

FIRST REGULAR SESSION

HOUSE BILL NO. 550

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PLANK.

0652H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 1.410, 1.420, 1.430, 1.440, 1.450, 1.460, 1.470, 1.480, 1.485, 21.750, 537.351, 563.031, 563.074, 571.030, 571.080, 571.205, 571.210, 571.215, 571.220, 571.225, and 571.230, RSMo, and to enact in lieu thereof six new sections relating to public safety, with penalty provisions.

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

Section A. Sections 1.410, 1.420, 1.430, 1.440, 1.450, 1.460, 1.470, 1.480, 1.485, 21.750, 537.351, 563.031, 563.074, 571.030, 571.080, 571.205, 571.210, 571.215, 571.220, 571.225, and 571.230, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 1.320, 537.351, 563.031, 571.030, 571.080, and 571.090, to read as follows:

1.320. The general assembly of the state of Missouri strongly promotes responsible gun ownership, including parental supervision of minors in the proper use, storage, and ownership of all firearms, the prompt reporting of stolen firearms, and the proper enforcement of all state gun laws. The general assembly of the state of Missouri hereby condemns any unlawful transfer of firearms and the use of any firearm in any criminal or unlawful activity.

537.351. 1. Except as provided in subsection 2 of this section, a possessor of real property, including an owner, lessee, or other occupant, or an agent of such owner, lessee, or other occupant, owes no duty of care to a trespasser except to refrain from harming the trespasser by an intentional, willful, or wanton act. ~~[A possessor of real property may use justifiable force to repel a criminal trespasser as provided by section 563.074.]~~

EXPLANATION — Matter enclosed in bold-faced brackets ~~[thus]~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

6 2. A possessor of real property may be subject to liability for physical injury or death
7 to a trespasser in the following situations:

8 (1) If the trespasser is a child who is harmed by a dangerous artificial condition on the
9 land; and

10 (a) The possessor knew or should have known that children were likely to trespass at
11 the location of the condition;

12 (b) The condition is one which the possessor knew or reasonably should have known
13 involved an unreasonable risk of death or serious physical injury to such children;

14 (c) The injured child because of the child's youth did not discover the condition or
15 realize the risk involved in the intermeddling with the condition or in coming within the area
16 made dangerous by the condition;

17 (d) The utility to the possessor of maintaining the condition and the burden of
18 eliminating the danger were slight as compared with the risk to the child involved; and

19 (e) The possessor failed to exercise reasonable care to eliminate the danger or
20 otherwise protect the injured child; or

21 (2) The possessor knew or should have known that trespassers consistently intrude
22 upon a limited area of the possessor's land where the trespasser was harmed, the harm resulted
23 from a dangerous artificial condition on the land; and

24 (a) The possessor created or maintained the artificial condition that caused the injury;

25 (b) The possessor knew that the condition was likely to cause death or serious bodily
26 harm to trespassers;

27 (c) The possessor knew or should have known that the condition was of such a nature
28 that trespassers would not discover it; and

29 (d) The possessor failed to exercise reasonable care to warn trespassers of the
30 condition and the risk involved; or

31 (3) If the possessor knew of the trespasser's presence on the land and failed to
32 exercise ordinary care as to active operations carried out on the land.

33 3. This section does not create or increase the liability of any possessor of real
34 property and does not affect any immunities from or defenses to liability established under
35 state law or available under common law to which a possessor of real property may be
36 entitled under circumstances not covered by this section.

563.031. 1. A person may, subject to the provisions of subsection 2 of this section,
2 use physical force upon another person when and to the extent he or she reasonably believes
3 such force to be necessary to defend himself or herself or a third person from what he or she
4 reasonably believes to be the use or imminent use of unlawful force by such other person,
5 unless:

6 (1) The actor was the initial aggressor; except that in such case his or her use of force
7 is nevertheless justifiable provided:

8 (a) He or she has withdrawn from the encounter and effectively communicated such
9 withdrawal to such other person but the latter persists in continuing the incident by the use or
10 threatened use of unlawful force; or

11 (b) He or she is a law enforcement officer and as such is an aggressor pursuant to
12 section 563.046; or

13 (c) The aggressor is justified under some other provision of this chapter or other
14 provision of law;

15 (2) Under the circumstances as the actor reasonably believes them to be, the person
16 whom he or she seeks to protect would not be justified in using such protective force;

17 (3) The actor was attempting to commit, committing, or escaping after the
18 commission of a forcible felony.

19 2. A person shall not use deadly force upon another person under the circumstances
20 specified in subsection 1 of this section unless:

21 (1) He or she reasonably believes that such deadly force is necessary to protect
22 himself, or herself or her unborn child, or another against death, serious physical injury, or
23 any forcible felony; **or**

24 (2) Such force is used against a person who unlawfully enters, remains after
25 unlawfully entering, or attempts to unlawfully enter a dwelling, residence, or vehicle lawfully
26 occupied by such person]; ~~or~~

27 ~~(3) Such force is used against a person who unlawfully enters, remains after~~
28 ~~unlawfully entering, or attempts to unlawfully enter private property that is owned or leased~~
29 ~~by an individual, or is occupied by an individual who has been given specific authority by the~~
30 ~~property owner to occupy the property, claiming a justification of using protective force under~~
31 ~~this section].~~

32 3. ~~[A person does not have a duty to retreat:~~

33 ~~(1) From a dwelling, residence, or vehicle where the person is not unlawfully entering~~
34 ~~or unlawfully remaining;~~

35 ~~(2) From private property that is owned or leased by such individual; or~~

36 ~~(3) If the person is in any other location such person has the right to be.~~

37 4.] The justification afforded by this section extends to the use of physical restraint as
38 protective force provided that the actor takes all reasonable measures to terminate the restraint
39 as soon as it is reasonable to do so.

40 ~~[5-]~~ 4. The defendant shall have the burden of injecting the issue of justification under
41 this section. If a defendant asserts that his or her use of force is described under subdivision
42 (2) of subsection 2 of this section, the burden shall then be on the state to prove beyond a

43 reasonable doubt that the defendant did not reasonably believe that the use of such force was
44 necessary to defend against what he or she reasonably believed was the use or imminent use
45 of unlawful force.

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

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

6 (2) Sets a spring gun; or

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

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

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

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

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

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

24 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section
25 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any
26 building or habitable structure, unless the person was lawfully acting in self-defense; or

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

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

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

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

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

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

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

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

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

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

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

62 (8) Any corporate security advisor meeting the definition and fulfilling the
63 requirements of the regulations established by the department of public safety under section
64 590.750;

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

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

70 (11) Any member of a fire department or fire protection district who is employed on a
71 full-time basis as a fire investigator and who has a valid concealed carry endorsement issued

72 prior to August 28, 2013, or a valid concealed carry permit under section 571.111 when such
73 uses are reasonably associated with or are necessary to the fulfillment of such person's official
74 duties; and

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

80 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply
81 when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state
82 when ammunition is not readily accessible or when such weapons are not readily accessible.
83 Subdivision (1) of subsection 1 of this section does not apply to any person nineteen years of
84 age or older or eighteen years of age or older and a member of the United States Armed
85 Forces, or honorably discharged from the United States Armed Forces, transporting a
86 concealable firearm in the passenger compartment of a motor vehicle, so long as such
87 concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession
88 of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her
89 dwelling unit or upon premises over which the actor has possession, authority or control, or is
90 traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection
91 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person
92 while traversing school premises for the purposes of transporting a student to or from school,
93 or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related
94 event or club event.

95 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any
96 person who has a valid concealed carry permit issued pursuant to sections 571.101 to
97 571.121, a valid concealed carry endorsement issued before August 28, 2013, or a valid
98 permit or endorsement to carry concealed firearms issued by another state or political
99 subdivision of another state.

100 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section
101 shall not apply to persons who are engaged in a lawful act of defense pursuant to section
102 563.031.

103 6. Notwithstanding any provision of this section to the contrary, the state shall not
104 prohibit any state employee from having a firearm in the employee's vehicle on the state's
105 property provided that the vehicle is locked and the firearm is not visible. This subsection
106 shall only apply to the state as an employer when the state employee's vehicle is on property
107 owned or leased by the state and the state employee is conducting activities within the scope
108 of his or her employment. For the purposes of this subsection, "state employee" means an

109 employee of the executive, legislative, or judicial branch of the government of the state of
110 Missouri.

111 7. (1) Subdivision (10) of subsection 1 of this section shall not apply to a person who
112 is a school officer commissioned by the district school board under section 162.215 or who is
113 a school protection officer, as described under section 160.665.

