

HOUSE AMENDMENT NO. ____
TO
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Offered By

AMEND House Amendment No. ____ to House Committee Substitute for Senate Substitute No. 2
for Senate Bill No. 26, Page 1, Line 32, by inserting after all of said line the following;

"571.101. 1. All applicants for concealed carry permits issued pursuant to subsection 7 of
this section must satisfy the requirements of sections 571.101 to 571.121. If the said applicant can
show qualification as provided by sections 571.101 to 571.121, the county or city sheriff shall issue
a concealed carry permit authorizing the carrying of a concealed firearm on or about the applicant's
person or within a vehicle. A concealed carry permit shall be valid from the date of issuance or
renewal until five years from the last day of the month in which the permit was issued or renewed.
The concealed carry permit is valid throughout this state. Although the permit is considered valid in
the state, a person who fails to renew his or her permit within five years from the date of issuance or
renewal shall not be eligible for an exception to a National Instant Criminal Background Check
under federal regulations currently codified under 27 CFR 478.102(d), relating to the transfer, sale,
or delivery of firearms from licensed dealers. A concealed carry endorsement issued prior to August
28, 2013, shall continue from the date of issuance or renewal until three years from the last day of
the month in which the endorsement was issued or renewed to authorize the carrying of a concealed
firearm on or about the applicant's person or within a vehicle in the same manner as a concealed
carry permit issued under subsection 7 of this section on or after August 28, 2013.

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

(1) Is at least ~~nineteen~~ eighteen years of age, is a citizen or permanent resident of the
United States and either:

(a) Has assumed residency in this state; or

(b) Is a member of the United States Armed Forces stationed in Missouri~~;~~ or the spouse of
such member of the military;

(2) ~~Is at least nineteen years of age, or is at least eighteen years of age and a member of the
United States Armed Forces or honorably discharged from the United States Armed Forces, and is a
citizen of the United States and either:~~

~~—— (a) Has assumed residency in this state;~~

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

~~—— (c) The spouse of such member of the military stationed in Missouri and nineteen years of
age;~~

~~—— (3) Has not pled guilty to or entered a plea of nolo contendere or been convicted of a crime
punishable by imprisonment for a term exceeding one year under the laws of any state or of the~~

Action Taken _____ Date _____

United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

~~[(4)]~~ (3) Has not been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a concealed carry permit or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a concealed carry permit;

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

~~[(6)]~~ (5) Has not been discharged under dishonorable conditions from the United States Armed Forces;

~~[(7)]~~ (6) Has not engaged in a pattern of behavior, documented in public or closed records, that causes the sheriff to have a reasonable belief that the applicant presents a danger to himself or others;

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

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

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

~~[(11)]~~ (10) Is not the respondent of a valid full order of protection which is still in effect; and

~~[(12)]~~ (11) Is not otherwise prohibited from possessing a firearm under section 571.070 or 18 U.S.C. Section 922(g).

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

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

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

(3) An affirmation that the applicant is at least ~~[nineteen]~~ eighteen years of age ~~[or is eighteen years of age or older and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces];~~

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

(5) An affirmation that the applicant has not been convicted of, pled guilty to, or entered a

1 plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a
2 five-year period immediately preceding application for a permit or if the applicant has not been
3 convicted of two or more misdemeanor offenses involving driving while under the influence of
4 intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year
5 period immediately preceding application for a permit;

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

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

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

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

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

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

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

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

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

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

37 5. (1) Before an application for a concealed carry permit is approved, the sheriff shall make
38 only such inquiries as he or she deems necessary into the accuracy of the statements made in the
39 application. The sheriff may require that the applicant display a Missouri driver's license or
40 nondriver's license or military identification and orders showing the person being stationed in
41 Missouri. In order to determine the applicant's suitability for a concealed carry permit, the applicant
42 shall be fingerprinted. No other biometric data shall be collected from the applicant. The sheriff
43 shall conduct an inquiry of the National Instant Criminal Background Check System within three
44 working days after submission of the properly completed application for a concealed carry permit.
45 If no disqualifying record is identified by these checks at the state level, the fingerprints shall be
46 forwarded to the Federal Bureau of Investigation for a national criminal history record check. Upon
47 receipt of the completed report from the National Instant Criminal Background Check System and
48 the response from the Federal Bureau of Investigation national criminal history record check, the
49 sheriff shall examine the results and, if no disqualifying information is identified, shall issue a

1 concealed carry permit within three working days.

2 (2) In the event the report from the National Instant Criminal Background Check System
3 and the response from the Federal Bureau of Investigation national criminal history record check
4 prescribed by subdivision (1) of this subsection are not completed within forty-five calendar days
5 and no disqualifying information concerning the applicant has otherwise come to the sheriff's
6 attention, the sheriff shall issue a provisional permit, clearly designated on the certificate as such,
7 which the applicant shall sign in the presence of the sheriff or the sheriff's designee. This permit,
8 when carried with a valid Missouri driver's or nondriver's license or a valid military identification,
9 shall permit the applicant to exercise the same rights in accordance with the same conditions as
10 pertain to a concealed carry permit issued under this section, provided that it shall not serve as an
11 alternative to an national instant criminal background check required by 18 U.S.C. Section 922(t).
12 The provisional permit shall remain valid until such time as the sheriff either issues or denies the
13 certificate of qualification under subsection 6 or 7 of this section. The sheriff shall revoke a
14 provisional permit issued under this subsection within twenty-four hours of receipt of any report that
15 identifies a disqualifying record, and shall notify the concealed carry permit system established
16 under subsection 5 of section 650.350. The revocation of a provisional permit issued under this
17 section shall be proscribed in a manner consistent to the denial and review of an application under
18 subsection 6 of this section.

