

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 1439

97TH GENERAL ASSEMBLY

5129H.02P

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal sections 1.320, 21.750, 84.340, 571.030, 571.080, 571.101, 571.107, 571.111, 571.117, 590.010, and 590.205, RSMo, and to enact in lieu thereof twenty-four new sections relating to firearms, with penalty provisions, a contingent effective date for a certain section and an emergency clause.

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

Section A. Sections 1.320, 21.750, 84.340, 571.030, 571.080, 571.101, 571.107, 2 571.111, 571.117, 590.010, and 590.205, RSMo, are repealed and twenty-four new sections 3 enacted in lieu thereof, to be known as sections 1.320, 1.322, 1.323, 1.324, 1.326, 1.327, 1.328, 4 1.329, 21.750, 84.340, 160.665, 571.012, 571.030, 571.101, 571.107, 571.111, 571.117, 5 590.010, 590.200, 590.205, 590.207, 590.750, 1, and 2, to read as follows:

1.320. **1. This section shall be known and may be cited as the "Second Amendment 2 Preservation Act".**

**2. The general assembly finds and declares that:**

**(1) The general assembly of the state of Missouri is firmly resolved to support and 5 defend the United States Constitution against every aggression, either foreign or domestic, 6 and is duty bound to oppose every infraction of those principles which constitute the basis 7 of the Union of the States because only a faithful observance of those principles can secure 8 the nation's existence and the public happiness;**

**(2) Acting through the United States Constitution, the people of the several states 9 created the federal government to be their agent in the exercise of a few defined powers, 10 while reserving to the state governments the power to legislate on matters which concern 11 the lives, liberties, and properties of citizens in the ordinary course of affairs; 12**

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.

13           **(3) The limitation of the federal government's power is affirmed under the Tenth**  
14 **Amendment to the United States Constitution, which defines the total scope of federal**  
15 **power as being that which has been delegated by the people of the several states to the**  
16 **federal government, and all power not delegated to the federal government in the**  
17 **Constitution of the United States is reserved to the states respectively, or to the people**  
18 **themselves;**

19           **(4) Whenever the federal government assumes powers that the people did not grant**  
20 **it in the Constitution, its acts are unauthoritative, void, and of no force;**

21           **(5) The several states of the United States of America respect the proper role of the**  
22 **federal government, but reject the proposition that such respect requires unlimited**  
23 **submission. If the government, created by compact among the states, was the exclusive or**  
24 **final judge of the extent of the powers granted to it by the states through the Constitution,**  
25 **the federal government's discretion, and not the Constitution, would necessarily become**  
26 **the measure of those powers. To the contrary, as in all other cases of compacts among**  
27 **powers having no common judge, each party has an equal right to judge for itself as to**  
28 **when infractions of the compact have occurred, as well as to determine the mode and**  
29 **measure of redress. Although the several states have granted supremacy to laws and**  
30 **treaties made pursuant to the powers granted in the Constitution, such supremacy does not**  
31 **extend to various federal statutes, executive orders, administrative orders, court orders,**  
32 **rules, regulations, or other actions which restrict or prohibit the manufacture, ownership,**  
33 **and use of firearms, firearm accessories, or ammunition exclusively within the borders of**  
34 **Missouri; such statutes, executive orders, administrative orders, court orders, rules,**  
35 **regulations, and other actions exceed the powers granted to the federal government except**  
36 **to the extent they are necessary and proper for governing and regulating of land and naval**  
37 **forces of the United States or for organizing, arming, and disciplining of militia forces**  
38 **actively employed in the service of the United States Armed Forces;**

39           **(6) The people of the several states have given Congress the power "to regulate**  
40 **commerce with foreign nations, and among the several states", but "regulating commerce"**  
41 **does not include the power to limit citizens' right to keep and bear arms in defense of their**  
42 **families, neighbors, persons, or property, or to dictate as to what sort of arms and**  
43 **accessories law-abiding, mentally competent Missourians may buy, sell, exchange, or**  
44 **otherwise possess within the borders of this state;**

45           **(7) The people of the several states have also granted Congress the power "to lay**  
46 **and collect taxes, duties, imports, and excises, to pay the debts, and provide for the**  
47 **common defense and general welfare of the United States" and "to make all laws which**  
48 **shall be necessary and proper for carrying into execution the powers vested by the**

49 **Constitution in the government of the United States, or in any department or office**  
50 **thereof". These constitutional provisions merely identify the means by which the federal**  
51 **government may execute its limited powers and ought not to be so construed as themselves**  
52 **to grant unlimited powers because to do so would be to destroy the carefully constructed**  
53 **equilibrium between the federal and state governments. Consequently, the general**  
54 **assembly rejects any claim that the taxing and spending powers of Congress can be used**  
55 **to diminish in any way the right of the people to keep and bear arms;**

56 **(8) The people of Missouri have vested the general assembly with the authority to**  
57 **regulate the manufacture, possession, exchange, and use of firearms within the borders of**  
58 **this state, subject only to the limits imposed by the Second Amendment to the United States**  
59 **Constitution and the Missouri Constitution; and**

60 **(9) The general assembly of the state of Missouri strongly promotes responsible gun**  
61 **ownership, including parental supervision of minors in the proper use, storage, and ownership**  
62 **of all firearms, the prompt reporting of stolen firearms, and the proper enforcement of all state**  
63 **gun laws. The general assembly of the state of Missouri hereby condemns any unlawful transfer**  
64 **of firearms and the use of any firearm in any criminal or unlawful activity.**

**1.322. The following federal acts, laws, executive orders, administrative orders,**  
2 **court orders, rules, and regulations shall be considered infringements on the people's right**  
3 **to keep and bear arms, as guaranteed by the Second Amendment of the Constitution of the**  
4 **United States and article I, section 23 of the Constitution of Missouri, within the borders**  
5 **of this state, including, but not limited to:**

6 **(1) Any tax, levy, fee, or stamp imposed on firearms, firearm accessories, or**  
7 **ammunition not common to all other goods and services which might reasonably be**  
8 **expected to create a chilling effect on the purchase or ownership of those items by law-**  
9 **abiding citizens;**