114 (2) Nothing in this section shall make it unlawful for a student to actually participate
115 in school-sanctioned gun safety courses, student military or ROTC courses, or other school-
116 sponsored or club-sponsored firearm-related events, provided the student does not carry a
117 firearm or other weapon readily capable of lethal use into any school, onto any school bus, or
118 onto the premises of any other function or activity sponsored or sanctioned by school officials
119 or the district school board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

183 standards established by the state for training and qualification for active peace officers to
184 carry a firearm of the same type as the concealed firearm.

571.080. 1. A person commits the ~~[crime]~~ offense of transfer of a concealable
2 firearm if:

3 (1) Such person buys, leases, borrows, exchanges, or otherwise receives any
4 concealable firearm unless such person first obtains and delivers to the person
5 delivering the firearm a valid permit authorizing the acquisition of the firearm;

6 (2) Such person sells, leases, loans, exchanges, gives away, or otherwise delivers
7 any concealable firearm unless such person first demands and receives from the person
8 receiving the firearm a valid permit authorizing such acquisition of the firearm; or

9 (3) Such person violates 18 U.S.C. Section 922(b) or 18 U.S.C. Section 922(x).

10 2. A permit to acquire a concealable firearm shall be valid only for thirty days
11 after the issuance thereof.

12 3. Subsection 1 of this section shall not apply to:

13 (1) The acquisition by or transfer of concealable firearms among manufacturers,
14 wholesalers, or retailers of firearms for purposes of commerce;

15 (2) Antique firearms or replicas thereof; or

16 (3) Curio or relic firearms.

17 4. A person who commits the offense of transfer of a concealable firearm shall be
18 guilty of a class A misdemeanor.

571.090. 1. A permit to acquire a concealable firearm shall be issued by the
2 sheriff of the county in which the applicant resides if all of the statements in the
3 application are true and the applicant:

4 (1) Is at least twenty-one years of age, is a citizen of the United States, and has
5 resided in this state for at least six months;

6 (2) Has not pled guilty to or been convicted of a crime punishable by
7 imprisonment for a term exceeding one year under the laws of any state or of the United
8 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
10 explosive weapon, firearm, firearm silencer, or gas gun;

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

17 **(4) Has not been discharged under dishonorable conditions from the United**
18 **States Armed Forces; and**

19 **(5) Is not currently adjudged mentally incompetent and has not been committed**
20 **to a mental health facility, as defined in section 632.005, or a similar institution located**
21 **in another state within the previous six months.**

22 **2. Applications shall be made to the sheriff of the county in which the applicant**
23 **resides. An application shall be filed in writing, signed and verified by the applicant,**
24 **and shall state only the following: the name, Social Security number, occupation, age,**
25 **height, color of eyes and hair, residence and business addresses of the applicant, the**
26 **reason for desiring the permit, and whether the applicant complies with each of the**
27 **requirements specified in subsection 1 of this section.**

28 **3. Before a permit is issued, the sheriff shall make only such inquiries as he or**
29 **she deems necessary into the accuracy of the statements made in the application. The**
30 **sheriff may require that the applicant display a Missouri operator's license or other**
31 **suitable identification. The sheriff shall issue the permit within a period not to exceed**
32 **seven days after submission of the properly completed application excluding Saturdays,**
33 **Sundays, and legal holidays. The sheriff may refuse to issue the permit if he or she**
34 **determines that any of the requirements specified in subsection 1 of this section have not**
35 **been met or if he or she has reason to believe that the applicant has rendered a false**
36 **statement regarding any of the provisions in subsection 1 of this section. If the**
37 **application is approved, the sheriff shall issue a permit and a copy thereof to the**
38 **applicant.**

39 **4. The permit shall recite the date of issuance, that it is invalid after thirty days,**
40 **the name and address of the person to whom granted, the nature of the transaction, and**
41 **a physical description of the applicant. The applicant shall sign the permit in the**
42 **presence of the sheriff.**

43 **5. If the permit is used, the person who receives the permit from the applicant**
44 **shall return it to the sheriff within thirty days after its expiration, with a notation**
45 **thereon showing the date and manner of disposition of the firearm and a description of**
46 **the firearm including the make, model, and serial number. The sheriff shall keep a**
47 **record of all applications for permits and his or her action thereon, and shall preserve**
48 **all returned permits.**

49 **6. No person shall in any manner transfer, alter, or change a permit; make a**
50 **false notation on a permit; obtain a permit upon any false representation; or use or**
51 **attempt to use a permit issued to another.**

52 7. For the processing of the permit, the sheriff in each county and any city not
53 within a county shall charge a fee not to exceed fifteen dollars, which shall be paid into
54 the treasury of the county or city to the credit of the general revenue fund.

55 8. In any case when the sheriff refuses to issue or to act on an application for a
56 permit, such refusal shall be in writing setting forth the reasons for such refusal. Such
57 written refusal shall explain the denied applicant's right to appeal and, with a copy of
58 the completed application, shall be given to the denied applicant within a period not to
59 exceed seven days after submission of the properly completed application excluding
60 Saturdays, Sundays, and legal holidays. The denied applicant shall have the right to
61 appeal the denial within ten days of receiving written notice of the denial. Such appeals
62 shall be heard in small claims court as defined in section 482.300, and the provisions of
63 sections 482.300, 482.310, and 482.335 shall apply to such appeals.

64 9. A denial of or refusal to act on an application for a permit may be appealed by
65 filing with the clerk of the small claims court a copy of the sheriff's written refusal and a
66 form substantially similar to the appeal form provided in this section. Appeal forms
67 shall be provided by the clerk of the small claims court free of charge to any person:

68 **SMALL CLAIMS COURT**

69 **In the Circuit Court of _____, Missouri**

70 **_____, Denied Applicant**

71)

72)

73 **vs. _____) Case Number _____**

74)

75)

76 **_____, Sheriff**

77 **Return Date _____**

78 **DENIAL OF PERMIT APPEAL**

79 **The denied applicant states that his or her properly completed**
80 **application for a permit to acquire a firearm with a barrel of less**
81 **than sixteen inches was denied by the sheriff of _____ County,**

82 **Missouri, without just cause. The denied applicant affirms that**
 83 **all of the statements in the application are true.**

84

Denied Applicant

85

86 **10. The notice of appeal in a denial of permit appeal shall be made to the sheriff**
 87 **in a manner and form determined by the small claims court judge.**

88 **11. If at the hearing the person shows he or she is entitled to the requested**
 89 **permit, the court shall issue an appropriate order to cause the issuance of the permit.**
 90 **Costs shall not be assessed against the sheriff in any case.**

91 **12. Any person aggrieved by any final judgment rendered by a small claims**
 92 **court in a denial of permit appeal may have a trial de novo as provided in sections**
 93 **512.180 to 512.320.**

94 **13. Violation of any provision of this section is a class A misdemeanor.**

2 ~~[1.410. 1. Sections 1.410 to 1.485 shall be known and may be cited as~~
 3 ~~the "Second Amendment Preservation Act".~~

4 ~~2. The general assembly finds and declares that:~~

5 ~~(1) The general assembly of the state of Missouri is firmly resolved to~~
 6 ~~support and defend the Constitution of the United States against every~~
 7 ~~aggression, whether foreign or domestic, and is duty bound to oppose every~~
 8 ~~infraction of those principles that constitute the basis of the union of the states~~
 9 ~~because only a faithful observance of those principles can secure the union's~~
 10 ~~existence and the public happiness;~~

11 ~~(2) Acting through the Constitution of the United States, the people of~~
 12 ~~the several states created the federal government to be their agent in the~~
 13 ~~exercise of a few defined powers, while reserving for the state governments~~
 14 ~~the power to legislate on matters concerning the lives, liberties, and properties~~
 15 ~~of citizens in the ordinary course of affairs;~~

16 ~~(3) The limitation of the federal government's power is affirmed under~~
 17 ~~Amendment X of the Constitution of the United States, which defines the total~~
 18 ~~scope of federal powers as being those that have been delegated by the people~~
 19 ~~of the several states to the federal government and all powers not delegated to~~
 20 ~~the federal government in the Constitution of the United States are reserved to~~
 21 ~~the states respectively or the people themselves;~~

22 ~~(4) If the federal government assumes powers that the people did not~~
 23 ~~grant it in the Constitution of the United States, its acts are unauthoritative,~~
 24 ~~void, and of no force;~~

25 ~~(5) The several states of the United States respect the proper role of the~~
 26 ~~federal government but reject the proposition that such respect requires~~
 27 ~~unlimited submission. If the federal government, created by a compact among~~
 28 ~~the states, were the exclusive or final judge of the extent of the powers granted~~
 29 ~~to it by the states through the Constitution of the United States, the federal~~

