

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 2057

98TH GENERAL ASSEMBLY

5469H.02P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 563.031, 571.030, 571.101, 571.104, and 571.111, RSMo, and to enact in lieu thereof five new sections relating to concealed carry permits, with penalty provisions and an emergency clause for a certain section.

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

Section A. Sections 563.031, 571.030, 571.101, 571.104, and 571.111, RSMo, are
2 repealed and five new sections enacted in lieu thereof, to be known as sections 563.031, 571.030,
3 571.101, 571.104, and 571.111, to read as follows:

563.031. 1. A person may, subject to the provisions of subsection 2 of this section, use
2 physical force upon another person when and to the extent he or she reasonably believes such
3 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, unless:
5 (1) The actor was the initial aggressor; except that in such case his or her use of force
6 is nevertheless justifiable provided:

7 (a) He or she has withdrawn from the encounter and effectively communicated such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

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

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

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

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.

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

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

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

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

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

31 3. A person does not have a duty to retreat from a dwelling, residence, or vehicle where
32 the person is not unlawfully entering or unlawfully remaining. A person does not have a duty
33 to retreat from private property that is owned or leased by such individual.

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

37 5. The defendant shall have the burden of injecting the issue of justification under this
38 section. If a defendant asserts that his or her use of force is described under subdivision (2) of
39 subsection 2 of this section, the burden shall then be on the state to prove beyond a reasonable
40 doubt that the defendant did not reasonably believe that the use of such force was necessary to
41 defend against what he or she reasonably believed was the use or imminent use of unlawful
42 force.

571.030. 1. A person commits the crime of unlawful use of weapons if he or she
2 knowingly:

3 (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or
4 any other weapon readily capable of lethal use; or

5 (2) Sets a spring gun; or

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

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

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

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

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

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

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

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

29 (11) Possesses a firearm while also knowingly in possession of a controlled substance
30 that is sufficient for a felony violation of section 195.202.

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

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

45 any person summoned by such officers to assist in making arrests or preserving the peace while
46 actually engaged in assisting such officer;

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

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

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

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

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

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

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

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

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

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

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

77 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when
78 the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when
79 ammunition is not readily accessible or when such weapons are not readily accessible.
80 Subdivision (1) of subsection 1 of this section does not apply to any person nineteen years of age

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

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

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

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

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

111 8. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision
112 (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or
113 subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor
114 if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of
115 subsection 1 of this section, in which case it is a class B felony, except that if the violation of

116 subdivision (9) of subsection 1 of this section results in injury or death to another person, it is
117 a class A felony.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 20 (1) Is at least nineteen years of age, is a citizen or permanent resident of the United States
21 and either:
- 22 (a) Has assumed residency in this state; or
23 (b) Is a member of the Armed Forces stationed in Missouri, or the spouse of such
24 member of the military;
- 25 (2) Is at least nineteen years of age, or is at least eighteen years of age and a member of
26 the United States Armed Forces or honorably discharged from the United States Armed Forces,
27 and is a citizen of the United States and either:
- 28 (a) Has assumed residency in this state;
29 (b) Is a member of the Armed Forces stationed in Missouri; or
30 (c) The spouse of such member of the military stationed in Missouri and nineteen years
31 of age;
- 32 (3) Has not pled guilty to or entered a plea of nolo contendere or been convicted of a
33 crime punishable by imprisonment for a term exceeding one year under the laws of any state or
34 of the United States other than a crime classified as a misdemeanor under the laws of any state
35 and punishable by a term of imprisonment of two years or less that does not involve an explosive
36 weapon, firearm, firearm silencer or gas gun;
- 37 (4) Has not been convicted of, pled guilty to or entered a plea of nolo contendere to one
38 or more misdemeanor offenses involving crimes of violence within a five-year period
39 immediately preceding application for a concealed carry permit or if the applicant has not been
40 convicted of two or more misdemeanor offenses involving driving while under the influence of
41 intoxicating liquor or drugs or the possession or abuse of a controlled substance within a
42 five-year period immediately preceding application for a concealed carry permit;
- 43 (5) Is not a fugitive from justice or currently charged in an information or indictment
44 with the commission of a crime punishable by imprisonment for a term exceeding one year under
45 the laws of any state of the United States other than a crime classified as a misdemeanor under
46 the laws of any state and punishable by a term of imprisonment of two years or less that does not
47 involve an explosive weapon, firearm, firearm silencer, or gas gun;
- 48 (6) Has not been discharged under dishonorable conditions from the United States
49 Armed Forces;
- 50 (7) Has not engaged in a pattern of behavior, documented in public or closed records,
51 that causes the sheriff to have a reasonable belief that the applicant presents a danger to himself
52 or others;
- 53 (8) Is not adjudged mentally incompetent at the time of application or for five years prior
54 to application, or has not been committed to a mental health facility, as defined in section