10 **(2) Any registering or tracking of firearms, firearm accessories, or ammunition**  
11 **which might reasonably be expected to create a chilling effect on the purchase or**  
12 **ownership of those items by law-abiding citizens;**

13 **(3) Any registering or tracking of the owners of firearms, firearm accessories, or**  
14 **ammunition which might reasonably be expected to create a chilling effect on the purchase**  
15 **or ownership of those items by law-abiding citizens;**

16 **(4) Any act forbidding the possession, ownership, or use or transfer of a firearm,**  
17 **firearm accessory, or ammunition by law-abiding citizens; and**

18 **(5) Any act ordering the confiscation of firearms, firearm accessories, or**  
19 **ammunition from law-abiding citizens.**

1.323. All federal acts, laws, executive orders, administrative orders, court orders, rules, and regulations, whether past, present, or future, which infringe on the people's right to keep and bear arms as guaranteed by the Second Amendment to the United States Constitution and Article I, Section 23 of the Missouri Constitution shall be invalid in this state, shall not be recognized by this state, shall be specifically rejected by this state, and shall be considered null and void and of no effect in this state.

1.324. It shall be the duty of the courts and law enforcement agencies of this state to protect the rights of law-abiding citizens to keep and bear arms within the borders of this state and to protect these rights from the infringements defined in section 1.322.

1.326. No public officer or employee of this state or subdivision of this state shall have authority to enforce or attempt to enforce any federal acts, laws, executive orders, administrative orders, court orders, rules, and regulations, statutes, or ordinances, infringing on the right to keep and bear arms.

1.327. No public officer or employee of this state or subdivision of this state shall have authority to enforce or attempt to enforce any federal acts, laws, executive orders, administrative orders, court orders, rules, and regulations, statutes, or ordinances, infringing on the right to keep and bear arms defined in section 1.322.

1.328. 1. Any entity or person who knowingly, as defined in section 562.016, violates section 1.236 or 1.327 or otherwise knowingly deprives a citizen of Missouri of the rights or privileges ensured by the Second Amendment of the United States Constitution or section 23 of article I of the Missouri Constitution, while acting under the color of any state or federal law, shall be liable to the injured party in an action at law, suit in equity, or other proper proceeding for redress.

2. In such actions, the court may award the prevailing party, other than the state of Missouri or any political subdivision of the state, reasonable attorney's fees and costs.

3. Neither sovereign nor official or qualified immunity shall be an affirmative defense in such cases.

1.329. For the purposes of sections 1.320 through 1.329, the term "law-abiding citizen" shall mean a person who is not otherwise precluded under state law from possessing a firearm and shall not be construed to include anyone who is not legally present in the United States or the state of Missouri.

21.750. 1. The general assembly hereby occupies and preempts the entire field of legislation touching in any way firearms, components, ammunition and supplies to the complete exclusion of any order, ordinance or regulation by any political subdivision of this state. Any existing or future orders, ordinances or regulations in this field are hereby and shall be null and void except as provided in subsection 3 of this section.

6           2. No county, city, town, village, municipality, or other political subdivision of this state  
7 shall adopt any order, ordinance or regulation concerning in any way the sale, purchase, purchase  
8 delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permit,  
9 registration, taxation other than sales and compensating use taxes or other controls on firearms,  
10 components, ammunition, and supplies except as provided in subsection 3 of this section.

11           3. **(1) Except as provided in subdivision (2) of this subsection,** nothing contained in  
12 this section shall prohibit any ordinance of any political subdivision which conforms exactly with  
13 any of the provisions of sections 571.010 to 571.070, with appropriate penalty provisions, or  
14 which regulates the open carrying of firearms readily capable of lethal use or the discharge of  
15 firearms within a jurisdiction, provided such ordinance complies with the provisions of section  
16 252.243. **No ordinance may be construed to preclude the use of a firearm in the defense**  
17 **of person or property, subject to the provisions of chapter 563.**

18           **(2) In any jurisdiction in which the open carrying of firearms is prohibited by**  
19 **ordinance, the open carrying of firearms shall not be prohibited in accordance with the**  
20 **following:**

21           **(a) Any person with a valid concealed carry endorsement or permit who is open**  
22 **carrying a firearm shall be required to have a valid concealed carry endorsement or permit**  
23 **from this state, or a permit from another state that is recognized by this state, in his or her**  
24 **possession at all times;**

25           **(b) Any person open carrying a firearm in such jurisdiction shall display his or her**  
26 **concealed carry endorsement or permit upon demand of a law enforcement officer;**

27           **(c) In the absence of any reasonable and articulable suspicion of criminal activity,**  
28 **no person carrying a concealed or unconcealed firearm shall be disarmed or physically**  
29 **restrained by a law enforcement officer unless under arrest; and**

30           **(d) Any person who violates this subdivision shall be subject to the penalty**  
31 **provided in section 571.121.**

32           4. The lawful design, marketing, manufacture, distribution, or sale of firearms or  
33 ammunition to the public is not an abnormally dangerous activity and does not constitute a public  
34 or private nuisance.

35           5. No county, city, town, village or any other political subdivision nor the state shall  
36 bring suit or have any right to recover against any firearms or ammunition manufacturer, trade  
37 association or dealer for damages, abatement or injunctive relief resulting from or relating to the  
38 lawful design, manufacture, marketing, distribution, or sale of firearms or ammunition to the  
39 public. This subsection shall apply to any suit pending as of October 12, 2003, as well as any  
40 suit which may be brought in the future. Provided, however, that nothing in this section shall

41 restrict the rights of individual citizens to recover for injury or death caused by the negligent or  
42 defective design or manufacture of firearms or ammunition.

43 6. Nothing in this section shall prevent the state, a county, city, town, village or any other  
44 political subdivision from bringing an action against a firearms or ammunition manufacturer or  
45 dealer for breach of contract or warranty as to firearms or ammunition purchased by the state or  
46 such political subdivision.