29 government's discretion, and not the Constitution of the United States, would
30 necessarily become the measure of those powers. To the contrary, as in all
31 other cases of compacts among powers having no common judge, each party
32 has an equal right to judge for itself as to whether infractions of the compact
33 have occurred, as well as to determine the mode and measure of redress.
34 Although the several states have granted supremacy to laws and treaties made
35 under the powers granted in the Constitution of the United States, such
36 supremacy does not extend to various federal statutes, executive orders,
37 administrative orders, court orders, rules, regulations, or other actions that
38 collect data or restrict or prohibit the manufacture, ownership, or use of
39 firearms, firearm accessories, or ammunition exclusively within the borders of
40 Missouri; such statutes, executive orders, administrative orders, court orders,
41 rules, regulations, and other actions exceed the powers granted to the federal
42 government except to the extent they are necessary and proper for governing
43 and regulating the United States Armed Forces or for organizing, arming, and
44 disciplining militia forces actively employed in the service of the United States
45 Armed Forces;

46 (6) The people of the several states have given Congress the power "to
47 regulate commerce with foreign nations, and among the several states", but
48 "regulating commerce" does not include the power to limit citizens' right to
49 keep and bear arms in defense of their families, neighbors, persons, or property
50 nor to dictate what sorts of arms and accessories law-abiding Missourians may
51 buy, sell, exchange, or otherwise possess within the borders of this state;

52 (7) The people of the several states have also granted Congress the
53 powers "to lay and collect taxes, duties, imports, and excises, to pay the debts,
54 and provide for the common defense and general welfare of the United States"
55 and "to make all laws which shall be necessary and proper for carrying into
56 execution the powers vested by the Constitution of the United States in the
57 government of the United States, or in any department or office thereof".
58 These constitutional provisions merely identify the means by which the federal
59 government may execute its limited powers and shall not be construed to grant
60 unlimited power because to do so would be to destroy the carefully
61 constructed equilibrium between the federal and state governments.
62 Consequently, the general assembly rejects any claim that the taxing and
63 spending powers of Congress may be used to diminish in any way the right of
64 the people to keep and bear arms;

65 (8) The general assembly finds that the federal excise tax rate on arms
66 and ammunition in effect prior to January 1, 2021, which funds programs
67 under the Wildlife Restoration Act, does not have a chilling effect on the
68 purchase or ownership of such arms and ammunition;

69 (9) The people of Missouri have vested the general assembly with the
70 authority to regulate the manufacture, possession, exchange, and use of
71 firearms within the borders of this state, subject only to the limits imposed by
72 Amendment II of the Constitution of the United States and the Constitution of
73 Missouri; and

74 (10) The general assembly of the state of Missouri strongly promotes
75 responsible gun ownership, including parental supervision of minors in the
76 proper use, storage, and ownership of all firearms; the prompt reporting of

77 ~~stolen firearms; and the proper enforcement of all state gun laws. The general~~
 78 ~~assembly of the state of Missouri hereby condemns any unlawful transfer of~~
 79 ~~firearms and the use of any firearm in any criminal or unlawful activity.]~~

2 ~~[1.420. The following federal acts, laws, executive orders,~~
 3 ~~administrative orders, rules, and regulations shall be considered~~
 4 ~~infringements on the people's right to keep and bear arms, as guaranteed by~~
 5 ~~Amendment II of the Constitution of the United States and Article I, Section~~
 6 ~~23 of the Constitution of Missouri, within the borders of this state including,~~
 7 ~~but not limited to:~~

8 ~~(1) Any tax, levy, fee, or stamp imposed on firearms, firearm~~
 9 ~~accessories, or ammunition not common to all other goods and services and~~
 10 ~~that might reasonably be expected to create a chilling effect on the purchase or~~
 11 ~~ownership of those items by law-abiding citizens;~~

12 ~~(2) Any registration or tracking of firearms, firearm accessories, or~~
 13 ~~ammunition;~~

14 ~~(3) Any registration or tracking of the ownership of firearms, firearm~~
 15 ~~accessories, or ammunition;~~

16 ~~(4) Any act forbidding the possession, ownership, use, or transfer of a~~
 17 ~~firearm, firearm accessory, or ammunition by law-abiding citizens; and~~

18 ~~(5) Any act ordering the confiscation of firearms, firearm accessories,~~
~~or ammunition from law-abiding citizens.]~~

2 ~~[1.430. All federal acts, laws, executive orders, administrative orders,~~
 3 ~~rules, and regulations, regardless of whether they were enacted before or after~~
 4 ~~the provisions of sections 1.410 to 1.485, that infringe on the people's right to~~
 5 ~~keep and bear arms as guaranteed by the Second Amendment to the~~
 6 ~~Constitution of the United States and Article I, Section 23 of the Constitution~~
 7 ~~of Missouri shall be invalid to this state, shall not be recognized by this state,~~
 8 ~~shall be specifically rejected by this state, and shall not be enforced by this~~
~~state.]~~

2 ~~[1.440. It shall be the duty of the courts and law enforcement agencies~~
 3 ~~of this state to protect the rights of law-abiding citizens to keep and bear arms~~
 4 ~~within the borders of this state and to protect these rights from the~~
~~infringements defined under section 1.420.]~~

2 ~~[1.450. No entity or person, including any public officer or employee~~
 3 ~~of this state or any political subdivision of this state, shall have the authority to~~
 4 ~~enforce or attempt to enforce any federal acts, laws, executive orders,~~
 5 ~~administrative orders, rules, regulations, statutes, or ordinances infringing on~~
 6 ~~the right to keep and bear arms as described under section 1.420. Nothing in~~
 7 ~~sections 1.410 to 1.480 shall be construed to prohibit Missouri officials from~~
~~accepting aid from federal officials in an effort to enforce Missouri laws.]~~

2 ~~[1.460. 1. Any political subdivision or law enforcement agency that~~
 3 ~~employs a law enforcement officer who acts knowingly, as defined under~~
~~section 562.016, to violate the provisions of section 1.450 or otherwise~~

4 knowingly deprives a citizen of Missouri of the rights or privileges ensured by
 5 ~~Amendment II of the Constitution of the United States or Article I, Section 23~~
 6 ~~of the Constitution of Missouri while acting under the color of any state or~~
 7 ~~federal law shall be liable to the injured party in an action at law, suit in equity,~~
 8 ~~or other proper proceeding for redress, and subject to a civil penalty of fifty~~
 9 ~~thousand dollars per occurrence. Any person injured under this section shall~~
 10 ~~have standing to pursue an action for injunctive relief in the circuit court of the~~
 11 ~~county in which the action allegedly occurred or in the circuit court of Cole~~
 12 ~~County with respect to the actions of such individual. The court shall hold a~~
 13 ~~hearing on the motion for temporary restraining order and preliminary~~
 14 ~~injunction within thirty days of service of the petition.~~

15 ~~2. In such actions, the court may award the prevailing party, other than~~
 16 ~~the state of Missouri or any political subdivision of the state, reasonable~~
 17 ~~attorney's fees and costs.~~

18 ~~3. Sovereign immunity shall not be an affirmative defense in any~~
 19 ~~action pursuant to this section.]~~

2 ~~[1.470. 1. Any political subdivision or law enforcement agency that~~
 3 ~~knowingly employs an individual acting or who previously acted as an official,~~
 4 ~~agent, employee, or deputy of the government of the United States, or~~
 5 ~~otherwise acted under the color of federal law within the borders of this state,~~
 6 ~~who has knowingly, as defined under section 562.016, after the adoption of~~
 7 ~~this section:~~

8 ~~(1) Enforced or attempted to enforce any of the infringements~~
 9 ~~identified in section 1.420; or~~

10 ~~(2) Given material aid and support to the efforts of another who~~
 11 ~~enforces or attempts to enforce any of the infringements identified in section~~
 12 ~~1.420;~~

13 ~~shall be subject to a civil penalty of fifty thousand dollars per employee hired~~
 14 ~~by the political subdivision or law enforcement agency. Any person residing~~
 15 ~~in a jurisdiction who believes that an individual has taken action that would~~
 16 ~~violate the provisions of this section shall have standing to pursue an action.~~

17 ~~2. Any person residing or conducting business in a jurisdiction who~~
 18 ~~believes that an individual has taken action that would violate the provisions of~~
 19 ~~this section shall have standing to pursue an action for injunctive relief in the~~
 20 ~~circuit court of the county in which the action allegedly occurred or in the~~
 21 ~~circuit court of Cole County with respect to the actions of such individual.~~
 22 ~~The court shall hold a hearing on the motion for a temporary restraining order~~
 23 ~~and preliminary injunction within thirty days of service of the petition.~~

24 ~~3. In such actions, the court may award the prevailing party, other than~~
 25 ~~the state of Missouri or any political subdivision of the state, reasonable~~
 26 ~~attorney's fees and costs.~~

27 ~~4. Sovereign immunity shall not be an affirmative defense in any~~
 28 ~~action pursuant to this section.]~~

2 ~~[1.480. 1. For sections 1.410 to 1.485, the term "law-abiding citizen"~~
 3 ~~shall mean a person who is not otherwise precluded under state law from~~

3 possessing a firearm and shall not be construed to include anyone who is not
4 legally present in the United States or the state of Missouri.

