

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1540
97TH GENERAL ASSEMBLY

5464H.03C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 84.340, 301.216, 301.562, 571.030, 575.060, 575.070, 575.153, and 650.350, RSMo, and to enact in lieu thereof ten new sections relating to public safety, with penalty provisions.

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

Section A. Sections 84.340, 301.216, 301.562, 571.030, 575.060, 575.070, 575.153, and
2 650.350, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as
3 sections 84.340, 301.216, 301.562, 571.030, 575.045, 575.060, 575.070, 575.153, 590.750, and
4 650.350, to read as follows:

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.

301.216. Department investigators licensed as peace officers by the director of the
2 department of public safety under chapter 590 shall be deemed to be peace officers within the
3 state of Missouri while acting in an investigation to enforce the provisions of this chapter and
4 any provisions regarding fees, licenses, or taxes **other than taxes under chapter 143, 144, or**
5 **147** administered by the director. The power of arrest of a department investigator acting as a
6 peace officer shall be limited to offenses involving fees, licenses, taxes **other than taxes under**
7 **chapter 143, 144, or 147**, or in situations of imminent danger to the investigator or another
8 person.

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.

301.562. 1. The department may refuse to issue or renew any license required pursuant to sections 301.550 to 301.573 for any one or any combination of causes stated in subsection 2 of this section. The department shall notify the applicant or licensee in writing at his or her last known address of the reasons for the refusal to issue or renew the license and shall advise the applicant or licensee of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any license issued under sections 301.550 to 301.573 for any one or any combination of the following causes:

(1) The applicant or license holder was previously the holder of a license issued under sections 301.550 to 301.573, which license was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of suspension have not been fulfilled;

(2) The applicant or license holder was previously a partner, stockholder, director or officer controlling or managing a partnership or corporation whose license issued under sections 301.550 to 301.573 was revoked for cause and never reissued or was suspended for cause and the terms of suspension have not been fulfilled;

(3) The applicant or license holder has, within ten years prior to the date of the application, been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions, or duties of any business licensed under sections 301.550 to 301.573; for any offense, an essential element of which is fraud, dishonesty, or an act of violence; or for any offense involving moral turpitude, whether or not sentence is imposed;

(4) Use of fraud, deception, misrepresentation, or bribery in securing any license issued pursuant to sections 301.550 to 301.573;

(5) Obtaining or attempting to obtain any money, commission, fee, barter, exchange, or other compensation by fraud, deception, or misrepresentation;

(6) Violation of, or assisting or enabling any person to violate any provisions of this chapter and chapters 143, 144, 306, 307, 407, 578, and 643 or of any lawful rule or regulation adopted pursuant to this chapter and chapters 143, 144, 306, 307, 407, 578, and 643;

(7) The applicant or license holder has filed an application for a license which, as of its effective date, was incomplete in any material respect or contained any statement which was, in light of the circumstances under which it was made, false or misleading with respect to any material fact;

36 (8) The applicant or license holder has failed to pay the proper application or license fee
37 or other fees required pursuant to this chapter or chapter 306 or fails to establish or maintain a
38 bona fide place of business;

39 (9) Uses or permits the use of any special license or license plate assigned to the license
40 holder for any purpose other than those permitted by law;

41 (10) The applicant or license holder is finally adjudged insane or incompetent by a court
42 of competent jurisdiction;

43 (11) Use of any advertisement or solicitation which is false;

44 (12) Violations of sections 407.511 to 407.556, section 578.120, which resulted in a
45 conviction or finding of guilt or violation of any federal motor vehicle laws which result in a
46 conviction or finding of guilt.

47 3. Any such complaint shall be filed within one year of the date upon which the
48 department receives notice of an alleged violation of an applicable statute or regulation. After
49 the filing of such complaint, the proceedings shall, except for the matters set forth in subsection
50 5 of this section, be conducted in accordance with the provisions of chapter 621. Upon a finding
51 by the administrative hearing commission that the grounds, provided in subsection 2 of this
52 section, for disciplinary action are met, the department may, singly or in combination, refuse to
53 issue the person a license, issue a license for a period of less than two years, issue a private
54 reprimand, place the person on probation on such terms and conditions as the department deems
55 appropriate for a period of one day to five years, suspend the person's license from one day to
56 six days, or revoke the person's license for such period as the department deems appropriate. The
57 applicant or licensee shall have the right to appeal the decision of the administrative hearing
58 commission and department in the manner provided in chapter 536.