84.340. **Except as provided under section 590.750**, the police commissioner of the said  
2 cities shall have power to regulate and license all private watchmen, private detectives and  
3 private policemen, serving or acting as such in said cities, and no person shall act as such private  
4 watchman, private detective or private policeman in said cities without first having obtained the  
5 written license of the president or acting president of said police commissioners of the said cities,  
6 under pain of being guilty of a misdemeanor.

**160.665. 1. Any school district within the state may designate one or more**  
2 **elementary or secondary school teachers or administrators as a school protection officer.**  
3 **The responsibilities and duties of a school protection officer are voluntary and shall be in**  
4 **addition to the normal responsibilities and duties of the teacher or administrator. Any**  
5 **compensation for additional duties relating to service as a school protection officer shall**  
6 **be funded by the local school district, with no state funds used for such purpose.**

7 **2. Any person designated by a school district as a school protection officer shall be**  
8 **authorized to carry concealed firearms in any school in the district. The school protection**  
9 **officer shall not be permitted to allow any firearm out of his or her personal control while**  
10 **such firearm is on school property. Any school protection officer who violates this**  
11 **subsection may be removed immediately from the classroom and subject to employment**  
12 **termination proceedings.**

13 **3. A school protection officer has the same authority to detain or use force against**  
14 **any person on school property as provided to any other person under chapter 563.**

15 **4. Upon detention of a person under subsection 3 of this section, the school**  
16 **protection officer shall immediately notify a school administrator and a school resource**  
17 **officer, if such officer is present at the school. If the person detained is a student then the**  
18 **parents or guardians of the student shall also be immediately notified by a school**  
19 **administrator.**

20 **5. Any person detained by a school protection officer shall be turned over to a**  
21 **school administrator or law enforcement officer as soon as practically possible and shall**  
22 **not be detained by a school protection officer for more than one hour.**

23 **6. Any teacher or administrator of an elementary or secondary school who seeks**  
24 **to be designated as a school protection officer shall request such designation in writing, and**

25 submit it to the superintendent of the school district which employs him or her as a teacher  
26 or administrator. Along with this request, the teacher or administrator shall also submit  
27 proof that he or she has a valid concealed carry endorsement or permit, and all teachers  
28 and administrators seeking the designation of school protection officer shall submit a  
29 certificate of school protection officer training program completion from a training  
30 program approved by the director of the department of public safety which demonstrates  
31 that such person has successfully completed the training requirements established by the  
32 POST commission under chapter 590 for school protection officers.

33 7. No school district may designate a teacher or administrator as a school  
34 protection officer unless such person has successfully completed a school protection officer  
35 training program, which has been approved by the director of the department of public  
36 safety. No school district shall allow a school protection officer to carry a concealed  
37 firearm on school property unless the school protection officer has a valid concealed carry  
38 endorsement or permit.

39 8. Any school district that designates a teacher or administrator as a school  
40 protection officer shall, within thirty days, notify, in writing, the director of the department  
41 of public safety of the designation, which shall include the following:

- 42 (1) The full name, date of birth, and address of the officer;
- 43 (2) The name of the school district; and
- 44 (3) The date such person was designated as a school protection officer.

45 Notwithstanding any other law, any identifying information collected under the authority  
46 of this subsection shall not be considered public information and shall not be subject to a  
47 request for public records made under chapter 610.

48 9. A school district may revoke the designation of a person as a school protection  
49 officer for any reason and shall immediately notify the designated school protection officer  
50 in writing of the revocation. The school district shall also within thirty days of the  
51 revocation notify the director of the department of public safety in writing of the  
52 revocation of the designation of such person as a school protection officer. A person who  
53 has had the designation as school protection officer revoked has no right to appeal the  
54 revocation decision.

55 10. The director of the department of public safety shall maintain a listing of all  
56 persons designated by school districts as school protection officers and shall make this list  
57 available to all law enforcement agencies.

58 571.012. 1. No health care professional licensed in this state, nor anyone under his  
2 or her supervision, shall be required by law to:

- 3 (1) Inquire as to whether a patient owns or has access to a firearm;

4           **(2) Document or maintain in a patient's medical records whether such patient owns**  
5 **or has access to a firearm; or**

6           **(3) Notify any governmental entity of the identity of a patient based solely on the**  
7 **patient's status as an owner of, or the patient's access to, a firearm.**

8           **2. No health care professional licensed in this state, nor anyone under his or her**  
9 **supervision, nor any person or entity that has possession or control of medical records,**  
10 **may disclose information gathered in a doctor/patient relationship about the status of a**  
11 **patient as an owner of a firearm, unless by order of a court of appropriate jurisdiction, in**  
12 **response to a threat to the health or safety of that patient or another person, as part of a**  
13 **referral to a mental health professional, or with the patient's express consent on a separate**  
14 **document dealing solely with firearm ownership. The separate document shall not be filled**  
15 **out as a matter of routine, but only when, in the judgment of the health care professional,**  
16 **it is medically indicated or necessitated.**

17           **3. Nothing in this section shall be construed as prohibiting or otherwise restricting**  
18 **a health care professional from inquiring about and documenting whether or not a patient**  
19 **owns or has access to a firearm if such inquiry or documentation is necessitated or**  
20 **medically indicated by the health care professional's judgment and such inquiry or**  
21 **documentation does not violate any other state or federal law.**

22           **4. No health care professional licensed in this state shall use an electronic medical**  
23 **record program that requires, in order to complete and save a medical record, entry of**  
24 **data regarding whether or not a patient owns, has access to, or lives in a home containing,**  
25 **a firearm.**

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

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

5           (2) Sets a spring gun; or

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

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

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



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

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; or

29 **(11) Possesses a firearm while also knowingly in possession of a controlled substance**  
30 **that is sufficient for a felony violation under 195.202.**

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

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

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

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

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

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

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

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

60 (8) Any corporate security advisor meeting the definition and fulfilling the requirements  
61 of the regulations established by the [board of police commissioners under section 84.340]  
62 **department of public safety under section 590.750;**

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

64 (10) Any prosecuting attorney or assistant prosecuting attorney [or any] , circuit attorney  
65 or assistant circuit attorney, **or any person appointed by a court to be special prosecutor** who  
66 has completed the firearms safety training course required under subsection 2 of section 571.111;

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

72 (12) Upon the written approval of the governing body of a fire department or fire  
73 protection district, any paid fire department or fire protection district chief who is employed on  
74 a full-time basis and who has a valid concealed carry endorsement **issued prior to August 28,**  
75 **2013, or a valid concealed carry permit under section 571.111,** when such uses are reasonably  
76 associated with or are necessary to the fulfillment of such person's official duties.