5 2. For the purposes of sections 1.410 to 1.480, "material aid and
6 support" shall include voluntarily giving or allowing others to make use of
7 lodging; communications equipment or services, including social media
8 accounts; facilities; weapons; personnel; transportation; clothing; or other
9 physical assets. Material aid and support shall not include giving or allowing
10 the use of medicine or other materials necessary to treat physical injuries, nor
11 shall the term include any assistance provided to help persons escape a serious,
12 present risk of life-threatening injury.

13 3. It shall not be considered a violation of sections 1.410 to 1.480 to
14 provide material aid to federal officials who are in pursuit of a suspect when
15 there is a demonstrable criminal nexus with another state or country and such
16 suspect is either not a citizen of this state or is not present in this state.

17 4. It shall not be considered a violation of sections 1.410 to 1.480 to
18 provide material aid to federal prosecution for:

19 (1) Felony crimes against a person when such prosecution includes
20 weapons violations substantially similar to those found in chapter 570 or 571
21 so long as such weapons violations are merely ancillary to such prosecution; or

22 (2) Class A or class B felony violations substantially similar to those
23 found in chapter 579 when such prosecution includes weapons violations
24 substantially similar to those found in chapter 570 or 571 so long as such
25 weapons violations are merely ancillary to such prosecution.

26 5. The provisions of sections 1.410 to 1.485 shall be applicable to
27 offenses occurring on or after August 28, 2021.]

2 [1.485. If any provision of sections 1.410 to 1.485 or the application
3 thereof to any person or circumstance is held invalid, such determination shall
4 not affect the provisions or applications of sections 1.410 to 1.485 that may be
5 given effect without the invalid provision or application, and the provisions of
6 sections 1.410 to 1.485 are severable.]

7 [21.750. 1. The general assembly hereby occupies and preempts the
8 entire field of legislation touching in any way firearms, components,
9 ammunition and supplies to the complete exclusion of any order, ordinance
10 or regulation by any political subdivision of this state. Any existing or future
11 orders, ordinances or regulations in this field are hereby and shall be null and
12 void except as provided in subsection 3 of this section.

13 2. No county, city, town, village, municipality, or other political
14 subdivision of this state shall adopt any order, ordinance or regulation
15 concerning in any way the sale, purchase, purchase delay, transfer, ownership,
16 use, keeping, possession, bearing, transportation, licensing, permit,
17 registration, taxation other than sales and compensating use taxes or other
18 controls on firearms, components, ammunition, and supplies except as
19 provided in subsection 3 of this section.

20 3. (1) Except as provided in subdivision (2) of this subsection, nothing
21 contained in this section shall prohibit any ordinance of any political
22 subdivision which conforms exactly with any of the provisions of sections

17 ~~571.010 to 571.070, with appropriate penalty provisions, or which regulates~~
 18 ~~the open carrying of firearms readily capable of lethal use or the discharge of~~
 19 ~~firearms within a jurisdiction, provided such ordinance complies with the~~
 20 ~~provisions of section 252.243. No ordinance shall be construed to preclude the~~
 21 ~~use of a firearm in the defense of person or property, subject to the provisions~~
 22 ~~of chapter 563.~~

23 ~~(2) In any jurisdiction in which the open carrying of firearms is~~
 24 ~~prohibited by ordinance, the open carrying of firearms shall not be prohibited~~
 25 ~~in accordance with the following:~~

26 ~~(a) Any person with a valid concealed carry endorsement or permit~~
 27 ~~who is open carrying a firearm shall be required to have a valid concealed~~
 28 ~~carry endorsement or permit from this state, or a permit from another state that~~
 29 ~~is recognized by this state, in his or her possession at all times;~~

30 ~~(b) Any person open carrying a firearm in such jurisdiction shall~~
 31 ~~display his or her concealed carry endorsement or permit upon demand of a~~
 32 ~~law enforcement officer;~~

33 ~~(c) In the absence of any reasonable and articulable suspicion of~~
 34 ~~criminal activity, no person carrying a concealed or unconcealed firearm shall~~
 35 ~~be disarmed or physically restrained by a law enforcement officer unless under~~
 36 ~~arrest; and~~

37 ~~(d) Any person who violates this subdivision shall be subject to the~~
 38 ~~penalty provided in section 571.121.~~

39 ~~4. The lawful design, marketing, manufacture, distribution, or sale of~~
 40 ~~firearms or ammunition to the public is not an abnormally dangerous activity~~
 41 ~~and does not constitute a public or private nuisance.~~

42 ~~5. No county, city, town, village or any other political subdivision nor~~
 43 ~~the state shall bring suit or have any right to recover against any firearms or~~
 44 ~~ammunition manufacturer, trade association or dealer for damages, abatement~~
 45 ~~or injunctive relief resulting from or relating to the lawful design, manufacture,~~
 46 ~~marketing, distribution, or sale of firearms or ammunition to the public. This~~
 47 ~~subsection shall apply to any suit pending as of October 12, 2003, as well as~~
 48 ~~any suit which may be brought in the future. Provided, however, that nothing~~
 49 ~~in this section shall restrict the rights of individual citizens to recover for~~
 50 ~~injury or death caused by the negligent or defective design or manufacture of~~
 51 ~~firearms or ammunition.~~

52 ~~6. Nothing in this section shall prevent the state, a county, city, town,~~
 53 ~~village or any other political subdivision from bringing an action against a~~
 54 ~~firearms or ammunition manufacturer or dealer for breach of contract or~~
 55 ~~warranty as to firearms or ammunition purchased by the state or such political~~
 56 ~~subdivision.]~~

2 ~~[563.074. 1. Notwithstanding the provisions of section 563.016, a~~
 3 ~~person who uses force as described in sections 563.031, 563.041, 563.046,~~
 4 ~~563.051, 563.056, and 563.061 is justified in using such force and such fact~~
 5 ~~shall be an absolute defense to criminal prosecution or civil liability.~~

6 ~~2. The court shall award attorney's fees, court costs, and all reasonable~~
 expenses incurred by the defendant in defense of any civil action brought by a

7 plaintiff if the court finds that the defendant has an absolute defense as
8 provided in subsection 1 of this section.]

2 [571.205. 1. Upon request and payment of the required fee, the sheriff
3 shall issue a concealed carry permit that is valid through the state of Missouri
4 for the lifetime of the permit holder to a Missouri resident who meets the
5 requirements of sections 571.205 to 571.230, known as a Missouri lifetime
6 concealed carry permit. A person may also request, and the sheriff shall issue
7 upon payment of the required fee, a concealed carry permit that is valid
8 through the state of Missouri for a period of either ten years or twenty five
9 years from the date of issuance or renewal to a Missouri resident who meets
10 the requirements of sections 571.205 to 571.230. Such permit shall be known
11 as a Missouri extended concealed carry permit. A person issued a Missouri
12 lifetime or extended concealed carry permit shall be required to comply with
13 the provisions of sections 571.205 to 571.230. If the applicant can show
14 qualification as provided by sections 571.205 to 571.230, the sheriff shall issue
15 a Missouri lifetime or extended concealed carry permit authorizing the
16 carrying of a concealed firearm on or about the applicant's person or within a
17 vehicle.