55 632.005, or a similar institution located in another state following a hearing at which the
56 defendant was represented by counsel or a representative;

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

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

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

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

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

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

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

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

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

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

87 (6) An affirmation that the applicant is not a fugitive from justice or currently charged
88 in an information or indictment with the commission of a crime punishable by imprisonment for
89 a term exceeding one year under the laws of any state or of the United States other than a crime
90 classified as a misdemeanor under the laws of any state and punishable by a term of

91 imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm
92 silencer or gas gun;

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

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

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

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

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

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

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

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

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

120 5. (1) Before an application for a concealed carry permit is approved, the sheriff shall
121 make only such inquiries as he or she deems necessary into the accuracy of the statements made
122 in the application. The sheriff may require that the applicant display a Missouri driver's license
123 or nondriver's license or military identification and orders showing the person being stationed
124 in Missouri. In order to determine the applicant's suitability for a concealed carry permit, the
125 applicant shall be fingerprinted. No other biometric data shall be collected from the applicant.
126 The sheriff shall conduct an inquiry of the National Instant Criminal Background Check System

127 within three working days after submission of the properly completed application for a concealed
128 carry permit. If no disqualifying record is identified by these checks at the state level, the
129 fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal
130 history record check. Upon receipt of the completed report from the National Instant Criminal
131 Background Check System and the response from the Federal Bureau of Investigation national
132 criminal history record check, the sheriff shall examine the results and, if no disqualifying
133 information is identified, shall issue a concealed carry permit within three working days.

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

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

162 submitting the application shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of section
163 571.114.

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

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

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

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

172 (3) The date of issuance; and

173 (4) The expiration date.

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

178 9. (1) The sheriff shall keep a record of all applications for a concealed carry permit or
179 a provisional permit and his or her action thereon. Any record of an application that is
180 incomplete or denied for any reason shall be kept for a period not to exceed one year. Any
181 record of an application that was approved shall be kept for a period of one year after the
182 expiration and nonrenewal of the permit.

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

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

204 11. For processing an application for a concealed carry permit pursuant to sections
205 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed one
206 hundred dollars which shall be paid to the treasury of the county to the credit of the sheriff's
207 revolving fund. **This fee shall include the cost to reimburse the Missouri state highway**
208 **patrol for the cost of fingerprinting and criminal background checks. An additional fee**
209 **shall be added to each credit card, debit card, or other electronic transaction equal to the**
210 **charge paid by the state for the use of the credit card, debit card, or other electronic**
211 **payment method by the applicant.**

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

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

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

571.104. 1. A concealed carry endorsement issued prior to August 28, 2013, shall be
2 suspended or revoked if the concealed carry endorsement holder becomes ineligible for such
3 endorsement under the criteria established in subdivisions (3), (4), (5), (8), and (11) of subsection
4 2 of section 571.101 or upon the issuance of a valid full order of protection. The following
5 procedures shall be followed:

6 (1) When a valid full order of protection, or any arrest warrant, discharge, or
7 commitment for the reasons listed in subdivision (3), (4), (5), (8), or (11) of subsection 2 of
8 section 571.101, is issued against a person holding a concealed carry endorsement issued prior
9 to August 28, 2013, upon notification of said order, warrant, discharge or commitment or upon
10 an order of a court of competent jurisdiction in a criminal proceeding, a commitment proceeding
11 or a full order of protection proceeding ruling that a person holding a concealed carry

12 endorsement presents a risk of harm to themselves or others, then upon notification of such
13 order, the holder of the concealed carry endorsement shall surrender the driver's license or
14 nondriver's license containing the concealed carry endorsement to the court, officer, or other
15 official serving the order, warrant, discharge, or commitment. The official to whom the driver's
16 license or nondriver's license containing the concealed carry endorsement is surrendered shall
17 issue a receipt to the licensee for the license upon a form, approved by the director of revenue,
18 that serves as a driver's license or a nondriver's license and clearly states the concealed carry
19 endorsement has been suspended. The official shall then transmit the driver's license or a
20 nondriver's license containing the concealed carry endorsement to the circuit court of the county
21 issuing the order, warrant, discharge, or commitment. The concealed carry endorsement issued
22 prior to August 28, 2013, shall be suspended until the order is terminated or until the arrest
23 results in a dismissal of all charges. The official to whom the endorsement is surrendered shall
24 administratively suspend the endorsement in the concealed carry permit system established under
25 subsection 5 of section 650.350 until such time as the order is terminated or until the charges are
26 dismissed. Upon dismissal, the court holding the driver's license or nondriver's license
27 containing the concealed carry endorsement shall return such license to the individual, and the
28 official to whom the endorsement was surrendered shall administratively return the endorsement
29 to good standing within the concealed carry permit system.

30 (2) Any conviction, discharge, or commitment specified in sections 571.101 to 571.121
31 shall result in a revocation. Upon conviction, the court shall forward a notice of conviction or
32 action and the driver's license or nondriver's license with the concealed carry endorsement to the
33 department of revenue. The department of revenue shall notify the sheriff of the county which
34 issued the certificate of qualification for a concealed carry endorsement. The sheriff who issued
35 the certificate of qualification prior to August 28, 2013, shall report the change in status of the
36 endorsement to the concealed carry permit system established under subsection 5 of section
37 650.350. The director of revenue shall immediately remove the endorsement issued prior to
38 August 28, 2013, from the individual's driving record within three days of the receipt of the
39 notice from the court. The director of revenue shall notify the licensee that he or she must apply
40 for a new license pursuant to chapter 302 which does not contain such endorsement. This
41 requirement does not affect the driving privileges of the licensee. The notice issued by the
42 department of revenue shall be mailed to the last known address shown on the individual's
43 driving record. The notice is deemed received three days after mailing.

44 2. A concealed carry permit issued pursuant to sections 571.101 to 571.121 after August
45 28, 2013, shall be suspended or revoked if the concealed carry permit holder becomes ineligible
46 for such permit or endorsement under the criteria established in subdivisions (3), (4), (5), (8), and

47 (11) of subsection 2 of section 571.101 or upon the issuance of a valid full order of protection.
48 The following procedures shall be followed:

49 (1) When a valid full order of protection or any arrest warrant, discharge, or commitment
50 for the reasons listed in subdivision (3), (4), (5), (8), or (11) of subsection 2 of section 571.101
51 is issued against a person holding a concealed carry permit, upon notification of said order,
52 warrant, discharge, or commitment or upon an order of a court of competent jurisdiction in a
53 criminal proceeding, a commitment proceeding, or a full order of protection proceeding ruling
54 that a person holding a concealed carry permit presents a risk of harm to themselves or others,
55 then upon notification of such order, the holder of the concealed carry permit shall surrender the
56 permit to the court, officer, or other official serving the order, warrant, discharge, or
57 commitment. The permit shall be suspended until the order is terminated or until the arrest
58 results in a dismissal of all charges. The official to whom the permit is surrendered shall
59 administratively suspend the permit in the concealed carry permit system until the order is
60 terminated or the charges are dismissed. Upon dismissal, the court holding the permit shall
61 return such permit to the individual and the official to whom the permit was surrendered shall
62 administratively return the permit to good standing within the concealed carry permit system;

