

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

**Offered By**

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill  
2 Nos. 189, 36 & 37, Page 12, Section 307.175, Line 54, by inserting after all of said section and line the  
3 following:  
4

5 "455.050. 1. Any full or ex parte order of protection granted pursuant to sections 455.010 to 455.085  
6 shall be to protect the petitioner from domestic violence, stalking, or sexual assault and may include such  
7 terms as the court reasonably deems necessary to ensure the petitioner's safety, including but not limited to:

8 (1) Temporarily enjoining the respondent from committing or threatening to commit domestic  
9 violence, molesting, stalking, sexual assault, or disturbing the peace of the petitioner, including violence  
10 against a pet;

11 (2) Temporarily enjoining the respondent from entering the premises of the dwelling unit of the  
12 petitioner when the dwelling unit is:

13 (a) Jointly owned, leased or rented or jointly occupied by both parties; or

14 (b) Owned, leased, rented or occupied by petitioner individually; or

15 (c) Jointly owned, leased, rented or occupied by petitioner and a person other than respondent;  
16 provided, however, no spouse shall be denied relief pursuant to this section by reason of the absence of a  
17 property interest in the dwelling unit; or

18 (d) Jointly occupied by the petitioner and a person other than respondent; provided that the  
19 respondent has no property interest in the dwelling unit; or

20 (3) Temporarily enjoining the respondent from communicating with the petitioner in any manner or  
21 through any medium.

22 2. Mutual orders of protection are prohibited unless both parties have properly filed written petitions  
23 and proper service has been made in accordance with sections 455.010 to 455.085.

24 3. When the court has, after a hearing for any full order of protection, issued an order of protection, it  
25 may, in addition:

26 (1) Award custody of any minor child born to or adopted by the parties when the court has  
27 jurisdiction over such child and no prior order regarding custody is pending or has been made, and the best  
28 interests of the child require such order be issued;

29 (2) Establish a visitation schedule that is in the best interests of the child;

30 (3) Award child support in accordance with supreme court rule 88.01 and chapter 452;

31 (4) Award maintenance to petitioner when petitioner and respondent are lawfully married in

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 accordance with chapter 452;

2 (5) Order respondent to make or to continue to make rent or mortgage payments on a residence  
3 occupied by the petitioner if the respondent is found to have a duty to support the petitioner or other  
4 dependent household members;

5 (6) Order the respondent to pay the petitioner's rent at a residence other than the one previously  
6 shared by the parties if the respondent is found to have a duty to support the petitioner and the petitioner  
7 requests alternative housing;

8 (7) Order that the petitioner be given temporary possession of specified personal property, such as  
9 automobiles, checkbooks, keys, and other personal effects;

10 (8) Prohibit the respondent from transferring, encumbering, or otherwise disposing of specified  
11 property mutually owned or leased by the parties;

12 (9) Order the respondent to participate in a court-approved counseling program designed to help  
13 batterers stop violent behavior or to participate in a substance abuse treatment program;

14 (10) Order the respondent to pay a reasonable fee for housing and other services that have been  
15 provided or that are being provided to the petitioner by a shelter for victims of domestic violence;

16 (11) Order the respondent to pay court costs;

17 (12) Order the respondent to pay the cost of medical treatment and services that have been provided  
18 or that are being provided to the petitioner as a result of injuries sustained to the petitioner by an act of  
19 domestic violence committed by the respondent;

20 (13) Award possession and care of any pet, along with any moneys necessary to cover medical costs  
21 that may have resulted from abuse of the pet.

22 4. If, after a hearing for any full order of protection, the court issues an order of protection, the court  
23 may also:

24 (1) Prohibit the respondent from knowingly possessing or purchasing any firearm while the order is  
25 in effect;

26 (2) Inform the respondent of such prohibition in writing and, if the respondent is present, orally; and

27 (3) Forward the order to the Missouri state highway patrol so that the Missouri state highway patrol  
28 can update the respondent's record in the National Instant Criminal Background Check System (NICS).

29 Upon receiving an order under this subsection, the Missouri state highway patrol shall notify the Federal  
30 Bureau of Investigation within twenty-four hours.

31 5. A verified petition seeking orders for maintenance, support, custody, visitation, payment of rent,  
32 payment of monetary compensation, possession of personal property, prohibiting the transfer, encumbrance,  
33 or disposal of property, or payment for services of a shelter for victims of domestic violence, shall contain  
34 allegations relating to those orders and shall pray for the orders desired.

35 [5-] 6. In making an award of custody, the court shall consider all relevant factors including the  
36 presumption that the best interests of the child will be served by placing the child in the custody and care of  
37 the nonabusive parent, unless there is evidence that both parents have engaged in abusive behavior, in which  
38 case the court shall not consider this presumption but may appoint a guardian ad litem or a court-appointed  
39 special advocate to represent the children in accordance with chapter 452 and shall consider all other factors

1 in accordance with chapter 452.

2 [6-] 7. The court shall grant to the noncustodial parent rights to visitation with any minor child born  
3 to or adopted by the parties, unless the court finds, after hearing, that visitation would endanger the child's  
4 physical health, impair the child's emotional development or would otherwise conflict with the best interests  
5 of the child, or that no visitation can be arranged which would sufficiently protect the custodial parent from  
6 further domestic violence. The court may appoint a guardian ad litem or court-appointed special advocate to  
7 represent the minor child in accordance with chapter 452 whenever the custodial parent alleges that visitation  
8 with the noncustodial parent will damage the minor child.

9 [7-] 8. The court shall make an order requiring the noncustodial party to pay an amount reasonable  
10 and necessary for the support of any child to whom the party owes a duty of support when no prior order of  
11 support is outstanding and after all relevant factors have been considered, in accordance with Missouri  
12 supreme court rule 88.01 and chapter 452.

13 [8-] 9. The court may grant a maintenance order to a party for a period of time, not to exceed one  
14 hundred eighty days. Any maintenance ordered by the court shall be in accordance with chapter 452.

