

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for
2 Senate Bill Nos. 4, 42 & 89, Page 25, Section 170.030, Line 50, by inserting after all of said section and line
3 the 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

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

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

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

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

11 455.523. 1. Any full order of protection granted under sections 455.500 to 455.538 shall be to
 12 protect the victim from domestic violence, including danger to the child's pet, stalking, and sexual assault
 13 may include such terms as the court reasonably deems necessary to ensure the petitioner's safety, including
 14 but not limited to:

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

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

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

22 2. 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 3. When the court has, after hearing for any full order of protection, issued an order of protection, it
 32 may, in addition:

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

36 (2) Award visitation;

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

38 (4) Award maintenance to petitioner when petitioner and respondent are lawfully married in
 39 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.

16 565.076. 1. A person commits the offense of domestic assault in the fourth degree if the act involves
17 a domestic victim, as the term "domestic victim" is defined under section 565.002, and:

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

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

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

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

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

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

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

37 3. Upon a person's conviction for the offense of domestic assault in the fourth degree, the court shall
38 forward the record of conviction to the Missouri state highway patrol so that the Missouri state highway
39 patrol can update the respondent's record in the National Instant Criminal Background Check System (NICS).

1 Upon receiving a record under this subsection, the Missouri state highway patrol shall notify the Federal
 2 Bureau of Investigation within twenty-four hours.

3 565.227. 1. A person commits the offense of stalking in the second degree if he or she purposely,
 4 through his or her course of conduct, disturbs, or follows with the intent to disturb another person.

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

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

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

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

21 571.030. 1. A person commits the offense of unlawful use of weapons, except as otherwise provided
 22 by sections 571.101 to 571.121, if he or she knowingly:

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

25 (2) Sets a spring gun; or

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

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

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

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

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

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

1 subdivision thereof; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (10) Any municipal or county prosecuting attorney or assistant prosecuting attorney; circuit attorney

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

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

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

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

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

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

36 6. Notwithstanding any provision of this section to the contrary, the state shall not prohibit any state
37 employee from having a firearm in the employee's vehicle on the state's property provided that the vehicle is
38 locked and the firearm is not visible. This subsection shall only apply to the state as an employer when the
39 state employee's vehicle is on property owned or leased by the state and the state employee is conducting

1 activities within the scope of his or her employment. For the purposes of this subsection, "state employee"
 2 means an employee of the executive, legislative, or judicial branch of the government of the state of
 3 Missouri.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 571.060. 1. A person commits the offense of unlawful transfer of weapons if he or she:

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

31 (2) Knowingly sells, leases, loans, gives away or delivers a blackjack to a person less than eighteen
32 years old without the consent of the child's custodial parent or guardian, or recklessly, as defined in section
33 562.016, sells, leases, loans, gives away or delivers any firearm to a person less than eighteen years old
34 without the consent of the child's custodial parent or guardian; provided, that this does not prohibit the
35 delivery of such weapons to any peace officer or member of the United States Armed Forces or National
36 Guard while performing his or her official duty; [~~or~~]

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

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

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

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

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

14 571.070. 1. A person commits the offense of unlawful possession of a firearm if such person
 15 knowingly has any firearm in his or her possession and:

16 (1) Such person has been convicted of a felony under the laws of this state, or of a crime under the
 17 laws of any state or of the United States which, if committed within this state, would be a felony; ~~or~~

18 (2) Such person is a fugitive from justice, is habitually in an intoxicated or drugged condition, or is
 19 currently adjudged mentally incompetent;

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

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

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

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

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

32 (1) "Family or household member", the same meaning as such term is defined under section
 33 455.010;

34 (2) "Misdemeanor offense of domestic violence":

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

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

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

39 571.101. 1. All applicants for concealed carry permits issued pursuant to subsection 7 of this section
 40 must satisfy the requirements of sections 571.101 to 571.121. If the said applicant can show qualification as