63 (2) Any conviction, discharge, or commitment specified in sections 571.101 to 571.121
64 shall result in a revocation. Upon conviction, the court shall forward a notice of conviction or
65 action and the permit to the issuing county sheriff. The sheriff who issued the concealed carry
66 permit shall report the change in status of the concealed carry permit to the concealed carry
67 permit system.

68 3. A concealed carry permit shall be renewed for a qualified applicant upon receipt of
69 the properly completed renewal application and the required renewal fee by the sheriff of the
70 county of the applicant's residence. The renewal application shall contain the same required
71 information as set forth in subsection 3 of section 571.101, except that in lieu of the fingerprint
72 requirement of subsection 5 of section 571.101 and the firearms safety training, the applicant
73 need only display his or her current concealed carry permit. A name-based inquiry of the
74 National Instant Criminal Background Check System shall be completed for each renewal
75 application. The sheriff shall review the results of the report from the National Instant Criminal
76 Background Check System, and when the sheriff has determined the applicant has successfully
77 completed all renewal requirements and is not disqualified under any provision of section
78 571.101, the sheriff shall issue a new concealed carry permit which contains the date such permit
79 was renewed. The process for renewing a concealed carry endorsement issued prior to August
80 28, 2013, shall be the same as the process for renewing a permit, except that in lieu of the
81 fingerprint requirement of subsection 5 of section 571.101 and the firearms safety training, the
82 applicant need only display his or her current driver's license or nondriver's license containing

83 an endorsement. Upon successful completion of all renewal requirements, the sheriff shall issue
84 a new concealed carry permit as provided under this subsection.

85 4. A person who has been issued a concealed carry permit, or a certificate of
86 qualification for a concealed carry endorsement prior to August 28, 2013, who fails to file a
87 renewal application for a concealed carry permit on or before its expiration date must pay an
88 additional late fee of ten dollars per month for each month it is expired for up to six months.
89 After six months, the sheriff who issued the expired concealed carry permit or certificate of
90 qualification shall notify the concealed carry permit system that such permit is expired and
91 cancelled. If the person has a concealed carry endorsement issued prior to August 28, 2013, the
92 sheriff who issued the certificate of qualification for the endorsement shall notify the director of
93 revenue that such certificate is expired regardless of whether the endorsement holder has applied
94 for a concealed carry permit under subsection 3 of this section. The director of revenue shall
95 immediately remove such endorsement from the individual's driving record and notify the
96 individual that his or her driver's license or nondriver's license has expired. The notice shall be
97 conducted in the same manner as described in subsection 1 of this section. Any person who has
98 been issued a concealed carry permit pursuant to sections 571.101 to 571.121, or a concealed
99 carry endorsement issued prior to August 28, 2013, who fails to renew his or her application
100 within the six-month period must reapply for a new concealed carry permit and pay the fee for
101 a new application.