15 [9-] 10. (1) The court may, in order to ensure that a petitioner can maintain an existing wireless  
16 telephone number or numbers, issue an order, after notice and an opportunity to be heard, directing a wireless  
17 service provider to transfer the billing responsibility for and rights to the wireless telephone number or  
18 numbers to the petitioner, if the petitioner is not the wireless service accountholder.

19 (2) (a) The order transferring billing responsibility for and rights to the wireless telephone number  
20 or numbers to the petitioner shall list the name and billing telephone number of the accountholder, the name  
21 and contact information of the person to whom the telephone number or numbers will be transferred, and  
22 each telephone number to be transferred to that person. The court shall ensure that the contact information of  
23 the petitioner is not provided to the accountholder in proceedings held under this chapter.

24 (b) Upon issuance, a copy of the full order of protection shall be transmitted, either electronically or  
25 by certified mail, to the wireless service provider's registered agent listed with the secretary of state, or  
26 electronically to the email address provided by the wireless service provider. Such transmittal shall constitute  
27 adequate notice for the wireless service provider acting under this section and section 455.523.

28 (c) If the wireless service provider cannot operationally or technically effectuate the order due to  
29 certain circumstances, the wireless service provider shall notify the petitioner within three business days.  
30 Such circumstances shall include, but not be limited to, the following:

- 31 a. The accountholder has already terminated the account;  
32 b. The differences in network technology prevent the functionality of a device on the network; or  
33 c. There are geographic or other limitations on network or service availability.

34 (3) (a) Upon transfer of billing responsibility for and rights to a wireless telephone number or  
35 numbers to the petitioner under this subsection by a wireless service provider, the petitioner shall assume all  
36 financial responsibility for the transferred wireless telephone number or numbers, monthly service costs, and  
37 costs for any mobile device associated with the wireless telephone number or numbers.

38 (b) This section shall not preclude a wireless service provider from applying any routine and  
39 customary requirements for account establishment to the petitioner as part of this transfer of billing

responsibility for a wireless telephone number or numbers and any devices attached to that number or numbers including, but not limited to, identification, financial information, and customer preferences.

(4) This section shall not affect the ability of the court to apportion the assets and debts of the parties as provided for in law, or the ability to determine the temporary use, possession, and control of personal property.

(5) No cause of action shall lie against any wireless service provider, its officers, employees, or agents, for actions taken in accordance with the terms of a court order issued under this section.

(6) As used in this section and section 455.523, a "wireless service provider" means a provider of commercial mobile service under Section 332(d) of the federal ~~[Telecommunications]~~ Communications Act of ~~[1996]~~ 1934 (47 U.S.C. Section ~~[151, et seq.]~~ 332).

455.523. 1. Any full order of protection granted under sections 455.500 to 455.538 shall be to protect the victim from domestic violence, including danger to the child's pet, stalking, and sexual assault may include such terms as the court reasonably deems necessary to ensure the petitioner's safety, including but not limited to:

(1) Temporarily enjoining the respondent from committing domestic violence or sexual assault, threatening to commit domestic violence or sexual assault, stalking, molesting, or disturbing the peace of the victim;

(2) Temporarily enjoining the respondent from entering the family home of the victim, except as specifically authorized by the court;

(3) Temporarily enjoining the respondent from communicating with the victim in any manner or through any medium, except as specifically authorized by the court.

2. If, after a hearing for any full order of protection, the court issues an order of protection, the court may also:

(1) Prohibit the respondent from knowingly possessing or purchasing any firearm while the order is in effect;

(2) Inform the respondent of such prohibition in writing and, if the respondent is present, orally; and

(3) Forward the order to the Missouri state highway patrol so that the Missouri state highway patrol can update the respondent's record in the National Instant Criminal Background Check System (NICS).

Upon receiving an order under this subsection, the Missouri state highway patrol shall notify the Federal Bureau of Investigation within twenty-four hours.

3. When the court has, after hearing for any full order of protection, issued an order of protection, it may, in addition:

(1) Award custody of any minor child born to or adopted by the parties when the court has jurisdiction over such child and no prior order regarding custody is pending or has been made, and the best interests of the child require such order be issued;

(2) Award visitation;

(3) Award child support in accordance with supreme court rule 88.01 and chapter 452;

(4) Award maintenance to petitioner when petitioner and respondent are lawfully married in accordance with chapter 452;

1 (5) Order respondent to make or to continue to make rent or mortgage payments on a residence  
2 occupied by the victim if the respondent is found to have a duty to support the victim or other dependent  
3 household members;

4 (6) Order the respondent to participate in a court-approved counseling program designed to help stop  
5 violent behavior or to treat substance abuse;

6 (7) Order the respondent to pay, to the extent that he or she is able, the costs of his or her treatment,  
7 together with the treatment costs incurred by the victim;

8 (8) Order the respondent to pay a reasonable fee for housing and other services that have been  
9 provided or that are being provided to the victim by a shelter for victims of domestic violence;

10 (9) Order a wireless service provider, in accordance with the process, provisions, and requirements  
11 set out in subdivisions (1) to (6) of subsection 9 of section 455.050, to transfer the billing responsibility for  
12 and rights to the wireless telephone number or numbers of any minor children in the petitioner's care to the  
13 petitioner, if the petitioner is not the wireless service account holder;

14 (10) Award possession and care of any pet, along with any moneys necessary to cover medical costs  
15 that may have resulted from abuse of the pet."; and  
16

17 Further amend said bill, Page 26, Section 565.003, Line 12, by inserting after all of the said section and line  
18 the following:  
19

20 "565.076. 1. A person commits the offense of domestic assault in the fourth degree if the act  
21 involves a domestic victim, as the term "domestic victim" is defined under section 565.002, and:

22 (1) The person attempts to cause or recklessly causes physical injury, physical pain, or illness to such  
23 domestic victim;

24 (2) With criminal negligence the person causes physical injury to such domestic victim by means of  
25 a deadly weapon or dangerous instrument;

26 (3) The person purposely places such domestic victim in apprehension of immediate physical injury  
27 by any means;

28 (4) The person recklessly engages in conduct which creates a substantial risk of death or serious  
29 physical injury to such domestic victim;

30 (5) The person knowingly causes physical contact with such domestic victim knowing he or she will  
31 regard the contact as offensive; or

32 (6) The person knowingly attempts to cause or causes the isolation of such domestic victim by  
33 unreasonably and substantially restricting or limiting his or her access to other persons, telecommunication  
34 devices or transportation for the purpose of isolation.