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

87 or is traveling in a continuous journey peaceably through this state. Subdivision (10) of  
88 subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a  
89 person while traversing school premises for the purposes of transporting a student to or from  
90 school, or possessed by an adult for the purposes of facilitation of a school-sanctioned  
91 firearm-related event or club event.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

156 (1) A photographic identification issued by the agency from which the individual retired  
157 from service as a peace officer that indicates that the individual has, not less recently than one  
158 year before the date the individual is carrying the concealed firearm, been tested or otherwise

159 found by the agency to meet the standards established by the agency for training and qualification  
160 for active peace officers to carry a firearm of the same type as the concealed firearm; or

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

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

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

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

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

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

19 (b) Is a member of the Armed Forces stationed in Missouri, or the spouse of such  
20 member of the military;

21 (2) Is at least [twenty-one] **nineteen** years of age, or is at least eighteen years of age and  
22 a member of the United States Armed Forces or honorably discharged from the United States  
23 Armed 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; or

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

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

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

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

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

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

49 (8) Is not adjudged mentally incompetent at the time of application or for five years prior  
50 to application, or has not been committed to a mental health facility, as defined in section  
51 632.005, or a similar institution located in another state following a hearing at which the  
52 defendant was represented by counsel or a representative;

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

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

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

58 (12) Is not otherwise prohibited from possessing a firearm under section 571.070 [or 18  
59 U.S.C. 922(g)].

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

62 (1) The applicant's name, address, telephone number, gender, date and place of birth,  
63 and, if the applicant is not a United States citizen, the applicant's country of citizenship and any

64 alien or admission number issued by the Federal Bureau of Customs and Immigration  
65 Enforcement or any successor agency;

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

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

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

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

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

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

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

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

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

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

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

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

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

115 (2) A nonrefundable permit fee as provided by subsection 11 or 12 of this section. **Both**  
116 **fees provided for in these subsections shall be waived for service-disabled veterans as such**  
117 **term is defined in section 34.074.**

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

132 (2) In the event the background checks prescribed by subdivision (1) of this subsection  
133 are not completed within forty-five calendar days and no disqualifying information concerning  
134 the applicant has otherwise come to the sheriff's attention, the sheriff shall issue a provisional



135 permit, clearly designated on the certificate as such, which the applicant shall sign in the  
136 presence of the sheriff or the sheriff's designee. This permit, when carried with a valid Missouri  
137 driver's or nondriver's license or a valid military identification, shall permit the applicant to  
138 exercise the same rights in accordance with the same conditions as pertain to a concealed carry  
139 permit issued under this section, provided that it shall not serve as an alternative to an national  
140 instant criminal background check required by 18 U.S.C. 922(t). The provisional permit shall  
141 remain valid until such time as the sheriff either issues or denies the certificate of qualification  
142 under subsection 6 or 7 **of this section**. The sheriff shall revoke a provisional permit issued  
143 under this subsection within twenty-four hours of receipt of any background check that identifies  
144 a disqualifying record, and shall notify the Missouri uniform law enforcement system. The  
145 revocation of a provisional permit issued under this section shall be proscribed in a manner  
146 consistent to the denial and review of an application under subsection 6 of this section.

147 6. The sheriff may refuse to approve an application for a concealed carry permit if he or  
148 she determines that any of the requirements specified in subsection 2 of this section have not  
149 been met, or if he or she has a substantial and demonstrable reason to believe that the applicant  
150 has rendered a false statement regarding any of the provisions of sections 571.101 to 571.121.  
151 If the applicant is found to be ineligible, the sheriff is required to deny the application, and notify  
152 the applicant in writing, stating the grounds for denial and informing the applicant of the right  
153 to submit, within thirty days, any additional documentation relating to the grounds of the denial.  
154 Upon receiving any additional documentation, the sheriff shall reconsider his or her decision and  
155 inform the applicant within thirty days of the result of the reconsideration. The applicant shall  
156 further be informed in writing of the right to appeal the denial pursuant to subsections 2, 3, 4,  
157 and 5 of section 571.114. After two additional reviews and denials by the sheriff, the person  
158 submitting the application shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of section  
159 571.114.

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

171 expire three years from the date the certificate of qualification was issued pursuant to this  
172 section].

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

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

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

177 (3) The date of issuance; and

178 (4) The expiration date.

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

183 9. (1) The sheriff shall keep a record of all applications for a concealed carry permit or  
184 a provisional permit and his or her action thereon. Any record of an application that is  
185 incomplete or denied for any reason shall be kept for a period not to exceed one year. Any  
186 record of an application that was approved shall be kept for a period of one year after the  
187 expiration and nonrenewal of the permit. Beginning August 28, 2013, the department of revenue  
188 shall not keep any record of an application for a concealed carry permit. Any information  
189 collected by the department of revenue related to an application for a concealed carry  
190 endorsement prior to August 28, 2013, shall be given to the members of MoSMART, created  
191 under section 650.350, for the dissemination of the information to the sheriff of any county or  
192 city not within a county in which the applicant resides to keep in accordance with the provisions  
193 of this subsection.

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

205 10. Information regarding any holder of a concealed carry permit, or a concealed carry  
206 endorsement issued prior to August 28, 2013, is a closed record. No bulk download or batch data

207 shall be performed or distributed to any federal, state, or private entity, except to MoSMART as  
208 provided under subsection 9 of this section. Any state agency that has retained any documents  
209 or records, including fingerprint records provided by an applicant for a concealed carry  
210 endorsement prior to August 28, 2013, shall destroy such documents or records, upon successful  
211 issuance of a permit.