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

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

27 (1) Is at least nineteen years of age, is a citizen or permanent resident
28 of the United States and has assumed residency in this state, or is at least
29 eighteen years of age and a member of the United States Armed Forces or
30 honorably discharged from the United States Armed Forces, and is a citizen of
31 the United States and has assumed residency in this state;

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

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

45 ~~(4) Is not a fugitive from justice or currently charged in an information~~
46 ~~or indictment with the commission of a crime punishable by imprisonment for~~
47 ~~a term exceeding one year under the laws of any state of the United States;~~
48 ~~other than a crime classified as a misdemeanor under the laws of any state and~~
49 ~~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 ~~(5) Has not been discharged under dishonorable conditions from the~~
52 ~~United States Armed Forces;~~

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

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

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

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

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

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

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

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

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

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

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

88 ~~(5) An affirmation that the applicant has not been convicted of, pled~~
89 ~~guilty to, or entered a plea of nolo contendere to one or more misdemeanor~~
90 ~~offenses involving crimes of violence within a five year period immediately~~
91 ~~preceding application for a permit or that the applicant has not been convicted~~
92 ~~of two or more misdemeanor offenses involving driving while under the~~

93 ~~influence of intoxicating liquor or drugs or the possession or abuse of a~~
94 ~~controlled substance within a five year period immediately preceding~~
95 ~~application for a permit;~~

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

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

105 ~~(8) An affirmation that the applicant is not adjudged mentally~~
106 ~~incompetent at the time of application or for five years prior to application, or~~
107 ~~has not been committed to a mental health facility, as defined in section~~
108 ~~632.005, or a similar institution located in another state, except that a person~~
109 ~~whose release or discharge from a facility in this state under chapter 632, or a~~
110 ~~similar discharge from a facility in another state, occurred more than five years~~
111 ~~ago without subsequent recommitment may apply;~~

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

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

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

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

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

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

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

138 ~~6. (1) Before an application for a Missouri lifetime or extended~~
139 ~~concealed carry permit is approved, the sheriff shall make only such inquiries~~
140 ~~as he or she deems necessary into the accuracy of the statements made in the~~

141 application. ~~The sheriff may require that the applicant display a Missouri~~
142 ~~driver's license or nondriver's license or military identification. No biometric~~
143 ~~data shall be collected from the applicant. The sheriff shall conduct an inquiry~~
144 ~~of the National Instant Criminal Background Check System within three~~
145 ~~working days after submission of the properly completed application for a~~
146 ~~Missouri lifetime or extended concealed carry permit. Upon receipt of the~~
147 ~~completed report from the National Instant Criminal Background Check~~
148 ~~System, the sheriff shall examine the results and, if no disqualifying~~
149 ~~information is identified, shall issue a Missouri lifetime or extended~~
150 ~~concealed carry permit within three working days.~~

151 (2) ~~In the event the report from the National Instant Criminal~~
152 ~~Background Check System and the response from the Federal Bureau of~~
153 ~~Investigation national criminal history record check prescribed by subdivision~~
154 ~~(1) of this subsection are not completed within forty-five calendar days and no~~
155 ~~disqualifying information concerning the applicant has otherwise come to the~~
156 ~~sheriff's attention, the sheriff shall issue a provisional permit, clearly~~
157 ~~designated on the certificate as such, which the applicant shall sign in the~~
158 ~~presence of the sheriff or the sheriff's designee. This permit, when carried~~
159 ~~with a valid Missouri driver's or nondriver's license, shall permit the applicant~~
160 ~~to exercise the same rights in accordance with the same conditions as pertain~~
161 ~~to a Missouri lifetime or extended concealed carry permit issued under this~~
162 ~~section, provided that it shall not serve as an alternative to a national instant~~
163 ~~criminal background check required by 18 U.S.C. Section 922(t). The~~
164 ~~provisional permit shall remain valid until such time as the sheriff either issues~~
165 ~~or denies the permit under subsection 7 or 8 of this section. The sheriff shall~~
166 ~~revoke a provisional permit issued under this subsection within twenty-four~~
167 ~~hours of receipt of any report that identifies a disqualifying record, and shall~~
168 ~~notify the concealed carry permit system established under subsection 5 of~~
169 ~~section 650.350. The revocation of a provisional permit issued under this~~
170 ~~section shall be prescribed in a manner consistent to the denial and review of~~
171 ~~an application under subsection 7 of this section.~~

172 7. ~~The sheriff may refuse to approve an application for a Missouri~~
173 ~~lifetime or extended concealed carry permit if he or she determines that any of~~
174 ~~the requirements specified in subsection 3 of this section have not been met, or~~
175 ~~if he or she has a substantial and demonstrable reason to believe that the~~
176 ~~applicant has rendered a false statement regarding any of the provisions of~~
177 ~~sections 571.205 to 571.230. If the applicant is found to be ineligible, the~~
178 ~~sheriff is required to deny the application, and notify the applicant in writing,~~
179 ~~stating the grounds for denial and informing the applicant of the right to~~
180 ~~submit, within thirty days, any additional documentation relating to the~~
181 ~~grounds of the denial. Upon receiving any additional documentation, the~~
182 ~~sheriff shall reconsider his or her decision and inform the applicant within~~
183 ~~thirty days of the result of the reconsideration. The applicant shall further be~~
184 ~~informed in writing of the right to appeal the denial under section 571.220.~~
185 ~~After two additional reviews and denials by the sheriff, the person submitting~~
186 ~~the application shall appeal the denial under section 571.220.~~

187 8. ~~If the application is approved, the sheriff shall issue a Missouri~~
188 ~~lifetime or extended concealed carry permit to the applicant within a period~~

189 not to exceed three working days after his or her approval of the application.
190 ~~The applicant shall sign the Missouri lifetime or extended concealed carry~~
191 ~~permit in the presence of the sheriff or his or her designee.~~

192 9. ~~The Missouri lifetime or extended concealed carry permit shall~~
193 ~~specify only the following information:~~

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

196 (2) ~~The signature of the sheriff issuing the permit;~~

197 (3) ~~The date of issuance;~~

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

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

202

203 ~~The permit shall be no larger than two and one eighth inches wide by three and~~
204 ~~three eighths inches long and shall be of a uniform style prescribed by the~~
205 ~~department of public safety. The permit shall also be assigned a concealed~~
206 ~~carry permit system county code and shall be stored in sequential number.~~

207 10. (1) ~~The sheriff shall keep a record of all applications for a~~
208 ~~Missouri lifetime or extended concealed carry permit or a provisional permit~~
209 ~~and his or her action thereon. Any record of an application that is incomplete~~
210 ~~or denied for any reason shall be kept for a period not to exceed one year.~~

211 (2) ~~The sheriff shall report the issuance of a Missouri lifetime or~~
212 ~~extended concealed carry permit or provisional permit to the concealed carry~~
213 ~~permit system. All information on any such permit that is protected~~
214 ~~information on any driver's or nondriver's license shall have the same personal~~
215 ~~protection for purposes of sections 571.205 to 571.230. An applicant's status~~
216 ~~as a holder of a Missouri lifetime or extended concealed carry permit or~~
217 ~~provisional permit shall not be public information and shall be considered~~
218 ~~personal protected information. Information retained in the concealed carry~~
219 ~~permit system under this subsection shall not be distributed to any federal,~~
220 ~~state, or private entities and shall only be made available for a single entry~~
221 ~~query of an individual in the event the individual is a subject of interest in an~~
222 ~~active criminal investigation or is arrested for a crime. A sheriff may access~~
223 ~~the concealed carry permit system for administrative purposes to issue a~~
224 ~~permit, verify the accuracy of permit holder information, change the name or~~
225 ~~address of a permit holder, suspend or revoke a permit, cancel an expired~~
226 ~~permit, or cancel a permit upon receipt of a certified death certificate for the~~
227 ~~permit holder. Any person who violates the provisions of this subdivision by~~
228 ~~disclosing protected information shall be guilty of a class A misdemeanor.~~

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

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

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

237 ~~(2) Two hundred fifty dollars for a new Missouri extended concealed~~
 238 ~~carry permit that is valid for twenty five years from the date of issuance or~~
 239 ~~renewal;~~
 240 ~~(3) Fifty dollars for a renewal of a Missouri extended concealed carry~~
 241 ~~permit;~~
 242 ~~(4) Five hundred dollars for a Missouri lifetime concealed carry~~
 243 ~~permit,~~
 244
 245 ~~which shall be paid to the treasury of the county to the credit of the sheriff's~~
 246 ~~revolving fund.]~~

2 ~~[571.210. 1. A Missouri lifetime or extended concealed carry permit~~
 3 ~~issued under sections 571.205 to 571.230 shall be suspended or revoked if the~~
 4 ~~Missouri lifetime or extended concealed carry permit holder becomes~~
 5 ~~ineligible for such permit under the criteria established in subdivision (2),~~
 6 ~~(3), (4), (5), (7), or (10) of subsection 3 of section 571.205. The following~~
 7 ~~procedures shall be followed:~~