35 2. The offense of domestic assault in the fourth degree is a class A misdemeanor, unless the person  
36 has previously been found guilty of the offense of domestic assault, of any assault offense under this chapter,  
37 or of any offense against a domestic victim committed in violation of any county or municipal ordinance in  
38 any state, any state law, any federal law, or any military law which if committed in this state two or more  
39 times would be a violation of this section, in which case it is a class E felony. The offenses described in this

subsection may be against the same domestic victim or against different domestic victims.

3. Upon a person's conviction for the offense of domestic assault in the fourth degree, the court shall forward the record of conviction to the Missouri state highway patrol so that the Missouri state highway patrol can update the respondent's record in the National Instant Criminal Background Check System (NICS). Upon receiving a record under this subsection, the Missouri state highway patrol shall notify the Federal Bureau of Investigation within twenty-four hours.

565.227. 1. A person commits the offense of stalking in the second degree if he or she purposely, through his or her course of conduct, disturbs, or follows with the intent to disturb another person.

2. This section shall not apply to activities of federal, state, county, or municipal law enforcement officers conducting investigations of any violation of federal, state, county, or municipal law.

3. Any law enforcement officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this section.

4. The offense of stalking in the second degree is a class A misdemeanor, unless the defendant has previously been found guilty of a violation of this section or section 565.225, or of any offense committed in another jurisdiction which, if committed in this state, would be chargeable or indictable as a violation of any offense listed in this section or section 565.225, or unless the victim is intentionally targeted as a law enforcement officer, as defined in section 556.061, or the victim is targeted because he or she is a relative within the second degree of consanguinity or affinity to a law enforcement officer, in which case stalking in the second degree is a class E felony.

5. Upon a person's conviction for the offense of stalking in the second degree, the court shall forward the record of conviction to the Missouri state highway patrol so that the Missouri state highway patrol can update the respondent's record in the National Instant Criminal Background Check System (NICS). Upon receiving a record under this subsection, the Missouri state highway patrol shall notify the Federal Bureau of Investigation within twenty-four hours."; and

Further amend said bill, Page 37, Section 571.015, Line 30, by inserting after all of the said section and line the following:

"571.030. 1. A person commits the offense of unlawful use of weapons, except as otherwise provided by sections 571.101 to 571.121, if he or she knowingly:

(1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use into any area where firearms are restricted under section 571.107; or

(2) Sets a spring gun; or

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

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

(5) Has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or

1 unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense; or

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

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

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

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

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

16 (11) Possesses a firearm while also knowingly in possession of a controlled substance that is  
17 sufficient for a felony violation of section 579.015; or

18 (12) Carries upon or about his or her person a firearm if the person is under twenty-one years of age.

19 2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the persons  
20 described in this subsection, regardless of whether such uses are reasonably associated with or are necessary  
21 to the fulfillment of such person's official duties except as otherwise provided in this subsection.

22 Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section shall not apply to or affect any of the  
23 following persons, when such uses are reasonably associated with or are necessary to the fulfillment of such  
24 person's official duties, except as otherwise provided in this subsection:

25 (1) All state, county and municipal peace officers who have completed the training required by the  
26 police officer standards and training commission pursuant to sections 590.030 to 590.050 and who possess  
27 the duty and power of arrest for violation of the general criminal laws of the state or for violation of  
28 ordinances of counties or municipalities of the state, whether such officers are on or off duty, and whether  
29 such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired peace  
30 officers, as defined in subsection 12 of this section, and who carry the identification defined in subsection 13  
31 of this section, or any person summoned by such officers to assist in making arrests or preserving the peace  
32 while actually engaged in assisting such officer;

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

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

36 (4) Those persons vested by Article V, Section 1 of the Constitution of Missouri with the judicial  
37 power of the state and those persons vested by Article III of the Constitution of the United States with the  
38 judicial power of the United States, the members of the federal judiciary;

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

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

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

(8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the department of public safety under section 590.750;

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

(10) Any municipal or county prosecuting attorney or assistant prosecuting attorney; circuit attorney or assistant circuit attorney; municipal, associate, or circuit judge; or any person appointed by a court to be a special prosecutor who has completed the firearms safety training course required under subsection 2 of section 571.111;

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

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

3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply to any person [~~nineteen~~] twenty-one years of age or older or eighteen years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event. Subdivision (12) of subsection 1 of this section does not apply to any person who is in the lawful pursuit of game; who is acting in his or her capacity as a member of the United States Armed Forces or a law enforcement agency; who is in his or her dwelling unit or upon premises over which the person has possession, authority, or control; who is traveling in a continuous journey peaceably through this state; or who 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. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any person who has a valid concealed carry permit issued pursuant to sections 571.101 to 571.121, a valid concealed carry



1 endorsement issued before August 28, 2013, or a valid permit or endorsement to carry concealed firearms  
2 issued by another state or political subdivision of another state.

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

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

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

17 8. A person who commits the crime of unlawful use of weapons under:

18 (1) Subdivision (2), (3), (4), or (11) of subsection 1 of this section shall be guilty of a class E felony;

19 (2) Subdivision (1), (6), (7), or (8) of subsection 1 of this section shall be guilty of a class B  
20 misdemeanor, except when a concealed weapon is carried onto any private property whose owner has posted  
21 the premises as being off-limits to concealed firearms by means of one or more signs displayed in a  
22 conspicuous place of a minimum size of eleven inches by fourteen inches with the writing thereon in letters  
23 of not less than one inch, in which case the penalties of subsection 2 of section 571.107 shall apply;

24 (3) Subdivision (5) [or] (10), or (12) of subsection 1 of this section shall be guilty of a class A  
25 misdemeanor if the firearm is unloaded and a class E felony if the firearm is loaded;

26 (4) Subdivision (9) of subsection 1 of this section shall be guilty of a class B felony, except that if  
27 the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is  
28 a class A felony.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Further amend said bill, Page 37, Section 571.031, Line 29, by inserting after all of the said section and line the following :