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

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

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

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

571.107. 1. A concealed carry permit issued pursuant to sections 571.101 to 571.121,  
2 a valid concealed carry endorsement issued prior to August 28, 2013, or a concealed carry  
3 endorsement or permit issued by another state or political subdivision of another state shall  
4 authorize the person in whose name the permit or endorsement is issued to carry concealed  
5 firearms on or about his or her person or vehicle throughout the state. No concealed carry permit  
6 issued pursuant to sections 571.101 to 571.121, valid concealed carry endorsement issued prior  
7 to August 28, 2013, or a concealed carry endorsement or permit issued by another state or  
8 political subdivision of another state shall authorize any person to carry concealed firearms into:

9 (1) Any police, sheriff, or highway patrol office or station without the consent of the  
10 chief law enforcement officer in charge of that office or station. Possession of a firearm in a  
11 vehicle on the premises of the office or station shall not be a criminal offense so long as the  
12 firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

13 (2) Within twenty-five feet of any polling place on any election day. Possession of a  
14 firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long  
15 as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

16 (3) The facility of any adult or juvenile detention or correctional institution, prison or  
17 jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention, or  
18 correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not  
19 removed from the vehicle or brandished while the vehicle is on the premises;

20 (4) Any courthouse solely occupied by the circuit, appellate or supreme court, or any  
21 courtrooms, administrative offices, libraries or other rooms of any such court whether or not such  
22 court solely occupies the building in question. This subdivision shall also include, but not be  
23 limited to, any juvenile, family, drug, or other court offices, any room or office wherein any of  
24 the courts or offices listed in this subdivision are temporarily conducting any business within the  
25 jurisdiction of such courts or offices, and such other locations in such manner as may be  
26 specified by supreme court rule pursuant to subdivision (6) of this subsection. Nothing in this  
27 subdivision shall preclude those persons listed in subdivision (1) of subsection 2 of section  
28 571.030 while within their jurisdiction and on duty, those persons listed in subdivisions (2), (4),  
29 and (10) of subsection 2 of section 571.030, or such other persons who serve in a law  
30 enforcement capacity for a court as may be specified by supreme court rule pursuant to  
31 subdivision (6) of this subsection from carrying a concealed firearm within any of the areas  
32 described in this subdivision. Possession of a firearm in a vehicle on the premises of any of the  
33 areas listed in this subdivision shall not be a criminal offense so long as the firearm is not  
34 removed from the vehicle or brandished while the vehicle is on the premises;

35 (5) Any meeting of the governing body of a unit of local government; or any meeting of  
36 the general assembly or a committee of the general assembly, except that nothing in this  
37 subdivision shall preclude a member of the body holding a valid concealed carry permit or  
38 endorsement from carrying a concealed firearm at a meeting of the body which he or she is a  
39 member. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so  
40 long as the firearm is not removed from the vehicle or brandished while the vehicle is on the  
41 premises. Nothing in this subdivision shall preclude a member of the general assembly, a  
42 full-time employee of the general assembly employed under Section 17, Article III, Constitution  
43 of Missouri, legislative employees of the general assembly as determined under section 21.155,  
44 or statewide elected officials and their employees, holding a valid concealed carry permit or  
45 endorsement, from carrying a concealed firearm in the state capitol building or at a meeting  
46 whether of the full body of a house of the general assembly or a committee thereof, that is held  
47 in the state capitol building;

48 (6) The general assembly, supreme court, county or municipality may by rule,  
49 administrative regulation, or ordinance prohibit or limit the carrying of concealed firearms by  
50 permit or endorsement holders in that portion of a building owned, leased or controlled by that  
51 unit of government. Any portion of a building in which the carrying of concealed firearms is

52 prohibited or limited shall be clearly identified by signs posted at the entrance to the restricted  
53 area. The statute, rule or ordinance shall exempt any building used for public housing by private  
54 persons, highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled  
55 by that unit of government from any restriction on the carrying or possession of a firearm. The  
56 statute, rule or ordinance shall not specify any criminal penalty for its violation but may specify  
57 that persons violating the statute, rule or ordinance may be denied entrance to the building,  
58 ordered to leave the building and if employees of the unit of government, be subjected to  
59 disciplinary measures for violation of the provisions of the statute, rule or ordinance. The  
60 provisions of this subdivision shall not apply to any other unit of government;

61 (7) Any establishment licensed to dispense intoxicating liquor for consumption on the  
62 premises, which portion is primarily devoted to that purpose, without the consent of the owner  
63 or manager. The provisions of this subdivision shall not apply to the licensee of said  
64 establishment. The provisions of this subdivision shall not apply to any bona fide restaurant  
65 open to the general public having dining facilities for not less than fifty persons and that receives  
66 at least fifty-one percent of its gross annual income from the dining facilities by the sale of food.  
67 This subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the  
68 establishment and shall not be a criminal offense so long as the firearm is not removed from the  
69 vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision  
70 authorizes any individual who has been issued a concealed carry permit or endorsement to  
71 possess any firearm while intoxicated;

72 (8) Any area of an airport to which access is controlled by the inspection of persons and  
73 property. Possession of a firearm in a vehicle on the premises of the airport shall not be a  
74 criminal offense so long as the firearm is not removed from the vehicle or brandished while the  
75 vehicle is on the premises;

76 (9) Any place where the carrying of a firearm is prohibited by federal law;

77 (10) Any higher education institution or elementary or secondary school facility without  
78 the consent of the governing body of the higher education institution or a school official or the  
79 district school board, **unless the person with the concealed carry endorsement or permit is**  
80 **a teacher or administrator of an elementary or secondary school who has been designated**  
81 **by his or her school district as a school protection officer and is carrying a firearm in a**  
82 **school within that district, in which case no consent is required.** Possession of a firearm in  
83 a vehicle on the premises of any higher education institution or elementary or secondary school  
84 facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or  
85 brandished while the vehicle is on the premises;

86 (11) Any portion of a building used as a child care facility without the consent of the  
87 manager. Nothing in this subdivision shall prevent the operator of a child care facility in a  
88 family home from owning or possessing a firearm or a concealed carry permit or endorsement;