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

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

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

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

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

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

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

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

25 ~~[(e)] the spouse of such member of the military[-stationed in Missouri and nineteen years of age];~~

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

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

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

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

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

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

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

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

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

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

3 Section 922(g).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2 5. (1) Before an application for a concealed carry permit is approved, the sheriff shall make only
3 such inquiries as he or she deems necessary into the accuracy of the statements made in the application. The
4 sheriff may require that the applicant display a Missouri driver's license or nondriver's license or military
5 identification and orders showing the person being stationed in Missouri. In order to determine the
6 applicant's suitability for a concealed carry permit, the applicant shall be fingerprinted. No other biometric
7 data shall be collected from the applicant. The sheriff shall conduct an inquiry of the National Instant
8 Criminal Background Check System within three working days after submission of the properly completed
9 application for a concealed carry permit. If no disqualifying record is identified by these checks at the state
10 level, the fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal history
11 record check. Upon receipt of the completed report from the National Instant Criminal Background Check
12 System and the response from the Federal Bureau of Investigation national criminal history record check, the
13 sheriff shall examine the results and, if no disqualifying information is identified, shall issue a concealed
14 carry permit within three working days.

15 (2) In the event the report from the National Instant Criminal Background Check System and the
16 response from the Federal Bureau of Investigation national criminal history record check prescribed by
17 subdivision (1) of this subsection are not completed within forty-five calendar days and no disqualifying
18 information concerning the applicant has otherwise come to the sheriff's attention, the sheriff shall issue a
19 provisional permit, clearly designated on the certificate as such, which the applicant shall sign in the presence
20 of the sheriff or the sheriff's designee. This permit, when carried with a valid Missouri driver's or nondriver's
21 license or a valid military identification, shall permit the applicant to exercise the same rights in accordance
22 with the same conditions as pertain to a concealed carry permit issued under this section, provided that it shall
23 not serve as an alternative to an national instant criminal background check required by 18 U.S.C. Section
24 922(t). The provisional permit shall remain valid until such time as the sheriff either issues or denies the
25 certificate of qualification under subsection 6 or 7 of this section. The sheriff shall revoke a provisional
26 permit issued under this subsection within twenty-four hours of receipt of any report that identifies a
27 disqualifying record, and shall notify the concealed carry permit system established under subsection 5 of
28 section 650.350. The revocation of a provisional permit issued under this section shall be proscribed in a
29 manner consistent to the denial and review of an application under subsection 6 of this section.

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

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

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

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

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

48 (3) The date of issuance; and

49 (4) The expiration date.

50
51 The permit shall be no larger than two and one-eighth inches wide by three and three-eighths inches long and
52 shall be of a uniform style prescribed by the department of public safety. The permit shall also be assigned a
53 concealed carry permit system county code and shall be stored in sequential number.

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

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

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

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

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

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

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

40 571.117. 1. Any person who has knowledge that another person, who was issued a concealed carry
41 permit pursuant to sections 571.101 to 571.121, or concealed carry endorsement prior to August 28, 2013,
42 never was or no longer is eligible for such permit or endorsement under the criteria established in sections
43 571.101 to 571.121 may file a petition with the clerk of the small claims court to revoke that person's
44 concealed carry permit or endorsement. The petition shall be in a form substantially similar to the petition for
45 revocation of concealed carry permit or endorsement provided in this section. Appeal forms shall be
46 provided by the clerk of the small claims court free of charge to any person:

47
48 SMALL CLAIMS COURT
49 In the Circuit Court of _____, Missouri
50 _____, PLAINTIFF
51)
52)
53 vs.) Case Number _____

1)
 2 _____, DEFENDANT,
 3 Carry Permit or Endorsement Holder
 4 _____, DEFENDANT,
 5 Sheriff of Issuance

