 571.114. After two additional reviews and denials by the sheriff, the person
154 submitting the application shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of section
155 571.114.

156 7. If the application is approved, the sheriff shall issue a concealed carry permit to the
157 applicant within a period not to exceed three working days after his or her approval of the
158 application. The applicant shall sign the concealed carry permit in the presence of the sheriff or
159 his or her designee and shall within seven days of receipt of the certificate of qualification take
160 the certificate of qualification to the department of revenue. Upon verification of the certificate
161 of qualification and completion of a driver's license or nondriver's license application pursuant
162 to chapter 302, the director of revenue shall issue a new driver's license or nondriver's license
163 with an endorsement which identifies that the applicant has received a certificate of qualification
164 to carry concealed weapons issued pursuant to sections 571.101 to 571.121 if the applicant is
165 otherwise qualified to receive such driver's license or nondriver's license. Notwithstanding any
166 other provision of chapter 302, a nondriver's license with a concealed carry endorsement shall
167 expire three years from the date the certificate of qualification was issued pursuant to this
168 section.

169 8. The concealed carry permit shall specify only the following information:

(1) Name, address, date of birth, gender, height, weight, color of hair, color of eyes, and signature of the permit holder;

(2) The signature of the sheriff issuing the permit;

(3) The date of issuance; and

(4) The expiration date.

The permit shall be no larger than two inches wide by three and one-fourth inches long and shall be of a uniform style prescribed by the department of public safety. The permit shall also be assigned a Missouri uniform law enforcement system county code and shall be stored in sequential number.

9. (1) The sheriff shall keep a record of all applications for a concealed carry permit or a provisional permit and his or her action thereon. Any record of an application that is incomplete or denied for any reason shall be kept for a period not to exceed one year. Any record of an application that was approved shall be kept for a period of one year after the expiration and nonrenewal of the permit. Beginning August 28, 2013, the department of revenue shall not keep any record of an application for a concealed carry permit. Any information collected by the department of revenue related to an application for a concealed carry endorsement prior to August 28, 2013, shall be given to the members of MoSMART, created under section 650.350, for the dissemination of the information to the sheriff of any county or city not within a county in which the applicant resides to keep in accordance with the provisions of this subsection.

(2) The sheriff shall report the issuance of a concealed carry permit or provisional permit to the Missouri uniform law enforcement system. All information on any such permit that is protected information on any driver's or nondriver's license shall have the same personal protection for purposes of sections 571.101 to 571.121. An applicant's status as a holder of a concealed carry permit, provisional permit, or a concealed carry endorsement issued prior to August 28, 2013, shall not be public information and shall be considered personal protected information. Information retained under this subsection shall not be batch processed for query and shall only be made available for a single entry query of an individual in the event the individual is a subject of interest in an active criminal investigation or is arrested for a crime. Any person who violates the provisions of this subsection by disclosing protected information shall be guilty of a class A misdemeanor.

10. Information regarding any holder of a concealed carry permit, or a concealed carry endorsement issued prior to August 28, 2013, is a closed record. No bulk download or batch data shall be performed or distributed to any federal, state, or private entity, except to MoSMART as provided under subsection 9 of this section. Any state agency that has retained any documents or records, including fingerprint records provided by an applicant for a concealed

206 carry endorsement prior to August 28, 2013, shall destroy such documents or records, upon
207 successful issuance of a permit.

208 11. For processing an application for a concealed carry permit pursuant to sections
209 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed one
210 hundred dollars which shall be paid to the treasury of the county to the credit of the sheriff's
211 revolving fund.

212 12. For processing a renewal for a concealed carry permit pursuant to sections 571.101
213 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed fifty dollars
214 which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

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

219 14. For the purposes of this chapter, "concealed carry permit" shall include any
220 concealed carry endorsement issued by the department of revenue before January 1, 2014, and
221 any concealed carry document issued by any sheriff or under the authority of any sheriff after
222 December 31, 2013.

571.117. 1. Any person who has knowledge that another person, who was issued a
2 concealed carry permit pursuant to sections 571.101 to 571.121, or concealed carry endorsement
3 prior to August 28, 2013, never was or no longer is eligible for such permit or endorsement under
4 the criteria established in sections 571.101 to 571.121 may file a petition with the clerk of the
5 small claims court to revoke that person's concealed carry permit or endorsement. The petition
6 shall be in a form substantially similar to the petition for revocation of concealed carry permit
7 or endorsement provided in this section. Appeal forms shall be provided by the clerk of the
8 small claims court free of charge to any person: SMALL CLAIMS COURT

9 In the Circuit Court of, Missouri

10, PLAINTIFF

11)

12)

13 vs.) Case Number

14), DEFENDANT,

15 Carry Permit or Endorsement Holder

16, DEFENDANT,

17 Sheriff of Issuance PETITION FOR REVOCATION OF A CONCEALED CARRY PERMIT

18 OR CONCEALED CARRY ENDORSEMENT

19 Plaintiff states to the court that the defendant,, has a concealed carry permit
20 issued pursuant to sections 571.101 to 571.121, RSMo, or a concealed carry endorsement issued
21 prior to August 28, 2013, and that the defendant's concealed carry permit or concealed carry
22 endorsement should now be revoked because the defendant either never was or no longer is
23 eligible for such a permit or endorsement pursuant to the provisions of sections 571.101 to
24 571.121, RSMo, specifically plaintiff states that defendant,, never was or no longer is
25 eligible for such permit or endorsement for one or more of the following reasons: (CHECK
26 BELOW EACH REASON THAT APPLIES TO THIS DEFENDANT)

27 ☐ Defendant is not at least [twenty-one] **nineteen** years of age or at least eighteen years of age
28 and a member of the United States Armed Forces or honorably discharged from the United States
29 Armed Forces.

