

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 1034, Page 1, Section 211.221, Line 7, by inserting after all of said section
2 and line the following:

3
4 "571.030. 1. A person commits the offense of unlawful use of weapons, except as otherwise
5 provided by sections 571.101 to 571.121, if he or she knowingly:

6 (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any
7 other weapon readily capable of lethal use into any area where firearms are restricted under section
8 571.107; or

9 (2) Sets a spring gun; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 571.101. 1. All applicants for concealed carry permits issued pursuant to subsection 7 of
39 this section must satisfy the requirements of sections 571.101 to 571.121. If the said applicant can

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

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

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

(a) Has assumed residency in this state; or

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

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

(a) Has assumed residency in this state; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (5) An affirmation that the applicant has not been convicted of, pled guilty to, or entered a
39 plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a

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

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

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

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

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

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

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

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

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

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

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

36 5. (1) Before an application for a concealed carry permit is approved, the sheriff shall make
37 only such inquiries as he or she deems necessary into the accuracy of the statements made in the
38 application. The sheriff may require that the applicant display a Missouri driver's license or
39 nondriver's license or military identification and orders showing the person being stationed in

1 Missouri. In order to determine the applicant's suitability for a concealed carry permit, the applicant
2 shall be fingerprinted. No other biometric data shall be collected from the applicant. The sheriff
3 shall conduct an inquiry of the National Instant Criminal Background Check System within three
4 working days after submission of the properly completed application for a concealed carry permit.
5 If no disqualifying record is identified by these checks at the state level, the fingerprints shall be
6 forwarded to the Federal Bureau of Investigation for a national criminal history record check. Upon
7 receipt of the completed report from the National Instant Criminal Background Check System and
8 the response from the Federal Bureau of Investigation national criminal history record check, the
9 sheriff shall examine the results and, if no disqualifying information is identified, shall issue a
10 concealed carry permit within three working days.

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

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

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

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

- 6 (1) Name, address, date of birth, gender, height, weight, color of hair, color of eyes, and
7 signature of the permit holder;
8 (2) The signature of the sheriff issuing the permit;
9 (3) The date of issuance; and
10 (4) The expiration date.

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

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

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

35 10. Information regarding any holder of a concealed carry permit, or a concealed carry
36 endorsement issued prior to August 28, 2013, is a closed record. No bulk download or batch data
37 shall be distributed to any federal, state, or private entity, except to MoSMART or a designee
38 thereof. Any state agency that has retained any documents or records, including fingerprint records

provided by an applicant for a concealed carry endorsement prior to August 28, 2013, shall destroy such documents or records, upon successful issuance of a permit.

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

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

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

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

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

SMALL CLAIMS COURT

In the Circuit Court of _____, Missouri

_____, PLAINTIFF

)

)

vs.

)

Case Number _____

)

_____, DEFENDANT,

Carry Permit or Endorsement Holder

_____, DEFENDANT,

Sheriff of Issuance

PETITION FOR REVOCATION OF A

CONCEALED CARRY PERMIT OR CONCEALED CARRY ENDORSEMENT

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

(CHECK BELOW EACH REASON THAT APPLIES TO THIS DEFENDANT)

- ☐ Defendant is not at least [~~nineteen~~] twenty-one years of age or at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces.
- ☐ Defendant is not a citizen or permanent resident of the United States.
- ☐ Defendant had not resided in this state prior to issuance of the permit and does not qualify as a military member or spouse of a military member stationed in Missouri.
- ☐ Defendant has pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding two years under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.
- ☐ Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a concealed carry permit issued pursuant to sections 571.101 to 571.121, RSMo, or a concealed carry endorsement issued prior to August 28, 2013, or if the applicant has been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a concealed carry permit issued pursuant to sections 571.101 to 571.121, RSMo, or a concealed carry endorsement issued prior to August 28, 2013.
- ☐ Defendant is a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer,

or gas gun.