6 PETITION FOR REVOCATION OF A
 7 CONCEALED CARRY PERMIT OR CONCEALED CARRY ENDORSEMENT

8 Plaintiff states to the court that the defendant, _____, has a concealed carry permit issued pursuant
 9 to sections 571.101 to 571.121, RSMo, or a concealed carry endorsement issued prior to August 28, 2013,
 10 and that the defendant's concealed carry permit or concealed carry endorsement should now be revoked
 11 because the defendant either never was or no longer is eligible for such a permit or endorsement pursuant to
 12 the provisions of sections 571.101 to 571.121, RSMo, specifically plaintiff states that defendant, _____,
 13 never was or no longer is eligible for such permit or endorsement for one or more of the following reasons:

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

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

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

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

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

24 Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere to one or
 25 more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding
 26 application for a concealed carry permit issued pursuant to sections 571.101 to 571.121, RSMo, or a
 27 concealed carry endorsement issued prior to August 28, 2013, or if the applicant has been convicted of two or
 28 more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the
 29 possession or abuse of a controlled substance within a five-year period immediately preceding application for
 30 a concealed carry permit issued pursuant to sections 571.101 to 571.121, RSMo, or a concealed carry
 31 endorsement issued prior to August 28, 2013.

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

37 Defendant has been discharged under dishonorable conditions from the United States Armed
 38 Forces.

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

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

46 Defendant failed to submit a completed application for a concealed carry permit issued
 47 pursuant to sections 571.101 to 571.121, RSMo, or a concealed carry endorsement issued prior to August 28,
 48 2013.

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

1 still pending.)

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

4 Defendant is otherwise disqualified from possessing a firearm pursuant to 18 U.S.C. Section
5 922(g) or section 571.070, RSMo, because (specify reason):

6
7 The plaintiff subject to penalty for perjury states that the information contained in this petition is true
8 and correct to the best of the plaintiff's knowledge, is reasonably based upon the petitioner's personal
9 knowledge and is not primarily intended to harass the defendant/respondent named herein.

10 _____, PLAINTIFF

11
12 2. If at the hearing the plaintiff shows that the defendant was not eligible for the concealed carry
13 permit issued pursuant to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to
14 August 28, 2013, at the time of issuance or renewal or is no longer eligible for a concealed carry permit or the
15 concealed carry endorsement, the court shall issue an appropriate order to cause the revocation of the
16 concealed carry permit and, if applicable, the concealed carry endorsement. Costs shall not be assessed
17 against the sheriff.

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

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

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

36 571.201. 1. As used in this section and section 571.202, the following terms mean:

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

38 (2) "Law enforcement officer", any individual employed by the United States or by a state, county,
39 city, municipality, village, township, or other political subdivision as a police officer or peace officer or in a
40 similar position that involves the enforcement of the law and protection of the public interest;

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

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

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

48 2. Any person who is not a licensed dealer, before transferring or attempting to transfer possession of

1 a firearm, shall require that a background check be conducted on the prospective transferee and shall obtain
2 approval of the transfer from the central repository after a background check. A person who is not a licensed
3 dealer shall arrange for either a licensed dealer or law enforcement agency to obtain the background check.

4 3. (1) A licensed dealer who obtains a background check on a prospective transferee shall record the
5 transfer and retain the records in the same manner and for the same duration as required under 18 U.S.C.
6 Section 923(g).

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

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

13 4. (1) A prospective firearm transferee shall not accept possession of a firearm unless the
14 prospective firearm transferor has obtained approval of the transfer from the central repository after a
15 background check.