30 ☐ Defendant is not a citizen or permanent resident of the United States.

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

33 ☐ Defendant has pled guilty to or been convicted of a crime punishable by imprisonment for a
34 term exceeding two years under the laws of any state or of the United States other than a crime
35 classified as a misdemeanor under the laws of any state and punishable by a term of
36 imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm
37 silencer, or gas gun.

38 ☐ Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere to one
39 or more misdemeanor offenses involving crimes of violence within a five-year period
40 immediately preceding application for a concealed carry permit issued pursuant to sections
41 571.101 to 571.121, RSMo, or a concealed carry endorsement issued prior to August 28, 2013,
42 or if the applicant has been convicted of two or more misdemeanor offenses involving driving
43 while under the influence of intoxicating liquor or drugs or the possession or abuse of a
44 controlled substance within a five-year period immediately preceding application for a concealed
45 carry permit issued pursuant to sections 571.101 to 571.121, RSMo, or a concealed carry
46 endorsement issued prior to August 28, 2013.

47 ☐ Defendant is a fugitive from justice or currently charged in an information or indictment with
48 the commission of a crime punishable by imprisonment for a term exceeding one year under the
49 laws of any state of the United States other than a crime classified as a misdemeanor under the
50 laws of any state and punishable by a term of imprisonment of two years or less that does not
51 involve an explosive weapon, firearm, firearm silencer, or gas gun.

52 ☐ Defendant has been discharged under dishonorable conditions from the United States Armed
53 Forces.

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

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

62 ☐ Defendant failed to submit a completed application for a concealed carry permit issued
63 pursuant to sections 571.101 to 571.121, RSMo, or a concealed carry endorsement issued prior
64 to August 28, 2013.

65 ☐ Defendant failed to submit to or failed to clear the required background check. (Note: This
66 does not apply if the defendant has submitted to a background check and been issued a
67 provisional permit pursuant to subdivision (2) of subsection 5 of section 571.101, and the results
68 of the background check are still pending.)

69 ☐ Defendant failed to submit an affidavit attesting that the applicant complies with the
70 concealed carry safety training requirement pursuant to subsection 1 of section 571.111, RSMo.

71 ☐ Defendant is otherwise disqualified from possessing a firearm pursuant to 18 U.S.C. 922(g)
72 because (specify reason):

73 The plaintiff subject to penalty for perjury states that the information contained in this petition
74 is true and correct to the best of the plaintiff's knowledge, is reasonably based upon the
75 petitioner's personal knowledge and is not primarily intended to harass the defendant/respondent
76 named herein.

77, PLAINTIFF

78 2. If at the hearing the plaintiff shows that the defendant was not eligible for the
79 concealed carry permit issued pursuant to sections 571.101 to 571.121, or a concealed carry
80 endorsement issued prior to August 28, 2013, at the time of issuance or renewal or is no longer
81 eligible for a concealed carry permit or the concealed carry endorsement, the court shall issue an
82 appropriate order to cause the revocation of the concealed carry permit and, if applicable, the
83 concealed carry endorsement. Costs shall not be assessed against the sheriff.

84 3. The finder of fact, in any action brought against a permit or endorsement holder
85 pursuant to subsection 1 of this section, shall make findings of fact and the court shall make
86 conclusions of law addressing the issues at dispute. If it is determined that the plaintiff in such
87 an action acted without justification or with malice or primarily with an intent to harass the
88 permit or endorsement holder or that there was no reasonable basis to bring the action, the court
89 shall order the plaintiff to pay the defendant/respondent all reasonable costs incurred in

90 defending the action including, but not limited to, attorney's fees, deposition costs, and lost
91 wages. Once the court determines that the plaintiff is liable to the defendant/respondent for costs
92 and fees, the extent and type of fees and costs to be awarded should be liberally calculated in
93 defendant/respondent's favor. Notwithstanding any other provision of law, reasonable attorney's
94 fees shall be presumed to be at least one hundred fifty dollars per hour.

95 4. Any person aggrieved by any final judgment rendered by a small claims court in a
96 petition for revocation of a concealed carry permit or concealed carry endorsement may have a
97 right to trial de novo as provided in sections 512.180 to 512.320.

98 5. The office of the county sheriff or any employee or agent of the county sheriff shall
99 not be liable for damages in any civil action arising from alleged wrongful or improper granting,
100 renewing, or failure to revoke a concealed carry permit issued pursuant to sections 571.101 to
101 571.121, or a certificate of qualification for a concealed carry endorsement issued prior to August
102 28, 2013, so long as the sheriff acted in good faith.

✓