19 6. The sheriff may refuse to approve an application for a concealed carry permit if he or she
20 determines that any of the requirements specified in subsection 2 of this section have not been met,
21 or if he or she has a substantial and demonstrable reason to believe that the applicant has rendered a
22 false statement regarding any of the provisions of sections 571.101 to 571.121. If the applicant is
23 found to be ineligible, the sheriff is required to deny the application, and notify the applicant in
24 writing, stating the grounds for denial and informing the applicant of the right to submit, within
25 thirty days, any additional documentation relating to the grounds of the denial. Upon receiving any
26 additional documentation, the sheriff shall reconsider his or her decision and inform the applicant
27 within thirty days of the result of the reconsideration. The applicant shall further be informed in
28 writing of the right to appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114.
29 After two additional reviews and denials by the sheriff, the person submitting the application shall
30 appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114.

31 7. If the application is approved, the sheriff shall issue a concealed carry permit to the
32 applicant within a period not to exceed three working days after his or her approval of the
33 application. The applicant shall sign the concealed carry permit in the presence of the sheriff or his
34 or her designee.

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

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

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

39 (3) The date of issuance; and

40 (4) The expiration date.

41
42 The permit shall be no larger than two and one-eighth inches wide by three and three-eighths inches
43 long and shall be of a uniform style prescribed by the department of public safety. The permit shall
44 also be assigned a concealed carry permit system county code and shall be stored in sequential
45 number.

46 9. (1) The sheriff shall keep a record of all applications for a concealed carry permit or a
47 provisional permit and his or her action thereon. Any record of an application that is incomplete or
48 denied for any reason shall be kept for a period not to exceed one year. Any record of an application
49 that was approved shall be kept for a period of one year after the expiration and nonrenewal of the

1 permit.

2 (2) The sheriff shall report the issuance of a concealed carry permit or provisional permit to
3 the concealed carry permit system. All information on any such permit that is protected information
4 on any driver's or nondriver's license shall have the same personal protection for purposes of
5 sections 571.101 to 571.121. An applicant's status as a holder of a concealed carry permit,
6 provisional permit, or a concealed carry endorsement issued prior to August 28, 2013, shall not be
7 public information and shall be considered personal protected information. Information retained in
8 the concealed carry permit system under this subsection shall not be distributed to any federal, state,
9 or private entities and shall only be made available for a single entry query of an individual in the
10 event the individual is a subject of interest in an active criminal investigation or is arrested for a
11 crime. A sheriff may access the concealed carry permit system for administrative purposes to issue
12 a permit, verify the accuracy of permit holder information, change the name or address of a permit
13 holder, suspend or revoke a permit, cancel an expired permit, or cancel a permit upon receipt of a
14 certified death certificate for the permit holder. Any person who violates the provisions of this
15 subdivision by disclosing protected information shall be guilty of a class A misdemeanor.

16 10. Information regarding any holder of a concealed carry permit, or a concealed carry
17 endorsement issued prior to August 28, 2013, is a closed record. No bulk download or batch data
18 shall be distributed to any federal, state, or private entity, except to MoSMART or a designee
19 thereof. Any state agency that has retained any documents or records, including fingerprint records
20 provided by an applicant for a concealed carry endorsement prior to August 28, 2013, shall destroy
21 such documents or records, upon successful issuance of a permit.

22 11. For processing an application for a concealed carry permit pursuant to sections 571.101
23 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed one hundred
24 dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.
25 This fee shall include the cost to reimburse the Missouri state highway patrol for the costs of
26 fingerprinting and criminal background checks. An additional fee shall be added to each credit card,
27 debit card, or other electronic transaction equal to the charge paid by the state or the applicant for
28 the use of the credit card, debit card, or other electronic payment method by the applicant.

29 12. For processing a renewal for a concealed carry permit pursuant to sections 571.101 to
30 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed fifty dollars
31 which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

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

36 14. For the purposes of this chapter, "concealed carry permit" shall include any concealed
37 carry endorsement issued by the department of revenue before January 1, 2014, and any concealed
38 carry document issued by any sheriff or under the authority of any sheriff after December 31,
39 2013."; and

40
41 Further amend said amendment, Page 3, Lines 42 to 47, by deleting all of the said lines and inserting
42 in lieu thereof the following:

43
44 ~~(14) [Any church or other place of religious worship without the consent of the minister or~~
45 ~~person or persons representing the religious organization that exercises control over the place of~~
46 ~~religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal~~
47 ~~offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on~~
48 ~~the premises;~~

49 ~~———(15)] "; and~~

1 Further amend said amendment, Page 4, Line 12, by deleting the phrase "(16)" and inserting in lieu
2 thereof the following "~~(16)~~ (15)" ; and
3

4 Further amend said amendment and page, Line 15, by deleting the phrase "(17)" and inserting in lieu
5 thereof the following "~~(17)~~ (16) "; and
6

7 Further amend said bill by amending the title, enacting clause, and intersectional references
8 accordingly.
9

10 THIS AMENDS AMENDMENT 0828H05.51H