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

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

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

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

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

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

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

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

30 (b) The unlicensed transferee reasonably believes that possession of the firearm is necessary to
31 prevent imminent death or serious bodily injury to the unlicensed transferee;

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

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

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

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

39 a. The hunting, fishing, target shooting, or trapping is legal in all places where the unlicensed

1 transferee possesses the firearm; and

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

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

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

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

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

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

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

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

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

22 571.205. 1. Upon request and payment of the required fee, the sheriff shall issue a concealed carry
23 permit that is valid through the state of Missouri for the lifetime of the permit holder to a Missouri resident
24 who meets the requirements of sections 571.205 to 571.230, known as a Missouri lifetime concealed carry
25 permit. A person may also request, and the sheriff shall issue upon payment of the required fee, a concealed
26 carry permit that is valid through the state of Missouri for a period of either ten years or twenty-five years
27 from the date of issuance or renewal to a Missouri resident who meets the requirements of sections 571.205
28 to 571.230. Such permit shall be known as a Missouri extended concealed carry permit. A person issued a
29 Missouri lifetime or extended concealed carry permit shall be required to comply with the provisions of
30 sections 571.205 to 571.230. If the applicant can show qualification as provided by sections 571.205 to
31 571.230, the sheriff shall issue a Missouri lifetime or extended concealed carry permit authorizing the
32 carrying of a concealed firearm on or about the applicant's person or within a vehicle.

33 2. A Missouri lifetime or extended concealed carry permit shall be suspended if the permit holder
34 becomes a resident of another state. The permit may be reactivated upon reestablishment of Missouri
35 residency if the applicant meets the requirements of sections 571.205 to 571.230, and upon successful
36 completion of a name-based inquiry of the National Instant Background Check System.

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

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

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

1 gun;

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

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

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

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

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

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

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

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

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

25 Section 922(g).

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

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

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

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

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

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

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

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

53 (8) An affirmation that the applicant is not adjudged mentally incompetent at the time of application

1 or for five years prior to application, or has not been committed to a mental health facility, as defined in
2 section 632.005, or a similar institution located in another state, except that a person whose release or
3 discharge from a facility in this state under chapter 632, or a similar discharge from a facility in another state,
4 occurred more than five years ago without subsequent recommitment may apply;

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

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

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

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

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

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

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

24 6. (1) Before an application for a Missouri lifetime or extended concealed carry permit is approved,
25 the sheriff shall make only such inquiries as he or she deems necessary into the accuracy of the statements
26 made in the application. The sheriff may require that the applicant display a Missouri driver's license or
27 nondriver's license or military identification. No biometric data shall be collected from the applicant. The
28 sheriff shall conduct an inquiry of the National Instant Criminal Background Check System within three
29 working days after submission of the properly completed application for a Missouri lifetime or extended
30 concealed carry permit. Upon receipt of the completed report from the National Instant Criminal Background
31 Check System, the sheriff shall examine the results and, if no disqualifying information is identified, shall
32 issue a Missouri lifetime or extended concealed carry permit within three working days.

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

48 7. The sheriff may refuse to approve an application for a Missouri lifetime or extended concealed
49 carry permit if he or she determines that any of the requirements specified in subsection 3 of this section have
50 not been met, or if he or she has a substantial and demonstrable reason to believe that the applicant has
51 rendered a false statement regarding any of the provisions of sections 571.205 to 571.230. If the applicant is
52 found to be ineligible, the sheriff is required to deny the application, and notify the applicant in writing,
53 stating the grounds for denial and informing the applicant of the right to submit, within thirty days, any

1 additional documentation relating to the grounds of the denial. Upon receiving any additional
 2 documentation, the sheriff shall reconsider his or her decision and inform the applicant within thirty days of
 3 the result of the reconsideration. The applicant shall further be informed in writing of the right to appeal the
 4 denial under section 571.220. After two additional reviews and denials by the sheriff, the person submitting
 5 the application shall appeal the denial under section 571.220.

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

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

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

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

15 (3) The date of issuance;

16 (4) A clear statement indicating that the permit is only valid within the state of Missouri; and

17 (5) If the permit is a Missouri extended concealed carry permit, the expiration date.

18
 19 The permit shall be no larger than two and one-eighth inches wide by three and three-eighths inches long and
 20 shall be of a uniform style prescribed by the department of public safety. The permit shall also be assigned a
 21 concealed carry permit system county code and shall be stored in sequential number.