59 4. Upon the suspension or revocation of any person's license issued under sections
60 301.550 to 301.573, the department shall recall any distinctive number plates that were issued
61 to that licensee. If any licensee who has been suspended or revoked shall neglect or refuse to
62 surrender his or her license or distinctive number license plates issued under sections 301.550
63 to 301.580, the director shall direct any [agent or employee of the department or any] law
64 enforcement officer, to secure possession thereof and return such items to the director. For
65 purposes of this subsection, a "law enforcement officer" means any member of the highway
66 patrol, any sheriff or deputy sheriff, or any peace officer certified under chapter 590 acting in his
67 or her official capacity. Failure of the licensee to surrender his or her license or distinctive
68 number license plates upon demand by the director[, any agent or employee of the department,]
69 or any law enforcement officer shall be a class A misdemeanor.

70 5. Notwithstanding the foregoing provisions of this section, the following events or acts
71 by the holder of any license issued under sections 301.550 to 301.580 are deemed to present a

72 clear and present danger to the public welfare and shall be considered cause for suspension or
73 revocation of such license under the procedure set forth in subsection 6 of this section, at the
74 discretion of the director:

75 (1) The expiration or revocation of any corporate surety bond or irrevocable letter of
76 credit, as required by section 301.560, without submission of a replacement bond or letter of
77 credit which provides coverage for the entire period of licensure;

78 (2) The failure to maintain a bona fide established place of business as required by
79 section 301.560;

80 (3) Criminal convictions as set forth in subdivision (3) of subsection 2 of this section;
81 or

82 (4) Three or more occurrences of violations which have been established following
83 proceedings before the administrative hearing commission under subsection 3 of this section, or
84 which have been established following proceedings before the director under subsection 6 of this
85 section, of this chapter and chapters 143, 144, 306, 307, 578, and 643 or of any lawful rule or
86 regulation adopted under this chapter and chapters 143, 144, 306, 307, 578, and 643, not
87 previously set forth herein.

88 6. (1) Any license issued under sections 301.550 to 301.580 shall be suspended or
89 revoked, following an evidentiary hearing before the director or his or her designated hearing
90 officer, if affidavits or sworn testimony by an authorized agent of the department alleges the
91 occurrence of any of the events or acts described in subsection 5 of this section.

92 (2) For any license which the department believes may be subject to suspension or
93 revocation under this subsection, the director shall immediately issue a notice of hearing to the
94 licensee of record. The director's notice of hearing:

95 (a) Shall be served upon the licensee personally or by first class mail to the dealer's last
96 known address, as registered with the director;

97 (b) Shall be based on affidavits or sworn testimony presented to the director, and shall
98 notify the licensee that such information presented therein constitutes cause to suspend or revoke
99 the licensee's license;

100 (c) Shall provide the licensee with a minimum of ten days' notice prior to hearing;

101 (d) Shall specify the events or acts which may provide cause for suspension or revocation
102 of the license, and shall include with the notice a copy of all affidavits, sworn testimony or other
103 information presented to the director which support discipline of the license; and

104 (e) Shall inform the licensee that he or she has the right to attend the hearing and present
105 any evidence in his or her defense, including evidence to show that the event or act which may
106 result in suspension or revocation has been corrected to the director's satisfaction, and that he or
107 she may be represented by counsel at the hearing.

108 (3) At any hearing before the director conducted under this subsection, the director or
109 his or her designated hearing officer shall consider all evidence relevant to the issue of whether
110 the license should be suspended or revoked due to the occurrence of any of the acts set forth in
111 subsection 5 herein. Within twenty business days after such hearing, the director or his or her
112 designated hearing officer shall issue a written order, with findings of fact and conclusions of
113 law, which either grants or denies the issuance of an order of suspension or revocation. The
114 suspension or revocation shall be effective ten days after the date of the order. The written order
115 of the director or his or her hearing officer shall be the final decision of the director and shall be
116 subject to judicial review under the provisions of chapter 536.

117 (4) Notwithstanding the provisions of this chapter or chapter 610 or 621 to the contrary,
118 the proceedings under this section shall be closed and no order shall be made public until it is
119 final, for purposes of appeal.

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

159 (3) A certification issued by the state in which the individual resides that indicates that
160 the individual has, not less recently than one year before the date the individual is carrying the
161 concealed firearm, been tested or otherwise found by the state to meet the standards established

162 by the state for training and qualification for active peace officers to carry a firearm of the same
163 type as the concealed firearm.

575.045. 1. A person commits the crime of false identification to a law enforcement officer if such person falsely represents or identifies himself or herself as another person or as a fictitious person to a law enforcement officer upon a lawful stop or detention, or an arrest of the person, either for the purpose of evading the process of the court, or for the purpose of evading the proper identification of the person by the law enforcement officer if:

(1) The false information is given while the law enforcement officer is engaged in the performance of his or her duties as a law enforcement officer; and

(2) The person providing the false information knows or should have known that the person receiving the information is a law enforcement officer.