1 "571.060. 1. A person commits the offense of unlawful transfer of weapons if he or she:

2 (1) Knowingly sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to  
3 any person who, under the provisions of section 571.070, is not lawfully entitled to possess such;

4 (2) Knowingly sells, leases, loans, gives away or delivers a blackjack to a person less than eighteen  
5 years old without the consent of the child's custodial parent or guardian, or recklessly, as defined in section  
6 562.016, sells, leases, loans, gives away or delivers any firearm to a person less than eighteen years old  
7 without the consent of the child's custodial parent or guardian; provided, that this does not prohibit the  
8 delivery of such weapons to any peace officer or member of the United States Armed Forces or National  
9 Guard while performing his or her official duty; [or]

10 (3) Recklessly, as defined in section 562.016, sells, leases, loans, gives away or delivers a firearm or  
11 ammunition for a firearm to a person who is intoxicated; or

12 (4) Knowingly sells, leases, loans, gives away or delivers an AR-15 rifle to any person, provided that  
13 this does not prohibit the delivery of such firearm to any peace officer or member of the United States Armed  
14 Forces or National Guard while performing his or her official duty.

15 2. A person commits the offense of unlawful transfer of weapons if he or she knowingly buys or  
16 receives an AR-15 rifle, provided that this does not prohibit the acceptance of such firearm by any peace  
17 officer or member of the United States Armed Forces or National Guard while performing his or her official  
18 duty.

19 3. For purposes of this section, an "AR-15 rifle" means any repeating rifle whose action mechanism  
20 automatically loads ammunition into the chamber and prepares it for subsequent firing but requires a shooter  
21 to manually discharge each shot.

22 4. Unlawful transfer of weapons under subdivision (1) of subsection 1 of this section is a class E  
23 felony; unlawful transfer of weapons under [subdivisions] subdivision (2) [and], (3), or (4) of subsection 1 of  
24 this section or under subsection 2 of this section is a class A misdemeanor."; and

25  
26 Further amend said bill, Pages 38, Section 571.070, lines 7 to 12, by deleting all of the said lines and inserting  
27 in lieu thereof the following:

28 "condition, or is currently adjudged mentally incompetent;

29 (3) Such person has been convicted of a misdemeanor offense of domestic violence under the laws  
30 of this state, or of a crime under the laws of any state or of the United States that if committed in this state  
31 would be a misdemeanor offense of domestic violence; or

32 (4) Such person is subject to an order of protection granted under sections 455.010 to 455.095 or  
33 sections 455.500 to 455.538 that was issued after a hearing of which the person had actual notice and at  
34 which the person had an opportunity to participate or such person is subject to an equivalent order issued  
35 under the laws of another state or the United States.

36 2. Unlawful possession of a firearm is a class D felony, unless a person has been convicted of a  
37 dangerous felony as defined in section 556.061, in which case it is a class C felony.

38 3. The provisions of subdivision (1) of subsection 1 of this section shall not apply to the possession  
39 of an antique firearm.

4. As used in this section, the following terms mean:

(1) "Family or household member", the same meaning as such term is defined under section 455.010;

(2) "Misdemeanor offense of domestic violence":

(a) Domestic assault in the fourth degree under section 565.076;

(b) Stalking in the second degree under section 565.227; or

(c) Any misdemeanor offense committed by a family or household member of the victim that involves the use or attempted use of physical force or the threatened use of a deadly weapon.

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 a permanent resident of the United States, is at least ~~[nineteen]~~ twenty-one 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 Armed Forces stationed in Missouri, or the spouse of such member of the military;

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

(a) Has assumed residency in this state; or

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

~~[(e)] 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 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) 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) 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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 5. (1) Before an application for a concealed carry permit is approved, the sheriff shall make only  
16 such inquiries as he or she deems necessary into the accuracy of the statements made in the application. The  
17 sheriff may require that the applicant display a Missouri driver's license or nondriver's license or military  
18 identification and orders showing the person being stationed in Missouri. In order to determine the  
19 applicant's suitability for a concealed carry permit, the applicant shall be fingerprinted. No other biometric  
20 data shall be collected from the applicant. The sheriff shall conduct an inquiry of the National Instant  
21 Criminal Background Check System within three working days after submission of the properly completed  
22 application for a concealed carry permit. If no disqualifying record is identified by these checks at the state  
23 level, the fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal history  
24 record check. Upon receipt of the completed report from the National Instant Criminal Background Check  
25 System and the response from the Federal Bureau of Investigation national criminal history record check, the  
26 sheriff shall examine the results and, if no disqualifying information is identified, shall issue a concealed  
27 carry permit within three working days.

28 (2) In the event the report from the National Instant Criminal Background Check System and the  
29 response from the Federal Bureau of Investigation national criminal history record check prescribed by  
30 subdivision (1) of this subsection are not completed within forty-five calendar days and no disqualifying  
31 information concerning the applicant has otherwise come to the sheriff's attention, the sheriff shall issue a  
32 provisional permit, clearly designated on the certificate as such, which the applicant shall sign in the presence  
33 of the sheriff or the sheriff's designee. This permit, when carried with a valid Missouri driver's or nondriver's  
34 license or a valid military identification, shall permit the applicant to exercise the same rights in accordance  
35 with the same conditions as pertain to a concealed carry permit issued under this section, provided that it shall  
36 not serve as an alternative to an national instant criminal background check required by 18 U.S.C. Section  
37 922(t). The provisional permit shall remain valid until such time as the sheriff either issues or denies the  
38 certificate of qualification under subsection 6 or 7 of this section. The sheriff shall revoke a provisional  
39 permit issued under this subsection within twenty-four hours of receipt of any report that identifies a  
40 disqualifying record, and shall notify the concealed carry permit system established under subsection 5 of  
41 section 650.350. The revocation of a provisional permit issued under this section shall be proscribed in a  
42 manner consistent to the denial and review of an application under subsection 6 of this section.

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

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

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

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

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

8           (3) The date of issuance; and

9           (4) The expiration date.