89 (12) Any riverboat gambling operation accessible by the public without the consent of  
90 the owner or manager pursuant to rules promulgated by the gaming commission. Possession of  
91 a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal  
92 offense so long as the firearm is not removed from the vehicle or brandished while the vehicle  
93 is on the premises;

94 (13) Any gated area of an amusement park. Possession of a firearm in a vehicle on the  
95 premises of the amusement park shall not be a criminal offense so long as the firearm is not  
96 removed from the vehicle or brandished while the vehicle is on the premises;

97 (14) Any church or other place of religious worship without the consent of the minister  
98 or person or persons representing the religious organization that exercises control over the place  
99 of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal  
100 offense so long as the firearm is not removed from the vehicle or brandished while the vehicle  
101 is on the premises;

102 (15) Any private property whose owner has posted the premises as being off-limits to  
103 concealed firearms by means of one or more signs displayed in a conspicuous place of a  
104 minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less  
105 than one inch. The owner, business or commercial lessee, manager of a private business  
106 enterprise, or any other organization, entity, or person may prohibit persons holding a concealed  
107 carry permit or endorsement from carrying concealed firearms on the premises and may prohibit  
108 employees, not authorized by the employer, holding a concealed carry permit or endorsement  
109 from carrying concealed firearms on the property of the employer. If the building or the premises  
110 are open to the public, the employer of the business enterprise shall post signs on or about the  
111 premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on  
112 the premises shall not be a criminal offense so long as the firearm is not removed from the  
113 vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees  
114 or other persons holding a concealed carry permit or endorsement from carrying a concealed  
115 firearm in vehicles owned by the employer;

116 (16) Any sports arena or stadium with a seating capacity of five thousand or more.  
117 Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the  
118 firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

119 (17) Any hospital accessible by the public. Possession of a firearm in a vehicle on the  
120 premises of a hospital shall not be a criminal offense so long as the firearm is not removed from  
121 the vehicle or brandished while the vehicle is on the premises.

122           2. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17) of  
123 subsection 1 of this section by any individual who holds a concealed carry permit issued pursuant  
124 to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to August 28,  
125 2013, shall not be a criminal act but may subject the person to denial to the premises or removal  
126 from the premises. If such person refuses to leave the premises and a peace officer is summoned,  
127 such person may be issued a citation for an amount not to exceed one hundred dollars for the first  
128 offense. If a second citation for a similar violation occurs within a six-month period, such person  
129 shall be fined an amount not to exceed two hundred dollars and his or her permit, and, if  
130 applicable, endorsement to carry concealed firearms shall be suspended for a period of one year.  
131 If a third citation for a similar violation is issued within one year of the first citation, such person  
132 shall be fined an amount not to exceed five hundred dollars and shall have his or her concealed  
133 carry permit, and, if applicable, endorsement revoked and such person shall not be eligible for  
134 a concealed carry permit for a period of three years. Upon conviction of charges arising from  
135 a citation issued pursuant to this subsection, the court shall notify the sheriff of the county which  
136 issued the concealed carry permit, or, if the person is a holder of a concealed carry endorsement  
137 issued prior to August 28, 2013, the court shall notify the sheriff of the county which issued the  
138 certificate of qualification for a concealed carry endorsement and the department of revenue.  
139 The sheriff shall suspend or revoke the concealed carry permit or, if applicable, the certificate  
140 of qualification for a concealed carry endorsement. If the person holds an endorsement, the  
141 department of revenue shall issue a notice of such suspension or revocation of the concealed  
142 carry endorsement and take action to remove the concealed carry endorsement from the  
143 individual's driving record. The director of revenue shall notify the licensee that he or she must  
144 apply for a new license pursuant to chapter 302 which does not contain such endorsement. The  
145 notice issued by the department of revenue shall be mailed to the last known address shown on  
146 the individual's driving record. The notice is deemed received three days after mailing.

571.111. 1. An applicant for a concealed carry permit shall demonstrate knowledge of  
2 firearms safety training. This requirement shall be fully satisfied if the applicant for a concealed  
3 carry permit:

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

7           (2) Submits a photocopy of a certificate that shows the applicant completed a firearms  
8 safety course given by or under 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 subsection 5 of this section; or

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

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

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

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

23 2. A certificate of firearms safety training course completion may be issued to any  
24 applicant by any qualified firearms safety instructor. On the certificate of course completion the  
25 qualified firearms safety instructor shall affirm that the individual receiving instruction has taken  
26 and passed a firearms safety course of at least eight hours in length taught by the instructor that  
27 included:

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

30 (2) A physical demonstration performed by the applicant that demonstrated his or her  
31 ability to safely load and unload **either** a revolver [and] **or** a semiautomatic pistol and  
32 demonstrated his or her marksmanship with [both] **either firearm**;

33 (3) The basic principles of marksmanship;

34 (4) Care and cleaning of concealable firearms;

35 (5) Safe storage of firearms at home;

36 (6) The requirements of this state for obtaining a concealed carry permit from the sheriff  
37 of the individual's county of residence;

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

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

40 (9) A live firing exercise of sufficient duration for each applicant to fire [both] **either**  
41 a revolver [and] **or** a semiautomatic pistol, from a standing position or its equivalent, a minimum  
42 of twenty rounds from [each] **the** handgun at a distance of seven yards from a B-27 silhouette  
43 target or an equivalent target;

44 (10) A live fire test administered to the applicant while the instructor was present of  
45 twenty rounds from [each handgun] **either a revolver or a semiautomatic pistol** from a



46 standing position or its equivalent at a distance from a B-27 silhouette target, or an equivalent  
47 target, of seven yards.

48 3. A qualified firearms safety instructor shall not give a grade of passing to an applicant  
49 for a concealed carry permit who:

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

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

54 (3) During the live fire testing portion of the course fails to hit the silhouette portion of  
55 the targets with at least fifteen rounds[, with both handguns].

56 4. Qualified firearms safety instructors who provide firearms safety instruction to any  
57 person who applies for a concealed carry permit shall:

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

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

62 (3) Not have more than forty students **per certified instructor** in the classroom portion  
63 of the course or more than five students per range officer engaged in range firing.