- ☐ Defendant has been discharged under dishonorable conditions from the United States Armed Forces.
- ☐ Defendant is reasonably believed by the sheriff to be a danger to self or others based on previous, documented pattern.
- ☐ Defendant is adjudged mentally incompetent at the time of application or for five years prior to application, or has been committed to a mental health facility, as defined in section 632.005, RSMo, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, RSMo, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply.
- ☐ Defendant failed to submit a completed application for a concealed carry permit issued pursuant to sections 571.101 to 571.121, RSMo, or a concealed carry endorsement issued prior to August 28, 2013.
- ☐ Defendant failed to submit to or failed to clear the required background check. (Note: This does not apply if the defendant has submitted to a background check and been issued a provisional permit pursuant to subdivision (2) of subsection 5 of section 571.101, and the results of the background check are still pending.)
- ☐ Defendant failed to submit an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsection 1 of section 571.111, RSMo.
- ☐ Defendant is otherwise disqualified from possessing a firearm pursuant to 18 U.S.C. Section 922(g) or section 571.070, RSMo, because (specify reason):

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

_____, PLAINTIFF

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

7 3. The finder of fact, in any action brought against a permit or endorsement holder pursuant
8 to subsection 1 of this section, shall make findings of fact and the court shall make conclusions of
9 law addressing the issues at dispute. If it is determined that the plaintiff in such an action acted

without justification or with malice or primarily with an intent to harass the permit or endorsement holder or that there was no reasonable basis to bring the action, the court shall order the plaintiff to pay the defendant/respondent all reasonable costs incurred in defending the action including, but not limited to, attorney's fees, deposition costs, and lost wages. Once the court determines that the plaintiff is liable to the defendant/respondent for costs and fees, the extent and type of fees and costs to be awarded should be liberally calculated in defendant/respondent's favor. Notwithstanding any other provision of law, reasonable attorney's fees shall be presumed to be at least one hundred fifty dollars per hour.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (11) Is not otherwise prohibited from possessing a firearm under section 571.070 or 18
32 U.S.C. Section 922(g).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 6. (1) Before an application for a Missouri lifetime or extended concealed carry permit is
12 approved, the sheriff shall make only such inquiries as he or she deems necessary into the accuracy
13 of the statements made in the application. The sheriff may require that the applicant display a
14 Missouri driver's license or nondriver's license or military identification. No biometric data shall be
15 collected from the applicant. The sheriff shall conduct an inquiry of the National Instant Criminal
16 Background Check System within three working days after submission of the properly completed
17 application for a Missouri lifetime or extended concealed carry permit. Upon receipt of the
18 completed report from the National Instant Criminal Background Check System, the sheriff shall
19 examine the results and, if no disqualifying information is identified, shall issue a Missouri lifetime
20 or extended concealed carry permit within three working days.

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

37 7. The sheriff may refuse to approve an application for a Missouri lifetime or extended
38 concealed carry permit if he or she determines that any of the requirements specified in subsection 3
39 of this section have not been met, or if he or she has a substantial and demonstrable reason to

1 believe that the applicant has rendered a false statement regarding any of the provisions of sections
2 571.205 to 571.230. If the applicant is found to be ineligible, the sheriff is required to deny the
3 application, and notify the applicant in writing, stating the grounds for denial and informing the
4 applicant of the right to submit, within thirty days, any additional documentation relating to the
5 grounds of the denial. Upon receiving any additional documentation, the sheriff shall reconsider his
6 or her decision and inform the applicant within thirty days of the result of the reconsideration. The
7 applicant shall further be informed in writing of the right to appeal the denial under section 571.220.
8 After two additional reviews and denials by the sheriff, the person submitting the application shall
9 appeal the denial under section 571.220.

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

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

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

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

19 (3) The date of issuance;

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

22 (5) If the permit is a Missouri extended concealed carry permit, the expiration date.
23

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

28 10. (1) The sheriff shall keep a record of all applications for a Missouri lifetime or extended
29 concealed carry permit or a provisional permit and his or her action thereon. Any record of an
30 application that is incomplete or denied for any reason shall be kept for a period not to exceed one
31 year.