102 5. Any person issued a concealed carry permit pursuant to sections 571.101 to 571.121,
103 or a concealed carry endorsement issued prior to August 28, 2013, shall notify the sheriff of the
104 new jurisdiction of the permit or endorsement holder's change of residence within thirty days
105 after the changing of a permanent residence to a location outside the county of permit issuance.
106 The permit or endorsement holder shall furnish proof to the sheriff in the new jurisdiction that
107 the permit or endorsement holder has changed his or her residence. The sheriff in the new
108 jurisdiction shall notify the sheriff in the old jurisdiction of the permit holder's change of address
109 and the sheriff in the old jurisdiction shall transfer any information on file for the permit holder
110 to the sheriff in the new jurisdiction within thirty days. The sheriff of the new jurisdiction may
111 charge a processing fee of not more than ten dollars for any costs associated with notification of
112 a change in residence. The sheriff shall report the residence change to the concealed carry permit
113 system, take possession and destroy the old permit, and then issue a new permit to the permit
114 holder. The new address shall be accessible by the concealed carry permit system within three
115 days of receipt of the information. If the person has a concealed carry endorsement issued prior
116 to August 28, 2013, the endorsement holder shall also furnish proof to the department of revenue
117 of his or her residence change. In such cases, the change of residence shall be made by the
118 department of revenue onto the individual's driving record.

119 6. Any person issued a concealed carry permit pursuant to sections 571.101 to 571.121,
120 or a concealed carry endorsement issued prior to August 28, 2013, shall notify the sheriff or his
121 or her designee of the permit or endorsement holder's county or city of residence within seven
122 days after actual knowledge of the loss or destruction of his or her permit or driver's license or
123 nondriver's license containing a concealed carry endorsement. The permit or endorsement holder
124 shall furnish a statement to the sheriff that the permit or driver's license or nondriver's license
125 containing the concealed carry endorsement has been lost or destroyed. After notification of the
126 loss or destruction of a permit or driver's license or nondriver's license containing a concealed
127 carry endorsement, the sheriff may charge a processing fee of ten dollars for costs associated
128 with replacing a lost or destroyed permit or driver's license or nondriver's license containing a
129 concealed carry endorsement and shall reissue a new concealed carry permit within three
130 working days of being notified by the concealed carry permit or endorsement holder of its loss
131 or destruction. The new concealed carry permit shall contain the same personal information,
132 including expiration date, as the original concealed carry permit.

133 7. If a person issued a concealed carry permit, or endorsement issued prior to August 28,
134 2013, changes his or her name, the person to whom the permit or endorsement was issued shall
135 obtain a corrected or new concealed carry permit with a change of name from the sheriff who
136 issued the original concealed carry permit or the original certificate of qualification for an
137 endorsement upon the sheriff's verification of the name change. The sheriff may charge a
138 processing fee of not more than ten dollars for any costs associated with obtaining a corrected
139 or new concealed carry permit. The permit or endorsement holder shall furnish proof of the
140 name change to the sheriff within thirty days of changing his or her name and display his or her
141 concealed carry permit or current driver's license or nondriver's license containing a concealed
142 carry endorsement. The sheriff shall report the name change to the concealed carry permit
143 system, and the new name shall be accessible by the concealed carry permit system within three
144 days of receipt of the information.

145 8. The person with a concealed carry permit, or endorsement issued prior to August 28,
146 2013, shall notify the sheriff of a name or address change within thirty days of the change. A
147 concealed carry permit and, if applicable, endorsement shall be automatically invalid after one
148 hundred eighty days if the permit or endorsement holder has changed his or her name or changed
149 his or her residence and not notified the sheriff as required in subsections 5 and 7 of this section.
150 The sheriff shall assess a late penalty of ten dollars per month for each month, up to six months
151 and not to exceed sixty dollars, for the failure to notify the sheriff of the change of name or
152 address within thirty days.