64 5. A firearms safety instructor shall be considered to be a qualified firearms safety  
65 instructor by any sheriff issuing a concealed carry permit pursuant to sections 571.101 to 571.121  
66 if the instructor:

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

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

71 (3) Submits a photocopy of a notarized certificate from a firearms safety instructor  
72 course approved by the department of public safety; or

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

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

76 6. Any firearms safety instructor qualified under subsection 5 of this section may submit  
77 a copy of a training instructor certificate, course outline bearing notarized signature of instructor,  
78 and recent photograph of his or herself to the sheriff of the county in which he or she resides.  
79 Each sheriff shall collect an annual registration fee of ten dollars from each qualified instructor  
80 who chooses to submit such information and shall retain a database of qualified instructors. This  
81 information shall be a closed record except for access by any sheriff.

82 7. Any firearms safety instructor who knowingly provides any sheriff with any false  
83 information concerning an applicant's performance on any portion of the required training and  
84 qualification shall be guilty of a class C misdemeanor. A violation of the provisions of this  
85 section shall result in the person being prohibited from instructing concealed carry permit classes  
86 and issuing certificates.

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:

9 SMALL CLAIMS COURT

10 In the Circuit Court of ....., Missouri

11 ....., PLAINTIFF

12 )

13 )

14 vs. ) Case Number .....

15 )

16 ....., DEFENDANT,

17 Carry Permit or Endorsement Holder

18 ....., DEFENDANT,

19 Sheriff of Issuance

20  
21 PETITION FOR REVOCATION OF A CONCEALED CARRY PERMIT OR  
22 CONCEALED CARRY ENDORSEMENT

23 Plaintiff states to the court that the defendant, ....., has a concealed carry permit issued  
24 pursuant to sections 571.101 to 571.121, RSMo, or a concealed carry endorsement issued prior  
25 to August 28, 2013, and that the defendant's concealed carry permit or concealed carry  
26 endorsement should now be revoked because the defendant either never was or no longer is  
27 eligible for such a permit or endorsement pursuant to the provisions of sections 571.101 to  
28 571.121, RSMo, specifically plaintiff states that defendant, ....., never was or no longer is  
29 eligible for such permit or endorsement for one or more of the following reasons:

30 (CHECK BELOW EACH REASON THAT APPLIES TO THIS DEFENDANT)

- 31  Defendant is not at least [twenty-one] **nineteen** years of age or at least eighteen years of  
32 age and a member of the United States Armed Forces or honorably discharged from the  
33 United States Armed Forces.
- 34  Defendant is not a citizen or permanent resident of the United States.
- 35  Defendant had not resided in this state prior to issuance of the permit and does not  
36 qualify as a military member or spouse of a military member stationed in Missouri.
- 37  Defendant has pled guilty to or been convicted of a crime punishable by imprisonment  
38 for a term exceeding two years under the laws of any state or of the United States other  
39 than a crime classified as a misdemeanor under the laws of any state and punishable by  
40 a term of imprisonment of one year or less that does not involve an explosive weapon,  
41 firearm, firearm silencer, or gas gun.
- 42  Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere to  
43 one or more misdemeanor offenses involving crimes of violence within a five-year period  
44 immediately preceding application for a concealed carry permit issued pursuant to  
45 sections 571.101 to 571.121, RSMo, or a concealed carry endorsement issued prior to  
46 August 28, 2013, or if the applicant has been convicted of two or more misdemeanor  
47 offenses involving driving while under the influence of intoxicating liquor or drugs or  
48 the possession or abuse of a controlled substance within a five-year period immediately  
49 preceding application for a concealed carry permit issued pursuant to sections 571.101  
50 to 571.121, RSMo, or a concealed carry endorsement issued prior to August 28, 2013.
- 51  Defendant is a fugitive from justice or currently charged in an information or indictment  
52 with the commission of a crime punishable by imprisonment for a term exceeding one  
53 year under the laws of any state of the United States other than a crime classified as a  
54 misdemeanor under the laws of any state and punishable by a term of imprisonment of  
55 two years or less that does not involve an explosive weapon, firearm, firearm silencer,  
56 or gas gun.
- 57  Defendant has been discharged under dishonorable conditions from the United States  
58 Armed Forces.
- 59  Defendant is reasonably believed by the sheriff to be a danger to self or others based on  
60 previous, documented pattern.
- 61  Defendant is adjudged mentally incompetent at the time of application or for five years  
62 prior to application, or has been committed to a mental health facility, as defined in  
63 section 632.005, RSMo, or a similar institution located in another state, except that a  
64 person whose release or discharge from a facility in this state pursuant to chapter 632,  
65 RSMo, or a similar discharge from a facility in another state, occurred more than five  
66 years ago without subsequent recommitment may apply.

- 67  Defendant failed to submit a completed application for a concealed carry permit issued
- 68 pursuant to sections 571.101 to 571.121, RSMo, or a concealed carry endorsement issued
- 69 prior to August 28, 2013.
- 70  Defendant failed to submit to or failed to clear the required background check. (Note:
- 71 This does not apply if the defendant has submitted to a background check and been
- 72 issued a provisional permit pursuant to subdivision (2) of subsection 5 of section
- 73 571.101, and the results of the background check are still pending.)
- 74  Defendant failed to submit an affidavit attesting that the applicant complies with the
- 75 concealed carry safety training requirement pursuant to subsection 1 of section 571.111,
- 76 RSMo.
- 77  Defendant is otherwise disqualified from possessing a firearm [pursuant to 18 U.S.C.
- 78 922(g)] **under section 571.070** because (specify reason):

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

83 ....., PLAINTIFF

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

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

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

104 5. The office of the county sheriff or any employee or agent of the county sheriff shall  
105 not be liable for damages in any civil action arising from alleged wrongful or improper granting,  
106 renewing, or failure to revoke a concealed carry permit issued pursuant to sections 571.101 to  
107 571.121, or a certificate of qualification for a concealed carry endorsement issued prior to August  
108 28, 2013, so long as the sheriff acted in good faith.