10  
11 The permit shall be no larger than two and one-eighth inches wide by three and three-eighths inches long and  
12 shall be of a uniform style prescribed by the department of public safety. The permit shall also be assigned a  
13 concealed carry permit system county code and shall be stored in sequential number.

14           9. (1) The sheriff shall keep a record of all applications for a concealed carry permit or a provisional  
15 permit and his or her action thereon. Any record of an application that is incomplete or denied for any reason  
16 shall be kept for a period not to exceed one year. Any record of an application that was approved shall be  
17 kept for a period of one year after the expiration and nonrenewal of the permit.

18           (2) The sheriff shall report the issuance of a concealed carry permit or provisional permit to the  
19 concealed carry permit system. All information on any such permit that is protected information on any  
20 driver's or nondriver's license shall have the same personal protection for purposes of sections 571.101 to  
21 571.121. An applicant's status as a holder of a concealed carry permit, provisional permit, or a concealed  
22 carry endorsement issued prior to August 28, 2013, shall not be public information and shall be considered  
23 personal protected information. Information retained in the concealed carry permit system under this  
24 subsection shall not be distributed to any federal, state, or private entities and shall only be made available for  
25 a single entry query of an individual in the event the individual is a subject of interest in an active criminal  
26 investigation or is arrested for a crime. A sheriff may access the concealed carry permit system for  
27 administrative purposes to issue a permit, verify the accuracy of permit holder information, change the name  
28 or address of a permit holder, suspend or revoke a permit, cancel an expired permit, or cancel a permit upon  
29 receipt of a certified death certificate for the permit holder. Any person who violates the provisions of this  
30 subdivision by disclosing protected information shall be guilty of a class A misdemeanor.

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

37           11. For processing an application for a concealed carry permit pursuant to sections 571.101 to  
38 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed one hundred dollars which  
39 shall be paid to the treasury of the county to the credit of the sheriff's revolving fund. This fee shall include  
40 the cost to reimburse the Missouri state highway patrol for the costs of fingerprinting and criminal  
41 background checks. An additional fee shall be added to each credit card, debit card, or other electronic  
42 transaction equal to the charge paid by the state or the applicant for the use of the credit card, debit card, or  
43 other electronic payment method by the applicant.

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

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

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

53           571.117. 1. Any person who has knowledge that another person, who was issued a concealed carry

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

7  
 8 SMALL CLAIMS COURT

9 In the Circuit Court of \_\_\_\_\_, Missouri

10 \_\_\_\_\_, PLAINTIFF

11 \_\_\_\_\_)

12 \_\_\_\_\_)

13 vs. \_\_\_\_\_ Case Number \_\_\_\_\_

14 \_\_\_\_\_)

15 \_\_\_\_\_, DEFENDANT,

16 Carry Permit or Endorsement Holder

17 \_\_\_\_\_, DEFENDANT,

18 Sheriff of Issuance

19 PETITION FOR REVOCATION OF A

20 CONCEALED CARRY PERMIT OR CONCEALED CARRY ENDORSEMENT

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

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

28 ☐ Defendant is not at least nineteen years of age or at least eighteen years of age and a member  
 29 of the United States Armed Forces or honorably discharged from the United States Armed Forces.

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

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

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

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

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

50 ☐ Defendant has been discharged under dishonorable conditions from the United States Armed  
 51 Forces.

52 ☐ Defendant is reasonably believed by the sheriff to be a danger to self or others based on



1 previous, documented pattern.

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

7 ☐ Defendant failed to submit a completed application for a concealed carry permit issued  
8 pursuant to sections 571.101 to 571.121, RSMo, or a concealed carry endorsement issued prior to August 28,  
9 2013.

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

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

16 ☐ Defendant is otherwise disqualified from possessing a firearm pursuant to 18 U.S.C. Section  
17 922(g) or section 571.070, RSMo, because (specify reason):  
18

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

22 \_\_\_\_\_, PLAINTIFF  
23

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

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

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

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

48 571.201. 1. As used in this section and section 571.202, the following terms mean:

49 (1) "Central repository", the same meaning as defined under section 43.500;

50 (2) "Law enforcement officer", any individual employed by the United States or by a state, county,  
51 city, municipality, village, township, or other political subdivision as a police officer or peace officer or in a

1 similar position that involves the enforcement of the law and protection of the public interest;

2 (3) "Licensed dealer", a person who has a valid federal firearms dealer license and all additional  
 3 licenses required by state or local law to engage in the business of selling or transferring firearms;

4 (4) "Person", any individual, corporation, company, association, firm, partnership, club,  
 5 organization, society, joint stock company, or other entity;

6 (5) "Transferee", a person who desires to receive or acquire a firearm from a transferor. If a  
 7 transferee is not a natural person, each natural person who is authorized by the transferee to possess the  
 8 firearm after the transfer shall be deemed the transferee and subject to the requirements of this section.

9 2. Any person who is not a licensed dealer, before transferring or attempting to transfer possession of  
 10 a firearm, shall require that a background check be conducted on the prospective transferee and shall obtain  
 11 approval of the transfer from the central repository after a background check. A person who is not a licensed  
 12 dealer shall arrange for either a licensed dealer or law enforcement agency to obtain the background check.

13 3. (1) A licensed dealer who obtains a background check on a prospective transferee shall record the  
 14 transfer and retain the records in the same manner and for the same duration as required under 18 U.S.C.  
 15 Section 923(g).

16 (2) A licensed dealer or law enforcement agency that obtains a background check for a prospective  
 17 firearm transferor shall provide the firearm transferor and transferee a copy of the results of the background  
 18 check, including the central repository approval or disapproval of the transfer.

19 (3) A licensed dealer or law enforcement agency may charge a fee for conducting a background  
 20 check, which shall not exceed twenty-five dollars or the cost of conducting the background check, whichever  
 21 is greater.

22 4. (1) A prospective firearm transferee shall not accept possession of a firearm unless the  
 23 prospective firearm transferor has obtained approval of the transfer from the central repository after a  
 24 background check.

25 (2) A prospective firearm transferee shall not knowingly provide false information to a prospective  
 26 firearm transferor or to a licensed dealer for the purpose of acquiring a firearm.