8 ~~(1) When a valid full order of protection or any arrest warrant,~~
 9 ~~discharge, or commitment for the reasons listed in subdivision (2), (3), (4), (5),~~
 10 ~~(7), or (10) of subsection 3 of section 571.205 is issued against a person~~
 11 ~~holding a Missouri lifetime or extended concealed carry permit, upon~~
 12 ~~notification of said order, warrant, discharge, or commitment or upon an order~~
 13 ~~of a court of competent jurisdiction in a criminal proceeding, a commitment~~
 14 ~~proceeding, or a full order of protection proceeding ruling that a person~~
 15 ~~holding a Missouri lifetime or extended concealed carry permit presents a risk~~
 16 ~~of harm to themselves or others, then upon notification of such order, the~~
 17 ~~holder of the Missouri lifetime or extended concealed carry permit shall~~
 18 ~~surrender the permit to the court, officer, or other official serving the order,~~
 19 ~~warrant, discharge, or commitment. The permit shall be suspended until the~~
 20 ~~order is terminated or until the arrest results in a dismissal of all charges. The~~
 21 ~~official to whom the permit is surrendered shall administratively suspend the~~
 22 ~~permit in the concealed carry permit system until the order is terminated or the~~
 23 ~~charges are dismissed. Upon dismissal, the court holding the permit shall~~
 24 ~~return such permit to the individual and the official to whom the permit was~~
 25 ~~surrendered shall administratively return the permit to good standing within~~
 26 ~~the concealed carry permit system;~~

27 ~~(2) Any conviction, discharge, or commitment specified in sections~~
 28 ~~571.205 to 571.230 shall result in a revocation. Upon conviction, the court~~
 29 ~~shall forward a notice of conviction or action and the permit to the issuing~~
 30 ~~county sheriff. The sheriff who issued the Missouri lifetime or extended~~
 31 ~~concealed carry permit shall report the change in status of the concealed carry~~
 32 ~~permit to the concealed carry permit system.~~

33 ~~2. A Missouri lifetime or extended concealed carry permit shall be~~
 34 ~~reactivated for a qualified applicant upon receipt of the properly completed~~
 35 ~~application by the sheriff of the county of the applicant's residence and in~~
 36 ~~accordance with subsection 2 of section 571.205. A name-based inquiry of the~~
 37 ~~National Instant Criminal Background Check System shall be completed for~~
~~each reactivation application. The sheriff shall review the results of the report~~

38 from the National Instant Criminal Background Check System, and when the
39 sheriff has determined the applicant has successfully completed all
40 reactivation requirements and is not disqualified under any provision of
41 section 571.205, the sheriff shall issue a new Missouri lifetime or extended
42 concealed carry permit, which contains the date such permit was reactivated.

43 3. Any person issued a Missouri lifetime or extended concealed carry
44 permit shall notify the sheriff or his or her designee where the permit was
45 issued within seven days after actual knowledge of the loss or destruction of
46 his or her permit. The permit holder shall furnish a statement to the sheriff that
47 the permit has been lost or destroyed. After notification of the loss or
48 destruction of a permit, the sheriff may charge a processing fee of ten dollars
49 for costs associated with replacing a lost or destroyed permit and shall reissue
50 a new Missouri lifetime or extended concealed carry permit within three
51 working days of being notified by the permit holder of its loss or destruction.
52 The new Missouri lifetime or extended concealed carry permit shall contain
53 the same personal information as the original concealed carry permit.

54 4. If a person issued a Missouri lifetime or extended concealed carry
55 permit changes his or her name, the person to whom the permit was issued
56 shall obtain a corrected or new Missouri lifetime or extended concealed carry
57 permit with a change of name from the sheriff who issued the Missouri
58 lifetime or extended concealed carry permit or upon the sheriff's verification of
59 the name change. The sheriff may charge a processing fee of not more than
60 ten dollars for any costs associated with obtaining a corrected or new Missouri
61 lifetime or extended concealed carry permit. The permit holder shall furnish
62 proof of the name change to the sheriff within thirty days of changing his or
63 her name and display his or her Missouri lifetime or extended concealed carry
64 permit. The sheriff shall report the name change to the concealed carry permit
65 system, and the new name shall be accessible by the concealed carry permit
66 system within three days of receipt of the information.

67 5. Any person issued a Missouri lifetime or extended concealed carry
68 permit shall notify the sheriff of the new jurisdiction of the permit holder's
69 change of residence within thirty days after the changing of a permanent
70 residence to a location outside the county of permit issuance. The permit
71 holder shall furnish proof to the sheriff in the new jurisdiction that the permit
72 holder has changed his or her residence. The sheriff shall report the residence
73 change to the concealed carry permit system, take possession and destroy the
74 old permit, and then issue a new permit to the permit holder. The new address
75 shall be accessible by the concealed carry permit system within three days of
76 receipt of the information.

77 6. A Missouri extended concealed carry permit shall be renewed for a
78 qualified applicant upon receipt of the properly completed renewal application
79 and payment of the required fee. The renewal application shall contain the
80 same required information as set forth in subsection 3 of section 571.205,
81 except that in lieu of the firearms safety training, the applicant need only
82 display his or her current Missouri extended concealed carry permit. A name-
83 based inquiry of the National Instant Criminal Background Check System
84 shall be completed for each renewal application. The sheriff shall review the
85 results of the report from the National Instant Criminal Background Check

86 System, and when the sheriff has determined the applicant has successfully
 87 completed all renewal requirements and is not disqualified under any provision
 88 of section 571.205, the sheriff shall issue a new Missouri extended concealed
 89 carry permit which contains the date such permit was renewed. Upon
 90 successful completion of all renewal requirements, the sheriff shall issue a new
 91 Missouri extended concealed carry permit as provided under this subsection.

92 7. A person who has been issued a Missouri extended concealed carry
 93 permit who fails to file a renewal application for a Missouri extended
 94 concealed carry permit on or before its expiration date shall pay an additional
 95 late fee of ten dollars per month for each month it is expired for up to six
 96 months. After six months, the sheriff who issued the expired Missouri
 97 extended concealed carry permit shall notify the concealed carry permit
 98 system that such permit is expired and cancelled. Any person who has been
 99 issued a Missouri extended concealed carry permit under sections 571.101 to
 100 571.121 who fails to renew his or her application within the six month period
 101 shall reapply for a concealed carry permit and pay the fee for a new
 102 application.

103 8. The sheriff of the county that issued the Missouri lifetime or
 104 extended concealed carry permit shall conduct a name-based inquiry of the
 105 National Instant Criminal Background Check System once every five years
 106 from the date of issuance or renewal of the permit. The sheriff shall review the
 107 results of the report from the National Instant Criminal Background Check
 108 System. If the sheriff determines the permit holder is disqualified under any
 109 provision of section 571.205, the sheriff shall revoke the Missouri lifetime or
 110 extended concealed carry permit and shall report the revocation to the
 111 concealed carry permit system.]

2 [571.215. 1. A Missouri lifetime or extended concealed carry permit
 3 issued under sections 571.205 to 571.230 shall authorize the person in whose
 4 name the permit is issued to carry concealed firearms on or about his or her
 5 person or vehicle throughout the state. No Missouri lifetime or extended
 6 concealed carry permit shall authorize any person to carry concealed firearms
 into:

7 (1) Any police, sheriff, or highway patrol office or station without the
 8 consent of the chief law enforcement officer in charge of that office or station.
 9 Possession of a firearm in a vehicle on the premises of the office or station
 10 shall not be a criminal offense so long as the firearm is not removed from the
 11 vehicle or brandished while the vehicle is on the premises;

12 (2) Within twenty five feet of any polling place on any election day.
 13 Possession of a firearm in a vehicle on the premises of the polling place shall
 14 not be a criminal offense so long as the firearm is not removed from the
 15 vehicle or brandished while the vehicle is on the premises;

16 (3) The facility of any adult or juvenile detention or correctional
 17 institution, prison or jail. Possession of a firearm in a vehicle on the premises
 18 of any adult, juvenile detention, or correctional institution, prison or jail shall
 19 not be a criminal offense so long as the firearm is not removed from the
 20 vehicle or brandished while the vehicle is on the premises;