32 (2) The sheriff shall report the issuance of a Missouri lifetime or extended concealed carry
33 permit or provisional permit to the concealed carry permit system. All information on any such
34 permit that is protected information on any driver's or nondriver's license shall have the same
35 personal protection for purposes of sections 571.205 to 571.230. An applicant's status as a holder of
36 a Missouri lifetime or extended concealed carry permit or provisional permit shall not be public
37 information and shall be considered personal protected information. Information retained in the
38 concealed carry permit system under this subsection shall not be distributed to any federal, state, or
39 private entities and shall only be made available for a single entry query of an individual in the

event the individual is a subject of interest in an active criminal investigation or is arrested for a crime. A sheriff may access the concealed carry permit system for administrative purposes to issue a permit, verify the accuracy of permit holder information, change the name or address of a permit holder, suspend or revoke a permit, cancel an expired permit, or cancel a permit upon receipt of a certified death certificate for the permit holder. Any person who violates the provisions of this subdivision by disclosing protected information shall be guilty of a class A misdemeanor.

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

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

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

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

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

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

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

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

SMALL CLAIMS COURT

In the Circuit Court of _____, Missouri

_____, PLAINTIFF

)

)

vs.

)

Case Number _____

)

)

_____, DEFENDANT,

Lifetime or Extended Carry Permit Holder

_____, DEFENDANT,

Sheriff of Issuance

PETITION FOR REVOCATION OF A

MISSOURI LIFETIME OR EXTENDED CONCEALED CARRY PERMIT

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

(CHECK BELOW EACH REASON THAT APPLIES TO THIS DEFENDANT)

- ☐ Defendant is not at least [~~nineteen~~] twenty-one years of age or at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces.
- ☐ Defendant is not a citizen or permanent resident of the United States.
- ☐ Defendant had not resided in this state prior to issuance of the permit or is not a current resident of this state.
- ☐ Defendant has pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding two years under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.
- ☐ Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a Missouri lifetime or extended concealed carry permit issued pursuant to sections 571.205 to 571.230, RSMo, or the defendant has been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a concealed carry permit issued pursuant to sections 571.205 to 571.230, RSMo.
- ☐ Defendant is a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of

two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.

- ☐ Defendant has been discharged under dishonorable conditions from the United States Armed Forces.
- ☐ Defendant is reasonably believed by the sheriff to be a danger to self or others based on previous, documented pattern.
- ☐ Defendant is adjudged mentally incompetent at the time of application or for five years prior to application, or has been committed to a mental health facility, as defined in section 632.005, RSMo, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, RSMo, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply.
- ☐ Defendant failed to submit a completed application for a concealed carry permit issued pursuant to sections 571.205 to 571.230, RSMo.
- ☐ Defendant failed to submit to or failed to clear the required background check. (Note: This does not apply if the defendant has submitted to a background check and been issued a provisional permit pursuant to subdivision (2) of subsection 6 of section 571.205, RSMo, and the results of the background check are still pending.)
- ☐ Defendant failed to submit an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsections 1 and 2 of section 571.111, RSMo.
- ☐ Defendant is otherwise disqualified from possessing a firearm pursuant to 18 U.S.C. Section 922(g) or section 571.070, RSMo, because _____ (specify reason):

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

_____, PLAINTIFF

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

3. The finder of fact, in any action brought against a permit holder under subsection 1 of this section, shall make findings of fact and the court shall make conclusions of law addressing the issues at dispute. If it is determined that the plaintiff in such an action acted without justification or with malice or primarily with an intent to harass the permit holder or that there was no reasonable basis to bring the action, the court shall order the plaintiff to pay the defendant/respondent all

1 reasonable costs incurred in defending the action including, but not limited to, attorney's fees,
2 deposition costs, and lost wages. Once the court determines that the plaintiff is liable to the
3 defendant/respondent for costs and fees, the extent and type of fees and costs to be awarded should
4 be liberally calculated in defendant/respondent's favor. Notwithstanding any other provision of law,
5 reasonable attorney's fees shall be presumed to be at least one hundred fifty dollars per hour.

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

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

13
14 Further amend said bill by amending the title, enacting clause, and intersectional references
15 accordingly.