2. It is a defense to a prosecution under subsection 1 of this section that the actor retracted the false statement or report before the law enforcement officer or any other person took substantial action in reliance thereon.

3. The defendant shall have the burden of injecting the issue of retraction under subsection 2 of this section.

4. False identification to a law enforcement officer is a class B misdemeanor.

575.060. 1. A person commits the crime of making a false declaration if, with the purpose to mislead a public servant in the performance of his or her duty, [he] such person:

(1) Submits any written false statement, which he or she does not believe to be true

(a) In an application for any pecuniary benefit or other consideration; or

(b) On a form bearing notice, authorized by law, that false statements made therein are punishable; or

(2) Submits or invites reliance on:

(a) Any writing which he or she knows to be forged, altered or otherwise lacking in authenticity; or

(b) Any sample, specimen, map, boundary mark, or other object which he or she knows to be false; or

(3) Provides any verbal false statement regarding their identity, which he or she believes or knows not to be true.

2. The falsity of the statement or the item under subsection 1 of this section must be as to a fact which is material to the purposes for which the statement is made or the item submitted; and the provisions of subsections 2 and 3 of section 575.040 shall apply to prosecutions under subsection 1 of this section.

18 3. It is a defense to a prosecution under subsection 1 of this section that the actor
19 retracted the false statement or item but this defense shall not apply if the retraction was made
20 after:

21 (1) The falsity of the statement or item was exposed; or

22 (2) The public servant took substantial action in reliance on the statement or item.

23 4. The defendant shall have the burden of injecting the issue of retraction under
24 subsection 3 of this section.

25 5. For the purpose of this section, "written" shall include filings submitted in an
26 electronic or other format or medium approved or prescribed by the secretary of state.

27 6. Making a false declaration is a class B misdemeanor.

 575.070. No person shall be convicted of a violation of section 575.040, **575.045**,
2 575.050 or 575.060 based upon the making of a false statement except upon proof of the falsity
3 of the statement by:

4 (1) The direct evidence of two witnesses; or

5 (2) The direct evidence of one witness together with strongly corroborating
6 circumstances; or

7 (3) Demonstrative evidence which conclusively proves the falsity of the statement; or

8 (4) A directly contradictory statement by the defendant under oath together with

9 (a) The direct evidence of one witness; or

10 (b) Strongly corroborating circumstances; or

11 (5) A judicial admission by the defendant that he made the statement knowing it was
12 false. An admission, which is not a judicial admission, by the defendant that he made the
13 statement knowing it was false may constitute strongly corroborating circumstances.

 575.153. 1. A person commits the crime of disarming a peace officer, as defined in
2 section [590.100] **590.010**, or a correctional officer if such person intentionally:

3 (1) Removes a firearm [or other] , deadly weapon, **or less-lethal weapon, to include**
4 **blunt impact, chemical or conducted energy devices, used in the performance of his or her**
5 **official duties** from the person of a peace officer or correctional officer while such officer is
6 acting within the scope of his or her official duties; or

7 (2) Deprives a peace officer or correctional officer of such officer's use of a firearm [or]
8 , deadly weapon, **or any other equipment described in subdivision (1) of this subsection**
9 while the officer is acting within the scope of his or her official duties.

10 2. The provisions of this section shall not apply when:

11 (1) The defendant does not know or could not reasonably have known that the person
12 he or she disarmed was a peace officer or correctional officer; or

13 (2) The peace officer or correctional officer was engaged in an incident involving
14 felonious conduct by the peace officer or correctional officer at the time the defendant disarmed
15 such officer.

16 3. Disarming a peace officer or correctional officer is a class C felony.

**590.750. 1. The department of public safety shall have the authority to promulgate
2 rules and regulate and license all corporate security advisors. Any person acting as a
3 corporate security advisor without first obtaining the proper licensure from the
4 department of public safety shall be guilty of a misdemeanor.**

**2. Any rule or portion of a rule, as that term is defined in section 536.010, that is
6 created under the authority delegated in this section shall become effective only if it
7 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
8 section 536.028. This section and chapter 536 are nonseverable, and if any of the powers
9 vested with the general assembly under chapter 536 to review, to delay the effective date,
10 or to disapprove and annul a rule are subsequently held unconstitutional, then the grant
11 of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be
12 invalid and void.**