590.010. As used in this chapter, the following terms mean:

2 (1) "Commission", when not obviously referring to the POST commission, means a grant  
3 of authority to act as a peace officer;

4 (2) "Director", the director of the Missouri department of public safety or his or her  
5 designated agent or representative;

6 (3) "Peace officer", a law enforcement officer of the state or any political subdivision of  
7 the state with the power of arrest for a violation of the criminal code or declared or deemed to  
8 be a peace officer by state statute;

9 (4) "POST commission", the peace officer standards and training commission;

10 (5) "Reserve peace officer", a peace officer who regularly works less than thirty hours  
11 per week;

12 (6) "School protection officer", an elementary or secondary school teacher or  
13 administrator who has been designated as a school protection officer by a school district.

**590.200. 1. The POST commission shall:**

2 **(1) Establish minimum standards for the training of school protection officers;**

3 **(2) Set the minimum number of hours of training required for a school protection**  
4 **officer; and**

5 **(3) Set the curriculum for school protection officer training programs.**

6 **2. At a minimum this training shall include:**

7 **(1) Instruction specific to the prevention of incidents of violence in schools;**

8 **(2) The handling of emergency or violent crisis situations in school settings;**

9 **(3) A review of state criminal law;**

10 **(4) Training involving the use of defensive force; and**

11 **(5) Training involving the use of deadly force; and**

12 **(6) Instruction in the proper use of self-defense spray devices.**

590.205. 1. The POST commission shall establish minimum standards for school  
2 protection officer training instructors, training centers, and training programs.

3           2. The director shall develop and maintain a list of approved school protection officer  
4 training instructors, training centers, and training programs. The director shall not place any  
5 instructor, training center, or training program on its approved list unless such instructor, training  
6 center, or training program meets all of the POST commission requirements under this section  
7 and section 590.200. The director shall make this approved list available to every school district  
8 in the state. The required training to become a school protection officer shall be provided by  
9 those firearm instructors, private and public, who have successfully completed a department of  
10 public safety POST certified law enforcement firearms instructor school.

11           3. Each person seeking entrance into a school protection officer training center or training  
12 program shall submit a fingerprint card and authorization for a criminal history background  
13 check to include the records of the Federal Bureau of Investigation to the training center or  
14 training program where such person is seeking entrance. The training center or training program  
15 shall cause a criminal history background check to be made and shall cause the resulting report  
16 to be forwarded to the school district where the elementary school teacher or administrator is  
17 seeking to be designated as a school protection officer.

18           4. No person shall be admitted to a school protection officer training center or training  
19 program unless such person submits proof to the training center or training program that he or  
20 she has a valid concealed carry endorsement **or permit**.

21           5. A certificate of school protection officer training program completion may be issued  
22 to any applicant by any approved school protection officer training instructor. On the certificate  
23 of program completion the approved school protection officer training instructor shall affirm that  
24 the individual receiving instruction has taken and passed a school protection officer training  
25 program that meets the requirements of this section and section 590.200 and [that] **indicate**  
26 **whether** the individual has a valid concealed carry endorsement **or permit**. The instructor shall  
27 also provide a copy of such certificate to the director of the department of public safety.

**590.207. Notwithstanding any other provision of law, any person designated as a  
2 school protection officer under the provisions of section 160.665 who allows any such  
3 firearm out of his or her personal control while that firearm is on school property as  
4 provided under subsection 2 of section 160.665 shall be guilty of a class B misdemeanor  
5 and may be subject to employment termination proceedings within the school district.**

**590.750. 1. The department of public safety shall have the sole authority to regulate  
2 and license all corporate security advisors. The authority and jurisdiction of a corporate  
3 security advisor shall be limited only by the geographical limits of the state, unless the  
4 corporate security advisor's license is recognized by the laws or regulations of another state  
5 or the federal government.**

6           **2. Acting as a corporate security advisor without a license from the department of**  
7 **public safety is a class A misdemeanor.**

8           **3. The director may promulgate rules to implement the provisions of this section**  
9 **under chapter 536 and section 590.190.**

10           **4. Any corporate security advisor licensed as of February 1, 2014 shall not be**  
11 **required to apply for a new license from the department until the advisor's license expires**  
12 **or is otherwise revoked.**

**Section 1. If any provision of sections 1.320, 1.322, 1.323, 1.324, 1.326, 1.327, 1.328,**  
2 **1.329, 21.750, 160.665, 571.012, 571.030, 571.101, 571.107, 571.117, 590.010, 590.200,**  
3 **590.205 or 590.207 of this act or the application thereof to anyone or to any circumstance**  
4 **is held invalid, the remainder of those sections and the application of such provisions to**  
5 **others or other circumstances shall not be affected thereby.**

**Section 2. Section 1 does not preclude the application of section 1.140 to portions**  
2 **of sections 1.320, 1.322, 1.323, 1.324, 1.326, 1.327, 1.328, 1.329, 21.750, 160.665, 571.012,**  
3 **571.030, 571.101, 571.107, 571.117, 590.010, 590.200, 590.205, or 590.207.**

          [571.080. A person commits the crime of transfer of a concealable  
2           firearm if such person violates 18 U.S.C. Section 922(b) or 18 U.S.C. Section  
3           922(x).]

**Section B. The enactment of section 1.320 shall become effective on January 1, 2017,**  
2 **or upon the revisor of statutes receiving notification that at least four other states have enacted**  
3 **into law substantially similar language as contained in section 1.320 of this act, or upon passage**  
4 **of any new federal acts, or issuance of federal executive, administrative, or court orders which**  
5 **infringe upon or curtail the right to keep and bear arms by law-abiding Missouri citizens as**  
6 **defined in section 1.320, whichever event occurs earlier.**

**Section C. Because of the need to provide for the regulation and licensure of corporate**  
2 **security advisors, the repeal and reenactment of sections 84.340 and 571.030 and the enactment**  
3 **of section 590.750 of this act is deemed necessary for the immediate preservation of the public**  
4 **health, welfare, peace and safety, and is hereby declared to be an emergency act within the**  
5 **meaning of the constitution, and the repeal and reenactment of sections 84.340 and 571.030 and**  
6 **the enactment of section 590.750 of this act shall be in full force and effect upon its passage and**  
7 **approval."**

✓