27 5. If the central repository approves a transfer of a firearm pursuant to this section, the approval shall  
 28 be valid for thirty calendar days, during which time the transferor and transferee may complete the transfer.

29 6. The provisions of this section shall not apply to:

30 (1) A transfer of an antique firearm, as defined in 18 U.S.C. Section 921, as amended, or a curio or  
 31 relic, as defined in 27 CFR 478, as amended;

32 (2) A transfer that is a bona fide gift or loan between immediate family members, which shall be  
 33 limited to spouses, parents, children, siblings, grandparents, grandchildren, nieces, nephews, first cousins,  
 34 aunts, and uncles;

35 (3) A transfer that occurs by operation of law or because of the death of a person for whom the  
 36 prospective transferor is an executor or administrator of an estate or a trustee of a trust created in a will;

37 (4) A transfer that is temporary and occurs while in the home of the unlicensed transferee if:

38 (a) The unlicensed transferee is not prohibited from possessing firearms; and

39 (b) The unlicensed transferee reasonably believes that possession of the firearm is necessary to

1 prevent imminent death or serious bodily injury to the unlicensed transferee;

2 (5) A temporary transfer of possession without transfer of ownership or a title to ownership, which  
 3 transfer takes place:

4 (a) At a shooting range located in or on premises owned or occupied by a duly incorporated  
 5 organization organized for conservation purposes or to foster proficiency in firearms;

6 (b) At a target firearm shooting competition under the auspices of, or approved by, a state agency or  
 7 a nonprofit organization; or

8 (c) While hunting, fishing, target shooting, or trapping if:

9 a. The hunting, fishing, target shooting, or trapping is legal in all places where the unlicensed  
 10 transferee possesses the firearm; and

11 b. The unlicensed transferee holds any license or permit that is required for such hunting, fishing,  
 12 target shooting, or trapping;

13 (6) Any temporary transfer that occurs while in the continuous presence of the owner of the firearm;

14 (7) Any law enforcement or corrections agency, or law enforcement or corrections officer acting  
 15 within the course and scope of his or her employment or official duties;

16 (8) A United States marshal, member of the United States Armed Forces or the National Guard, or a  
 17 federal official transferring or receiving a firearm as required in the operation of his or her official duties;

18 (9) A gunsmith who receives a firearm solely for the purposes of service or repair or the return of the  
 19 firearm to its owner by the gunsmith;

20 (10) A common carrier, warehouseman, or other person engaged in the business of transportation or  
 21 storage, to the extent that the receipt of any firearm is in the ordinary course of business and not for the  
 22 personal use of any such person; or

23 (11) A person who transfers a firearm to a relative who is related within the first degree by  
 24 consanguinity or affinity.

25 7. A violation of a provision of this section is a class B misdemeanor. Each day a violation of this  
 26 section is committed or continued shall be considered a separate violation and punished accordingly.

27 8. In addition to any other penalty or remedy, the investigating law enforcement agency shall report  
 28 any violation of this section committed by a licensed dealer to the attorney general, who shall report the  
 29 violation to the Bureau of Alcohol, Tobacco, Firearms and Explosives within the United States Department of  
 30 Justice.

31 571.205. 1. Upon request and payment of the required fee, the sheriff shall issue a concealed carry  
 32 permit that is valid through the state of Missouri for the lifetime of the permit holder to a Missouri resident  
 33 who meets the requirements of sections 571.205 to 571.230, known as a Missouri lifetime concealed carry  
 34 permit. A person may also request, and the sheriff shall issue upon payment of the required fee, a concealed  
 35 carry permit that is valid through the state of Missouri for a period of either ten years or twenty-five years  
 36 from the date of issuance or renewal to a Missouri resident who meets the requirements of sections 571.205  
 37 to 571.230. Such permit shall be known as a Missouri extended concealed carry permit. A person issued a  
 38 Missouri lifetime or extended concealed carry permit shall be required to comply with the provisions of  
 39 sections 571.205 to 571.230. If the applicant can show qualification as provided by sections 571.205 to  
 40 571.230, the sheriff shall issue a Missouri lifetime or extended concealed carry permit authorizing the  
 41 carrying of a concealed firearm on or about the applicant's person or within a vehicle.

42 2. A Missouri lifetime or extended concealed carry permit shall be suspended if the permit holder  
 43 becomes a resident of another state. The permit may be reactivated upon reestablishment of Missouri

1 residency if the applicant meets the requirements of sections 571.205 to 571.230, and upon successful  
2 completion of a name-based inquiry of the National Instant Background Check System.

3 3. A Missouri lifetime or extended concealed carry permit shall be issued by the sheriff or his or her  
4 designee of the county or city in which the applicant resides, if the applicant:

5 (1) Is at least ~~nineteen~~ twenty-one years of age, is a citizen or permanent resident of the United  
6 States, and has assumed residency in this state, or the applicant is at least eighteen years of age and a member  
7 of the United States Armed Forces or honorably discharged from the United States Armed Forces, ~~and~~ is a  
8 citizen of the United States, and has assumed residency in this state;

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

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

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

25 (5) Has not been discharged under dishonorable conditions from the United States Armed Forces;

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

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

32 (8) Submits a completed application for a permit as described in subsection 4 of this section;

33 (9) Submits an affidavit attesting that the applicant complies with the concealed carry safety training  
34 requirement under subsections 1 and 2 of section 571.111;

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

36 (11) Is not otherwise prohibited from possessing a firearm under section 571.070 or 18 U.S.C.

37 Section 922(g).

38 4. The application for a Missouri lifetime or extended concealed carry permit issued by the sheriff of  
39 the county of the applicant's residence shall contain only the following information:

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

43 (2) An affirmation that the applicant has assumed residency in Missouri and is a citizen or permanent  
44 resident of the United States;

45 (3) An affirmation that the applicant is at least ~~nineteen~~ twenty-one years of age or is eighteen  
46 years of age or older and a member of the United States Armed Forces or honorably discharged from the  
47 United States Armed Forces;

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

52 (5) An affirmation that the applicant has not been convicted of, pled guilty to, or entered a plea of  
53 nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period

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

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

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

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

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

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

21 (11) A conspicuous warning that false statements made by the applicant will result in prosecution for  
 22 perjury under the laws of the state of Missouri; and

23 (12) A government-issued photo identification. This photograph shall not be included on the permit  
 24 and shall only be used to verify the person's identity for the issuance of a new permit, issuance of a new  
 25 permit due to change of name or address, renewal of an extended permit, or for a lost or destroyed permit, or  
 26 reactivation under subsection 2 of this section.