21 ~~(4) Any courthouse solely occupied by the circuit, appellate or~~
22 ~~supreme court, or any courtrooms, administrative offices, libraries, or other~~
23 ~~rooms of any such court whether or not such court solely occupies the building~~
24 ~~in question. This subdivision shall also include, but not be limited to, any~~
25 ~~juvenile, family, drug, or other court offices, any room or office wherein any of~~
26 ~~the courts or offices listed in this subdivision are temporarily conducting any~~
27 ~~business within the jurisdiction of such courts or offices, and such other~~
28 ~~locations in such manner as may be specified by supreme court rule under~~
29 ~~subdivision (6) of this subsection. Nothing in this subdivision shall preclude~~
30 ~~those persons listed in subdivision (1) of subsection 2 of section 571.030 while~~
31 ~~within their jurisdiction and on duty, those persons listed in subdivisions (2),~~
32 ~~(4), and (10) of subsection 2 of section 571.030, or such other persons who~~
33 ~~serve in a law enforcement capacity for a court as may be specified by~~
34 ~~supreme court rule under subdivision (6) of this subsection from carrying a~~
35 ~~concealed firearm within any of the areas described in this subdivision.~~
36 ~~Possession of a firearm in a vehicle on the premises of any of the areas listed~~
37 ~~in this subdivision shall not be a criminal offense so long as the firearm is not~~
38 ~~removed from the vehicle or brandished while the vehicle is on the premises;~~

39 ~~(5) Any meeting of the governing body of a unit of local government,~~
40 ~~or any meeting of the general assembly or a committee of the general~~
41 ~~assembly, except that nothing in this subdivision shall preclude a member of~~
42 ~~the body holding a valid Missouri lifetime or extended concealed carry permit~~
43 ~~from carrying a concealed firearm at a meeting of the body which he or she is a~~
44 ~~member. Possession of a firearm in a vehicle on the premises shall not be a~~
45 ~~criminal offense so long as the firearm is not removed from the vehicle or~~
46 ~~brandished while the vehicle is on the premises. Nothing in this subdivision~~
47 ~~shall preclude a member of the general assembly, a full-time employee of the~~
48 ~~general assembly employed under Section 17, Article III, Constitution of~~
49 ~~Missouri, legislative employees of the general assembly as determined under~~
50 ~~section 21.155, or statewide elected officials and their employees, holding a~~
51 ~~valid Missouri lifetime or extended concealed carry permit, from carrying a~~
52 ~~concealed firearm in the state capitol building or at a meeting whether of the~~
53 ~~full body of a house of the general assembly or a committee thereof, that is~~
54 ~~held in the state capitol building;~~

55 ~~(6) The general assembly, supreme court, county, or municipality may~~
56 ~~by rule, administrative regulation, or ordinance prohibit or limit the carrying of~~
57 ~~concealed firearms by permit holders in that portion of a building owned,~~
58 ~~leased, or controlled by that unit of government. Any portion of a building in~~
59 ~~which the carrying of concealed firearms is prohibited or limited shall be~~
60 ~~clearly identified by signs posted at the entrance to the restricted area. The~~
61 ~~statute, rule, or ordinance shall exempt any building used for public housing~~
62 ~~by private persons, highways or rest areas, firing ranges, and private dwellings~~
63 ~~owned, leased, or controlled by that unit of government from any restriction on~~
64 ~~the carrying or possession of a firearm. The statute, rule, or ordinance shall~~
65 ~~not specify any criminal penalty for its violation but may specify that persons~~
66 ~~violating the statute, rule, or ordinance may be denied entrance to the building,~~
67 ~~ordered to leave the building and if employees of the unit of government, be~~
68 ~~subjected to disciplinary measures for violation of the provisions of the statute,~~

69 rule, or ordinance. The provisions of this subdivision shall not apply to any
70 ~~other unit of government;~~

71 ~~(7) Any establishment licensed to dispense intoxicating liquor for~~
72 ~~consumption on the premises, which portion is primarily devoted to that~~
73 ~~purpose, without the consent of the owner or manager. The provisions of this~~
74 ~~subdivision shall not apply to the licensee of said establishment. The~~
75 ~~provisions of this subdivision shall not apply to any bona fide restaurant open~~
76 ~~to the general public having dining facilities for not less than fifty persons and~~
77 ~~that receives at least fifty one percent of its gross annual income from the~~
78 ~~dining facilities by the sale of food. This subdivision does not prohibit the~~
79 ~~possession of a firearm in a vehicle on the premises of the establishment and~~
80 ~~shall not be a criminal offense so long as the firearm is not removed from the~~
81 ~~vehicle or brandished while the vehicle is on the premises. Nothing in this~~
82 ~~subdivision authorizes any individual who has been issued a Missouri lifetime~~
83 ~~or extended concealed carry permit to possess any firearm while intoxicated;~~

84 ~~(8) Any area of an airport to which access is controlled by the~~
85 ~~inspection of persons and property. Possession of a firearm in a vehicle on the~~
86 ~~premises of the airport shall not be a criminal offense so long as the firearm is~~
87 ~~not removed from the vehicle or brandished while the vehicle is on the~~
88 ~~premises;~~

89 ~~(9) Any place where the carrying of a firearm is prohibited by federal~~
90 ~~law;~~

91 ~~(10) Any higher education institution or elementary or secondary~~
92 ~~school facility without the consent of the governing body of the higher~~
93 ~~education institution or a school official or the district school board, unless the~~
94 ~~person with the Missouri lifetime or extended concealed carry permit is a~~
95 ~~teacher or administrator of an elementary or secondary school who has been~~
96 ~~designated by his or her school district as a school protection officer and is~~
97 ~~carrying a firearm in a school within that district, in which case no consent is~~
98 ~~required. Possession of a firearm in a vehicle on the premises of any higher~~
99 ~~education institution or elementary or secondary school facility shall not be a~~
100 ~~criminal offense so long as the firearm is not removed from the vehicle or~~
101 ~~brandished while the vehicle is on the premises;~~

102 ~~(11) Any portion of a building used as a child care facility without the~~
103 ~~consent of the manager. Nothing in this subdivision shall prevent the operator~~
104 ~~of a child care facility in a family home from owning or possessing a firearm~~
105 ~~or a Missouri lifetime or extended concealed carry permit;~~

106 ~~(12) Any riverboat gambling operation accessible by the public~~
107 ~~without the consent of the owner or manager under rules promulgated by the~~
108 ~~gaming commission. Possession of a firearm in a vehicle on the premises of a~~
109 ~~riverboat gambling operation shall not be a criminal offense so long as the~~
110 ~~firearm is not removed from the vehicle or brandished while the vehicle is on~~
111 ~~the premises;~~

112 ~~(13) Any gated area of an amusement park. Possession of a firearm in~~
113 ~~a vehicle on the premises of the amusement park shall not be a criminal~~
114 ~~offense so long as the firearm is not removed from the vehicle or brandished~~
115 ~~while the vehicle is on the premises;~~

116 ~~(14) Any church or other place of religious worship without the~~
117 ~~consent of the minister or person or persons representing the religious~~
118 ~~organization that exercises control over the place of religious worship.~~
119 ~~Possession of a firearm in a vehicle on the premises shall not be a criminal~~
120 ~~offense so long as the firearm is not removed from the vehicle or brandished~~
121 ~~while the vehicle is on the premises;~~

122 ~~(15) Any private property whose owner has posted the premises as~~
123 ~~being off limits to concealed firearms by means of one or more signs~~
124 ~~displayed in a conspicuous place of a minimum size of eleven inches by~~
125 ~~fourteen inches with the writing thereon in letters of not less than one inch.~~
126 ~~The owner, business or commercial lessee, manager of a private business~~
127 ~~enterprise, or any other organization, entity, or person may prohibit persons~~
128 ~~holding a Missouri lifetime or extended concealed carry permit from carrying~~
129 ~~concealed firearms on the premises and may prohibit employees, not~~
130 ~~authorized by the employer, holding a Missouri lifetime or extended~~
131 ~~concealed carry permit from carrying concealed firearms on the property of~~
132 ~~the employer. If the building or the premises are open to the public, the~~
133 ~~employer of the business enterprise shall post signs on or about the premises if~~
134 ~~carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle~~
135 ~~on the premises shall not be a criminal offense so long as the firearm is not~~
136 ~~removed from the vehicle or brandished while the vehicle is on the premises.~~
137 ~~An employer may prohibit employees or other persons holding a Missouri~~
138 ~~lifetime or extended concealed carry permit from carrying a concealed firearm~~
139 ~~in vehicles owned by the employer;~~

140 ~~(16) Any sports arena or stadium with a seating capacity of five~~
141 ~~thousand or more. Possession of a firearm in a vehicle on the premises shall~~
142 ~~not be a criminal offense so long as the firearm is not removed from the~~
143 ~~vehicle or brandished while the vehicle is on the premises;~~

144 ~~(17) Any hospital accessible by the public. Possession of a firearm in~~
145 ~~a vehicle on the premises of a hospital shall not be a criminal offense so long~~
146 ~~as the firearm is not removed from the vehicle or brandished while the vehicle~~
147 ~~is on the premises.~~