153 **9. Notwithstanding any provision of this section to the contrary, if a concealed**
154 **carry permit, or endorsement issued prior to August 28, 2013, expires while the person**

155 **issued the permit or endorsement is on active duty in the armed forces, on active state duty,**
156 **full-time National Guard duty under Title 32, or active duty under Title 10 with the**
157 **National Guard, or is physically incapacitated due to an injury incurred while in the**
158 **services of the National Guard or armed forces, the permit shall be renewed if the person**
159 **completes the renewal requirements under subsection 3 of this section within two months**
160 **of returning to Missouri after discharge from such duty or recovery from such**
161 **incapacitation. Once the two-month period has expired, the provisions of subsection 4 of**
162 **this section shall apply except the penalties shall begin to accrue upon the expiration of the**
163 **two-month period described in this subsection rather than on the expiration date of the**
164 **permit or endorsement.**

571.111. 1. An applicant for a concealed carry permit shall demonstrate knowledge of
2 firearms safety training. This requirement shall be fully satisfied if the applicant for a concealed
3 carry permit:

4 (1) Submits a photocopy of a certificate of firearms safety training course completion,
5 as defined in subsection 2 of this section, signed by a qualified firearms safety instructor as
6 defined in subsection 5 of this section; or

7 (2) Submits a photocopy of a certificate that shows the applicant completed a firearms
8 safety course given by or under the supervision of any state, county, municipal, or federal law
9 enforcement agency; or

10 (3) Is a qualified firearms safety instructor as defined in subsection 5 of this section; or

11 (4) Submits proof that the applicant currently holds any type of valid peace officer
12 license issued under the requirements of chapter 590; or

13 (5) Submits proof that the applicant is currently allowed to carry firearms in accordance
14 with the certification requirements of section 217.710; or

15 (6) Submits proof that the applicant is currently certified as any class of corrections
16 officer by the Missouri department of corrections and has passed at least one eight-hour firearms
17 training course, approved by the director of the Missouri department of corrections under the
18 authority granted to him or her, that includes instruction on the justifiable use of force as
19 prescribed in chapter 563; or

20 (7) Submits a photocopy of a certificate of firearms safety training course completion
21 that was issued on August 27, 2011, or earlier so long as the certificate met the requirements of
22 subsection 2 of this section that were in effect on the date it was issued.

23 2. A certificate of firearms safety training course completion may be issued to any
24 applicant by any qualified firearms safety instructor. On the certificate of course completion the
25 qualified firearms safety instructor shall affirm that the individual receiving instruction has taken

26 and passed a firearms safety course of at least eight hours in length taught by the instructor that
27 included:

28 (1) Handgun safety in the classroom, at home, on the firing range and while carrying the
29 firearm;

30 (2) A physical demonstration performed by the applicant that demonstrated his or her
31 ability to safely load and unload either a revolver or a semiautomatic pistol and demonstrated his
32 or her marksmanship with either firearm;

33 (3) The basic principles of marksmanship;

34 (4) Care and cleaning of concealable firearms;

35 (5) Safe storage of firearms at home;

36 (6) The requirements of this state for obtaining a concealed carry permit from the sheriff
37 of the individual's county of residence;

38 (7) The laws relating to firearms as prescribed in this chapter;

39 (8) The laws relating to the justifiable use of force as prescribed in chapter 563;

40 (9) A live firing exercise of sufficient duration for each applicant to fire either a revolver
41 or a semiautomatic pistol, from a standing position or its equivalent, a minimum of twenty
42 rounds from the handgun at a distance of seven yards from a B-27 silhouette target or an
43 equivalent target;

44 (10) A live-fire test administered to the applicant while the instructor was present of
45 twenty rounds from either a revolver or a semiautomatic pistol from a standing position or its
46 equivalent at a distance from a B-27 silhouette target, or an equivalent target, of seven yards.

47 **3. A certificate of firearms safety training course completion may also be issued to**
48 **an applicant who presents proof to a qualified firearms safety instructor that the applicant**
49 **has passed a regular or online course on firearm safety conducted by an instructor certified**
50 **by the National Rifle Association that is at least one hour in length and who also passes the**
51 **requirements of subdivisions (1), (2), (6), (7), (8), (9), and (10) of subsection 2 of this section**
52 **in a course, not restricted by a period of hours, that is taught by a qualified firearms safety**
53 **instructor.**

54 **4.** A qualified firearms safety instructor shall not give a grade of passing to an applicant
55 for a concealed carry permit who:

56 (1) Does not follow the orders of the qualified firearms instructor or cognizant range
57 officer; or

58 (2) Handles a firearm in a manner that, in the judgment of the qualified firearm safety
59 instructor, poses a danger to the applicant or to others; or

60 (3) During the live-fire testing portion of the course fails to hit the silhouette portion of
61 the targets with at least fifteen rounds.