 650.350. 1. There is hereby created within the department of public safety the "Missouri
2 Sheriff Methamphetamine Relief Taskforce" (MoSMART). MoSMART shall be composed of
3 five sitting sheriffs **and one active member of the Missouri Deputy Sheriffs' Association.**
4 Every two years, the Missouri Sheriffs' Association board of directors will submit twenty names
5 of sitting sheriffs to the governor. The governor shall appoint five members from the list of
6 twenty names, having no more than three from any one political party, to serve a term of two
7 years on MoSMART. **Every two years the Missouri Deputy Sheriffs' Association will
8 submit five names of active members of the Missouri Deputy Sheriffs' Association to the
9 governor. The governor shall appoint one member from the list of five names to serve a
10 term of two years on MoSMART.** The members shall elect a chair from among their
11 membership. Members shall receive no compensation for the performance of their duties
12 pursuant to this section, but each member shall be reimbursed from the MoSMART fund for
13 actual and necessary expenses incurred in carrying out duties pursuant to this section.

14 2. MoSMART shall meet no less than twice each calendar year with additional meetings
15 called by the chair upon the request of at least two members. A majority of the appointed
16 members shall constitute a quorum.

17 3. A special fund is hereby created in the state treasury to be known as the "MoSMART
18 Fund". The state treasurer shall invest the moneys in such fund in the manner authorized by law.
19 All moneys received for MoSMART from interest, state, and federal moneys shall be deposited
20 to the credit of the fund. The director of the department of public safety shall distribute at least

21 fifty percent but not more than one hundred percent of the fund annually in the form of grants
22 approved by MoSMART.

23 4. Except for money deposited into the deputy sheriff salary supplementation fund
24 created under section 57.278 or money deposited into the concealed carry permit fund created
25 under subsection 5 of this section, all moneys [appropriate] **appropriated** to or received by
26 MoSMART shall be deposited and credited to the MoSMART fund. The department of public
27 safety shall only be reimbursed for actual and necessary expenses for the administration of
28 MoSMART, which shall be no less than one percent and which shall not exceed two percent of
29 all moneys appropriated to the fund, except that the department shall not receive any amount of
30 the money deposited into the deputy sheriff salary supplementation fund for administrative
31 purposes. The provisions of section 33.080 to the contrary notwithstanding, moneys in the
32 MoSMART fund shall not lapse to general revenue at the end of the biennium.

33 5. A special fund is hereby created in the state treasury to be known as the "Concealed
34 Carry Permit Fund". The state treasurer shall invest the moneys in such fund in the manner
35 authorized by law. All moneys shall be deposited to the credit of [the] **such** fund. The director
36 of the department of public safety shall annually distribute all moneys in the fund in the form of
37 grants approved by MoSMART. The department of public safety shall administer all
38 MoSMART grant deposits under this section. Grant funds deposited into the fund created under
39 this section shall be spent first to ensure county law enforcement agencies' ability to comply with
40 the issuance of concealed carry permits including, but not limited to, equipment, records
41 management hardware and software, personnel, supplies, and other services. Notwithstanding
42 the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of
43 the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall
44 invest moneys in the fund in the same manner as other funds are invested. Any interest and
45 moneys earned on such investments shall be credited to the fund.

46 6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
47 under the authority delegated in this section shall become effective only if it complies with and
48 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
49 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
50 pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule
51 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
52 proposed or adopted after August 28, 2003, shall be invalid and void.

53 7. Any county law enforcement entity or established task force with a memorandum of
54 understanding and protocol may apply for grants from the MoSMART fund on an application
55 to be developed by the department of public safety with the approval of MoSMART. All
56 applications shall be evaluated by MoSMART and approved or denied based upon the level of

57 funding designated for methamphetamine enforcement before 1997 and upon current need and
58 circumstances. No applicant shall receive a MoSMART grant in excess of one hundred thousand
59 dollars per year. The department of public safety shall monitor all MoSMART grants.

60 8. MoSMART's anti-methamphetamine funding priorities are as follows:

61 (1) Sheriffs who are participating in coordinated multijurisdictional task forces and have
62 their task forces apply for funding;

63 (2) Sheriffs whose county has been designated HIDTA counties, yet have received no
64 HIDTA or narcotics assistance program funding; and

65 (3) Sheriffs without HIDTA designations or task forces, whose application justifies the
66 need for MoSMART funds to eliminate methamphetamine labs.

67 9. MoSMART shall administer the deputy sheriff salary supplementation fund as
68 provided under section 57.278.

69 10. Beginning August 28, 2013, the department of revenue shall begin transferring any
70 records related to the issuance of a concealed carry permit to MoSMART for dissemination to
71 the sheriff of the county or city not within a county in which the applicant or permit holder
72 resides.

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