27 5. An application for a Missouri lifetime or extended concealed carry permit shall be made to the  
 28 sheriff of the county in which the applicant resides. An application shall be filed in writing, signed under  
 29 oath and under the penalties of perjury, and shall state whether the applicant complies with each of the  
 30 requirements specified in subsection 3 of this section. In addition to the completed application, the applicant  
 31 for a Missouri lifetime or extended concealed carry permit shall also submit the following:

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

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

36 6. (1) Before an application for a Missouri lifetime or extended concealed carry permit is approved,  
 37 the sheriff shall make only such inquiries as he or she deems necessary into the accuracy of the statements  
 38 made in the application. The sheriff may require that the applicant display a Missouri driver's license or  
 39 nondriver's license or military identification. No biometric data shall be collected from the applicant. The  
 40 sheriff shall conduct an inquiry of the National Instant Criminal Background Check System within three  
 41 working days after submission of the properly completed application for a Missouri lifetime or extended  
 42 concealed carry permit. Upon receipt of the completed report from the National Instant Criminal Background  
 43 Check System, the sheriff shall examine the results and, if no disqualifying information is identified, shall  
 44 issue a Missouri lifetime or extended concealed carry permit within three working days.

45 (2) In the event the report from the National Instant Criminal Background Check System and the  
 46 response from the Federal Bureau of Investigation national criminal history record check prescribed by  
 47 subdivision (1) of this subsection are not completed within forty-five calendar days and no disqualifying  
 48 information concerning the applicant has otherwise come to the sheriff's attention, the sheriff shall issue a  
 49 provisional permit, clearly designated on the certificate as such, which the applicant shall sign in the presence  
 50 of the sheriff or the sheriff's designee. This permit, when carried with a valid Missouri driver's or nondriver's  
 51 license, shall permit the applicant to exercise the same rights in accordance with the same conditions as  
 52 pertain to a Missouri lifetime or extended concealed carry permit issued under this section, provided that it  
 53 shall not serve as an alternative to a national instant criminal background check required by 18 U.S.C.

1 Section 922(t). The provisional permit shall remain valid until such time as the sheriff either issues or denies  
 2 the permit under subsection 7 or 8 of this section. The sheriff shall revoke a provisional permit issued under  
 3 this subsection within twenty-four hours of receipt of any report that identifies a disqualifying record, and  
 4 shall notify the concealed carry permit system established under subsection 5 of section 650.350. The  
 5 revocation of a provisional permit issued under this section shall be prescribed in a manner consistent to the  
 6 denial and review of an application under subsection 7 of this section.

7 7. The sheriff may refuse to approve an application for a Missouri lifetime or extended concealed  
 8 carry permit if he or she determines that any of the requirements specified in subsection 3 of this section have  
 9 not been met, or if he or she has a substantial and demonstrable reason to believe that the applicant has  
 10 rendered a false statement regarding any of the provisions of sections 571.205 to 571.230. If the applicant is  
 11 found to be ineligible, the sheriff is required to deny the application, and notify the applicant in writing,  
 12 stating the grounds for denial and informing the applicant of the right to submit, within thirty days, any  
 13 additional documentation relating to the grounds of the denial. Upon receiving any additional  
 14 documentation, the sheriff shall reconsider his or her decision and inform the applicant within thirty days of  
 15 the result of the reconsideration. The applicant shall further be informed in writing of the right to appeal the  
 16 denial under section 571.220. After two additional reviews and denials by the sheriff, the person submitting  
 17 the application shall appeal the denial under section 571.220.

18 8. If the application is approved, the sheriff shall issue a Missouri lifetime or extended concealed  
 19 carry permit to the applicant within a period not to exceed three working days after his or her approval of the  
 20 application. The applicant shall sign the Missouri lifetime or extended concealed carry permit in the presence  
 21 of the sheriff or his or her designee.

22 9. The Missouri lifetime or extended concealed carry permit shall specify only the following  
 23 information:

- 24 (1) Name, address, date of birth, gender, height, weight, color of hair, color of eyes, and signature of  
 25 the permit holder;
- 26 (2) The signature of the sheriff issuing the permit;
- 27 (3) The date of issuance;
- 28 (4) A clear statement indicating that the permit is only valid within the state of Missouri; and
- 29 (5) If the permit is a Missouri extended concealed carry permit, the expiration date.

30  
 31 The permit shall be no larger than two and one-eighth inches wide by three and three-eighths inches long and  
 32 shall be of a uniform style prescribed by the department of public safety. The permit shall also be assigned a  
 33 concealed carry permit system county code and shall be stored in sequential number.

34 10. (1) The sheriff shall keep a record of all applications for a Missouri lifetime or extended  
 35 concealed carry permit or a provisional permit and his or her action thereon. Any record of an application  
 36 that is incomplete or denied for any reason shall be kept for a period not to exceed one year.

37 (2) The sheriff shall report the issuance of a Missouri lifetime or extended concealed carry permit or  
 38 provisional permit to the concealed carry permit system. All information on any such permit that is protected  
 39 information on any driver's or nondriver's license shall have the same personal protection for purposes of  
 40 sections 571.205 to 571.230. An applicant's status as a holder of a Missouri lifetime or extended concealed  
 41 carry permit or provisional permit shall not be public information and shall be considered personal protected  
 42 information. Information retained in the concealed carry permit system under this subsection shall not be  
 43 distributed to any federal, state, or private entities and shall only be made available for a single entry query of  
 44 an individual in the event the individual is a subject of interest in an active criminal investigation or is  
 45 arrested for a crime. A sheriff may access the concealed carry permit system for administrative purposes to  
 46 issue a permit, verify the accuracy of permit holder information, change the name or address of a permit  
 47 holder, suspend or revoke a permit, cancel an expired permit, or cancel a permit upon receipt of a certified  
 48 death certificate for the permit holder. Any person who violates the provisions of this subdivision by  
 49 disclosing protected information shall be guilty of a class A misdemeanor.