62 [4.] 5. Qualified firearms safety instructors who provide firearms safety instruction to
63 any person who applies for a concealed carry permit shall:

64 (1) Make the applicant's course records available upon request to the sheriff of the
65 county in which the applicant resides;

66 (2) Maintain all course records on students for a period of no less than four years from
67 course completion date; and

68 (3) Not have more than forty students per certified instructor in the classroom portion
69 of the course or more than five students per range officer engaged in range firing.

70 [5.] 6. A firearms safety instructor shall be considered to be a qualified firearms safety
71 instructor by any sheriff issuing a concealed carry permit pursuant to sections 571.101 to 571.121
72 if the instructor:

73 (1) Is a valid firearms safety instructor certified by the National Rifle Association
74 holding a rating as a personal protection instructor or pistol marksmanship instructor; or

75 (2) Submits a photocopy of a notarized certificate from a firearms safety instructor's
76 course offered by a local, state, or federal governmental agency; or

77 (3) Submits a photocopy of a notarized certificate from a firearms safety instructor
78 course approved by the department of public safety; or

79 (4) Has successfully completed a firearms safety instructor course given by or under the
80 supervision of any state, county, municipal, or federal law enforcement agency; or

81 (5) Is a certified police officer firearms safety instructor.

82 [6.] 7. Any firearms safety instructor qualified under subsection [5] 6 of this section may
83 submit a copy of a training instructor certificate, course outline bearing the notarized signature
84 of the instructor, and a recent photograph of the instructor to the sheriff of the county in which
85 the instructor resides. The sheriff shall review the training instructor certificate along with the
86 course outline and verify the firearms safety instructor is qualified and the course meets the
87 requirements provided under this section. If the sheriff verifies the firearms safety instructor is
88 qualified and the course meets the requirements provided under this section, the sheriff shall
89 collect an annual registration fee of ten dollars from each qualified instructor who chooses to
90 submit such information and submit the registration to the Missouri sheriff methamphetamine
91 relief taskforce. The Missouri sheriff methamphetamine relief taskforce, or its designated agent,
92 shall create and maintain a statewide database of qualified instructors. This information shall
93 be a closed record except for access by any sheriff. Firearms safety instructors may register
94 annually and the registration is only effective for the calendar year in which the instructor
95 registered. Any sheriff may access the statewide database maintained by the Missouri sheriff
96 methamphetamine relief taskforce to verify the firearms safety instructor is qualified and the
97 course offered by the instructor meets the requirements provided under this section. Unless a

98 sheriff has reason to believe otherwise, a sheriff shall presume a firearms safety instructor is
99 qualified to provide firearms safety instruction in counties throughout the state under this section
100 if the instructor is registered on the statewide database of qualified instructors.

101 [7.] **8.** Any firearms safety instructor who knowingly provides any sheriff with any false
102 information concerning an applicant's performance on any portion of the required training and
103 qualification shall be guilty of a class C misdemeanor. A violation of the provisions of this
104 section shall result in the person being prohibited from instructing concealed carry permit classes
105 and issuing certificates.

Section B. Because of the need to ensure members of the armed services and National
2 Guard are not penalized under the concealed carry laws as a result of their service to the country,
3 the repeal and reenactment of section 571.104 of this act is deemed necessary for the immediate
4 preservation of the public health, welfare, peace and safety, and is hereby declared to be an
5 emergency act within the meaning of the constitution, and the repeal and reenactment of section
6 571.104 of this act shall be in full force and effect upon its passage and approval.

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