22 10. (1) The sheriff shall keep a record of all applications for a Missouri lifetime or extended
 23 concealed carry permit or a provisional permit and his or her action thereon. Any record of an application
 24 that is incomplete or denied for any reason shall be kept for a period not to exceed one year.

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

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

41 12. For processing an application, the sheriff in each county shall charge a nonrefundable fee not to
 42 exceed:

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

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

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

48 (4) Five hundred dollars for a Missouri lifetime concealed carry permit,
 49

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

51 571.225. 1. Any person who has knowledge that another person, who was issued a Missouri lifetime
 52 or extended concealed carry permit under sections 571.205 to 571.230, never was or no longer is eligible for
 53 such permit under the criteria established in sections 571.205 to 571.230 may file a petition with the clerk of

1 the small claims court to revoke that person's Missouri lifetime or extended concealed carry permit. The
2 petition shall be in a form substantially similar to the petition for revocation of a Missouri lifetime or
3 extended concealed carry permit provided in this section. [Appeal] Revocation petition forms shall be
4 provided by the clerk of the small claims court free of charge to any person:
5

6 SMALL CLAIMS COURT
7 In the Circuit Court of _____, Missouri
8 _____, PLAINTIFF

9)
10)
11 vs.) Case Number _____
12)

13)
14 _____, DEFENDANT,
15 Lifetime or Extended Carry Permit Holder
16 _____, DEFENDANT,
17 Sheriff of Issuance

18 PETITION FOR REVOCATION OF A
19 MISSOURI LIFETIME OR EXTENDED CONCEALED CARRY PERMIT

20 Plaintiff states to the court that the defendant, _____, has a Missouri lifetime or extended concealed
21 carry permit issued pursuant to sections 571.205 to 571.230, RSMo, and that the defendant's Missouri
22 lifetime or extended concealed carry permit should now be revoked because the defendant either never was or
23 no longer is eligible for such a permit pursuant to the provisions of sections 571.205 to 571.230, RSMo,
24 specifically plaintiff states that defendant, _____, never was or no longer is eligible for such permit or
25 endorsement for one or more of the following reasons:

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

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

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

30 Defendant had not resided in this state prior to issuance of the permit or is not a current
31 resident of this state.

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

36 Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere to one or
37 more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding
38 application for a Missouri lifetime or extended concealed carry permit issued pursuant to sections 571.205 to
39 571.230, RSMo, or the defendant has been convicted of two or more misdemeanor offenses involving driving
40 while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance
41 within a five-year period immediately preceding application for a concealed carry permit issued pursuant to
42 sections 571.205 to 571.230, RSMo.

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

48 Defendant has been discharged under dishonorable conditions from the United States Armed
49 Forces.

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

52 Defendant is adjudged mentally incompetent at the time of application or for five years prior

1 to application, or has been committed to a mental health facility, as defined in section 632.005, RSMo, or a
 2 similar institution located in another state, except that a person whose release or discharge from a facility in
 3 this state pursuant to chapter 632, RSMo, or a similar discharge from a facility in another state, occurred
 4 more than five years ago without subsequent recommitment may apply.

5 Defendant failed to submit a completed application for a concealed carry permit issued
 6 pursuant to sections 571.205 to 571.230, RSMo.

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

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

13 Defendant is otherwise disqualified from possessing a firearm pursuant to 18 U.S.C. Section
 14 922(g) or section 571.070, RSMo, because _____ (specify reason):

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

18 _____, PLAINTIFF
 19

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

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

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

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

41 Section B. Because immediate action is necessary to protect victims of domestic violence from
 42 future acts of domestic violence, the repeal and reenactment of sections 455.050, 455.523, 565.076, 565.227,
 43 and 571.070 of this act are deemed necessary for the immediate preservation of the public health, welfare,
 44 peace, and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and
 45 the repeal and reenactment of sections 455.050, 455.523, 565.076, 565.227, and 571.070 of this act shall be
 46 in full force and effect upon their passage and approval."; and

47
 48 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.