50 11. Information regarding any holder of a Missouri lifetime or extended concealed carry permit is a  
 51 closed record. No bulk download or batch data shall be distributed to any federal, state, or private entity,  
 52 except to MoSMART or a designee thereof.

53 12. For processing an application, the sheriff in each county shall charge a nonrefundable fee not to

1 exceed:

2 (1) Two hundred dollars for a new Missouri extended concealed carry permit that is valid for ten  
3 years from the date of issuance or renewal;

4 (2) Two hundred fifty dollars for a new Missouri extended concealed carry permit that is valid for  
5 twenty-five years from the date of issuance or renewal;

6 (3) Fifty dollars for a renewal of a Missouri extended concealed carry permit;

7 (4) Five hundred dollars for a Missouri lifetime concealed carry permit,

8  
9 which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

10 571.225. 1. Any person who has knowledge that another person, who was issued a Missouri lifetime  
11 or extended concealed carry permit under sections 571.205 to 571.230, never was or no longer is eligible for  
12 such permit under the criteria established in sections 571.205 to 571.230 may file a petition with the clerk of  
13 the small claims court to revoke that person's Missouri lifetime or extended concealed carry permit. The  
14 petition shall be in a form substantially similar to the petition for revocation of a Missouri lifetime or  
15 extended concealed carry permit provided in this section. ~~[Appeal]~~ Revocation petition forms shall be  
16 provided by the clerk of the small claims court free of charge to any person:  
17

18 SMALL CLAIMS COURT

19 In the Circuit Court of \_\_\_\_\_, Missouri

20 \_\_\_\_\_, PLAINTIFF

21 )

22 )

23 vs. ) Case Number \_\_\_\_\_

24 )

25 )

26 \_\_\_\_\_, DEFENDANT,

27 Lifetime or Extended Carry Permit Holder

28 \_\_\_\_\_, DEFENDANT,

29 Sheriff of Issuance

30 PETITION FOR REVOCATION OF A

31 MISSOURI LIFETIME OR EXTENDED CONCEALED CARRY PERMIT

32 Plaintiff states to the court that the defendant, \_\_\_\_\_, has a Missouri lifetime or extended concealed  
33 carry permit issued pursuant to sections 571.205 to 571.230, RSMo, and that the defendant's Missouri  
34 lifetime or extended concealed carry permit should now be revoked because the defendant either never was or  
35 no longer is eligible for such a permit pursuant to the provisions of sections 571.205 to 571.230, RSMo,  
36 specifically plaintiff states that defendant, \_\_\_\_\_, never was or no longer is eligible for such permit or  
37 endorsement for one or more of the following reasons:

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

39 ☐ Defendant is not at least nineteen years of age or at least eighteen years of age and a member  
40 of the United States Armed Forces or honorably discharged from the United States Armed Forces.

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

42 ☐ Defendant had not resided in this state prior to issuance of the permit or is not a current  
43 resident of this state.

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

48 ☐ Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere to one or  
49 more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding  
50 application for a Missouri lifetime or extended concealed carry permit issued pursuant to sections 571.205 to  
51 571.230, RSMo, or the defendant has been convicted of two or more misdemeanor offenses involving driving  
52 while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance

1 within a five-year period immediately preceding application for a concealed carry permit issued pursuant to  
2 sections 571.205 to 571.230, RSMo.

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

8 ☐ Defendant has been discharged under dishonorable conditions from the United States Armed  
9 Forces.

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

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

17 ☐ Defendant failed to submit a completed application for a concealed carry permit issued  
18 pursuant to sections 571.205 to 571.230, RSMo.

19 ☐ Defendant failed to submit to or failed to clear the required background check. (Note: This  
20 does not apply if the defendant has submitted to a background check and been issued a provisional permit  
21 pursuant to subdivision (2) of subsection 6 of section 571.205, RSMo, and the results of the background  
22 check are still pending.)

23 ☐ Defendant failed to submit an affidavit attesting that the applicant complies with the  
24 concealed carry safety training requirement pursuant to subsections 1 and 2 of section 571.111, RSMo.

25 ☐ Defendant is otherwise disqualified from possessing a firearm pursuant to 18 U.S.C. Section  
26 922(g) or section 571.070, RSMo, because \_\_\_\_\_ (specify reason):

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

30 \_\_\_\_\_, PLAINTIFF

31  
32 2. If at the hearing the plaintiff shows that the defendant was not eligible for the Missouri lifetime or  
33 extended concealed carry permit issued under sections 571.205 to 571.230 at the time of issuance or renewal  
34 or is no longer eligible for a Missouri lifetime or extended concealed carry permit the court shall issue an  
35 appropriate order to cause the revocation of the Missouri lifetime or extended concealed carry permit. Costs  
36 shall not be assessed against the sheriff.

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

46 4. Any person aggrieved by any final judgment rendered by a small claims court in a petition for  
47 revocation of a Missouri lifetime or extended concealed carry permit may have a right to trial de novo as  
48 provided in sections 512.180 to 512.320.

49 5. The office of the county sheriff or any employee or agent of the county sheriff shall not be liable  
50 for damages in any civil action arising from alleged wrongful or improper granting, renewing, or failure to  
51 revoke a Missouri lifetime or extended concealed carry permit issued under sections 571.205 to 571.230 so  
52 long as the sheriff acted in good faith."; and



1 Further amend said bill, Page 63, Section B, Line 9, by inserting after all of the said section and line the  
2 following:  
3

4 "Section C. Because immediate action is necessary to protect victims of domestic violence from  
5 future acts of domestic violence, the repeal and reenactment of sections 455.050, 455.523, 565.076, 565.227,  
6 and 571.070 of this act are deemed necessary for the immediate preservation of the public health, welfare,  
7 peace, and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and  
8 the repeal and reenactment of sections 455.050, 455.523, 565.076, 565.227, and 571.070 of this act shall be  
9 in full force and effect upon their passage and approval."; and  
10

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