148 ~~2. Carrying of a concealed firearm in a location specified in~~
149 ~~subdivisions (1) to (17) of subsection 1 of this section by any individual who~~
150 ~~holds a Missouri lifetime or extended concealed carry permit shall not be a~~
151 ~~criminal act but may subject the person to denial to the premises or removal~~
152 ~~from the premises. If such person refuses to leave the premises and a peace~~
153 ~~officer is summoned, such person may be issued a citation for an amount not to~~
154 ~~exceed one hundred dollars for the first offense. If a second citation for a~~
155 ~~similar violation occurs within a six-month period, such person shall be fined~~
156 ~~an amount not to exceed two hundred dollars and his or her permit to carry~~
157 ~~concealed firearms shall be suspended for a period of one year. If a third~~
158 ~~citation for a similar violation is issued within one year of the first citation,~~
159 ~~such person shall be fined an amount not to exceed five hundred dollars and~~
160 ~~shall have his or her Missouri lifetime or extended concealed carry permit~~
161 ~~revoked and such person shall not be eligible for a Missouri lifetime or~~
162 ~~extended concealed carry permit or a concealed carry permit issued under~~
163 ~~sections 571.101 to 571.121 for a period of three years. Upon conviction of~~

164 ~~charges arising from a citation issued under this subsection, the court shall~~
165 ~~notify the sheriff of the county which issued the Missouri lifetime or extended~~
166 ~~concealed carry permit. The sheriff shall suspend or revoke the Missouri~~
167 ~~lifetime or extended concealed carry permit.]~~

~~[571.220. 1. In any case when the sheriff refuses to issue a Missouri~~
~~lifetime or extended concealed carry permit or to act on an application for such~~
~~permit, the denied applicant shall have the right to appeal the denial within~~
~~thirty days of receiving written notice of the denial. Such appeals shall be~~
~~heard in small claims court as defined in section 482.300, and the provisions of~~
~~sections 482.300, 482.310, and 482.335 shall apply to such appeals.~~

~~2. A denial of or refusal to act on an application for a Missouri lifetime~~
~~or extended concealed carry permit may be appealed by filing with the clerk of~~
~~the small claims court a copy of the sheriff's written refusal and a form~~
~~substantially similar to the appeal form 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~~

~~_____, Denied Applicant~~

~~)~~

~~)~~

~~vs.) Case Number _____~~

~~)~~

~~)~~

~~_____, Sheriff~~

~~Return Date _____~~

~~APPEAL OF A DENIAL OF A MISSOURI~~

~~LIFETIME OR EXTENDED CONCEALED CARRY PERMIT~~

~~The denied applicant states that his or her properly completed~~
~~application for a Missouri lifetime or extended concealed carry permit~~
~~was denied by the sheriff of _____ County, Missouri, without just~~
~~cause. The denied applicant affirms that all of the statements in the~~
~~application are true.~~

~~_____, Denied Applicant~~

~~3. The notice of appeal in a denial of a Missouri lifetime or extended~~
~~concealed carry permit appeal shall be made to the sheriff in a manner and~~
~~form determined by the small claims court judge.~~

~~4. If at the hearing the person shows he or she is entitled to the~~
~~requested Missouri lifetime or extended concealed carry permit, the court shall~~
~~issue an appropriate order to cause the issuance of the Missouri lifetime or~~
~~extended concealed carry permit. Costs shall not be assessed against the~~

38 sheriff unless the action of the sheriff is determined by the judge to be arbitrary
39 and capricious.

40 5. Any person aggrieved by any final judgment rendered by a small
41 claims court in a denial of a Missouri lifetime or extended concealed carry
42 permit appeal may have a right to trial de novo as provided in sections 512.180
43 to 512.320.]

2 [~~571.225. 1. Any person who has knowledge that another person, who
3 was issued a Missouri lifetime or extended concealed carry permit under
4 sections 571.205 to 571.230, never was or no longer is eligible for such permit
5 under the criteria established in sections 571.205 to 571.230 may file a petition
6 with the clerk of the small claims court to revoke that person's Missouri
7 lifetime or extended concealed carry permit. The petition shall be in a form
8 substantially similar to the petition for revocation of a Missouri lifetime or
9 extended concealed carry permit provided in this section. Appeal forms shall
be provided by the clerk of the small claims court free of charge to any person:~~

10 ~~SMALL CLAIMS COURT~~

11 ~~In the Circuit Court of _____, Missouri~~

12 ~~_____, PLAINTIFF~~

13 ~~)~~

14 ~~)~~

15 ~~vs.) Case Number _____~~

16 ~~)~~

17 ~~)~~

18 ~~_____, DEFENDANT,~~

19 ~~Lifetime or Extended Carry Permit Holder~~

20 ~~_____, DEFENDANT,~~

21 ~~Sheriff of Issuancee~~

22 ~~PETITION FOR REVOCATION OF A~~

23 ~~MISSOURI LIFETIME OR EXTENDED CONCEALED CARRY~~
24 ~~PERMIT~~

25 Plaintiff states to the court that the defendant, _____, has a Missouri
26 lifetime or extended concealed carry permit issued pursuant to sections
27 571.205 to 571.230, RSMo, and that the defendant's Missouri lifetime
28 or extended concealed carry permit should now be revoked because the
29 defendant either never was or no longer is eligible for such a permit
30 pursuant to the provisions of sections 571.205 to 571.230, RSMo,
31 specifically plaintiff states that defendant, _____, never was or no
32 longer is eligible for such permit or endorsement for one or more of the
33 following reasons:

34 ~~(CHECK BELOW EACH REASON THAT APPLIES TO THIS~~
35 ~~DEFENDANT)~~

- 36 Defendant is not at least nineteen years of age or at least eighteen
 37 years of age and a member of the United States Armed Forces or
 38 ~~honorably discharged from the United States Armed Forces.~~

- 39 Defendant is not a citizen or permanent resident of the United
 40 States.

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

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

- 50 Defendant has been convicted of, pled guilty to or entered a plea of
 51 nolo contendere to one or more misdemeanor offenses involving
 52 crimes of violence within a five year period immediately
 53 preceding application for a Missouri lifetime or extended
 54 concealed carry permit issued pursuant to sections 571.205 to
 55 571.230, RSMo, or the defendant has been convicted of two or
 56 more misdemeanor offenses involving driving while under the
 57 influence of intoxicating liquor or drugs or the possession or abuse
 58 of a controlled substance within a five year period immediately
 59 preceding application for a concealed carry permit issued pursuant
 60 to sections 571.205 to 571.230, RSMo.

- 61 Defendant is a fugitive from justice or currently charged in an
 62 information or indictment with the commission of a crime
 63 punishable by imprisonment for a term exceeding one year under
 64 the laws of any state of the United States other than a crime
 65 classified as a misdemeanor under the laws of any state and
 66 punishable by a term of imprisonment of two years or less that
 67 does not involve an explosive weapon, firearm, firearm silencer, or
 68 gas gun.

- 69 Defendant has been discharged under dishonorable conditions
 70 from the United States Armed Forces.

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

- 73 Defendant is adjudged mentally incompetent at the time of
 74 application or for five years prior to application, or has been
 75 committed to a mental health facility, as defined in section
 76 632.005, RSMo, or a similar institution located in another state,
 77 except that a person whose release or discharge from a facility in
 78 this state pursuant to chapter 632, RSMo, or a similar discharge

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~~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 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 Missouri lifetime or extended~~

124 ~~concealed carry permit may have a right to trial de novo as provided in~~
125 ~~sections 512.180 to 512.320.~~

126 ~~5. The office of the county sheriff or any employee or agent of the~~
127 ~~county sheriff shall not be liable for damages in any civil action arising from~~
128 ~~alleged wrongful or improper granting, renewing, or failure to revoke a~~
129 ~~Missouri lifetime or extended concealed carry permit issued under sections~~
130 ~~571.205 to 571.230 so long as the sheriff acted in good faith.]~~

2 ~~[571.230. Any person issued a Missouri lifetime or extended~~
3 ~~concealed carry permit under sections 571.205 to 571.230, shall carry the~~
4 ~~permit at all times the person is carrying a concealed firearm and shall display~~
5 ~~the permit and a state or federal government issued photo identification upon~~
6 ~~the request of any peace officer. Failure to comply with this section shall not~~
7 ~~be a criminal offense but the Missouri lifetime or extended concealed carry~~
8 ~~permit holder may be issued a citation for an amount not to exceed thirty five~~
~~dollars.]~~

✓