

SECOND REGULAR SESSION

HOUSE BILL NO. 2678

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KELLEY (127).

6754H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 571.101, RSMo, and to enact in lieu thereof two new sections relating to concealed carry permits.

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

Section A. Section 571.101, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 571.101 and 571.112, to read as follows:

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

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.

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, **or for**
19 **nonresidents, by the sheriff or his or her designee of the county or city in which the**
20 **applicant took the firearms safety training required under subsection 2 of section 571.112,**
21 if the applicant:

22 (1) Is at least nineteen years of age, is a citizen or permanent resident of the United States
23 and either:

24 (a) Has assumed residency in this state **or has met the requirements for nonresidents**
25 **under section 571.112;** or

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

28 (2) Is at least nineteen years of age, or is at least eighteen years of age and a member of
29 the United States Armed Forces or honorably discharged from the United States Armed Forces,
30 and is a citizen of the United States and either:

31 (a) Has assumed residency in this state **or has met the requirements for nonresidents**
32 **under section 571.112;**

33 (b) Is a member of the Armed Forces stationed in Missouri; or

34 (c) The spouse of such member of the military stationed in Missouri and nineteen years
35 of age;

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

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

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

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

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

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

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

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

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

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

68 3. The application for a concealed carry permit issued by the sheriff of the county of the
69 applicant's residence, **or for nonresidents, by the sheriff or his or her designee of the county**
70 **or city in which the applicant took the firearms safety training required under subsection**
71 **2 of section 571.112**, shall contain only the following information:

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

76 (2) An affirmation that the applicant has assumed residency in Missouri or **has met the**
77 **nonresident requirements established in section 571.112**, or is a member of the Armed Forces
78 stationed in Missouri or the spouse of such a member of the Armed Forces and is a citizen or
79 permanent resident of the United States;

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

83 (4) An affirmation that the applicant has not pled guilty to or been convicted of a crime
84 punishable by imprisonment for a term exceeding one year under the laws of any state or of the
85 United States other than a crime classified as a misdemeanor under the laws of any state and
86 punishable by a 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 guilty to, or entered
89 a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence
90 within a five-year period immediately preceding application for a permit or if the applicant has
91 not been convicted of two or more misdemeanor offenses involving driving while under the
92 influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance
93 within a five-year period immediately preceding application for a permit;

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

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

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

108 (9) An affirmation that the applicant has received firearms safety training that meets the
109 standards of applicant firearms safety training defined in subsection 1 or 2 of section 571.111;
110 **or for nonresident applicants, that the applicant has received firearms safety training that**
111 **meets the standards of section 571.112;**

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

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

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

119 4. An application for a concealed carry permit shall be made to the sheriff of the county
120 or any city not within a county in which the applicant resides, **or for nonresident applicants,**
121 **made to the sheriff of the county or city not within a county in which the applicant**
122 **completed firearms safety training as required under section 571.112.** An application shall
123 be filed in writing, signed under oath and under the penalties of perjury, and shall state whether

124 the applicant complies with each of the requirements specified in subsection 2 of this section.
125 In addition to the completed application, the applicant for a concealed carry permit must also
126 submit the following:

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

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

131 5. (1) Before an application for a concealed carry permit is approved, the sheriff shall
132 make only such inquiries as he or she deems necessary into the accuracy of the statements made
133 in the application. The sheriff may require that the applicant display a [Missouri] driver's license
134 or nondriver's license or military identification and orders showing the person being stationed
135 in Missouri. In order to determine the applicant's suitability for a concealed carry permit, the
136 applicant shall be fingerprinted. No other biometric data shall be collected from the applicant.
137 The sheriff shall conduct an inquiry of the National Instant Criminal Background Check System
138 within three working days after submission of the properly completed application for a concealed
139 carry permit. If no disqualifying record is identified by these checks at the state level, the
140 fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal
141 history record check. Upon receipt of the completed report from the National Instant Criminal
142 Background Check System and the response from the Federal Bureau of Investigation national
143 criminal history record check, the sheriff shall examine the results and, if no disqualifying
144 information is identified, shall issue a concealed carry permit within three working days.

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

160 provisional permit issued under this section shall be proscribed in a manner consistent to the
161 denial and review of an application under subsection 6 of this section.

162 6. The sheriff may refuse to approve an application for a concealed carry permit if he or
163 she determines that any of the requirements specified in subsection 2 of this section have not
164 been met, or if he or she has a substantial and demonstrable reason to believe that the applicant
165 has rendered a false statement regarding any of the provisions of sections 571.101 to 571.121.
166 If the applicant is found to be ineligible, the sheriff is required to deny the application, and notify
167 the applicant in writing, stating the grounds for denial and informing the applicant of the right
168 to submit, within thirty days, any additional documentation relating to the grounds of the denial.
169 Upon receiving any additional documentation, the sheriff shall reconsider his or her decision and
170 inform the applicant within thirty days of the result of the reconsideration. The applicant shall
171 further be informed in writing of the right to appeal the denial pursuant to subsections 2, 3, 4,
172 and 5 of section 571.114. After two additional reviews and denials by the sheriff, the person
173 submitting the application shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of section
174 571.114.

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

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

- 180 (1) Name, address, date of birth, gender, height, weight, color of hair, color of eyes, and
181 signature of the permit holder;
182 (2) The signature of the sheriff issuing the permit;
183 (3) The date of issuance; and
184 (4) The expiration date.

185

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

190 9. (1) The sheriff shall keep a record of all applications for a concealed carry permit or
191 a provisional permit and his or her action thereon. Any record of an application that is
192 incomplete or denied for any reason shall be kept for a period not to exceed one year. Any
193 record of an application that was approved shall be kept for a period of one year after the
194 expiration and nonrenewal of the permit.

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

210 10. Information regarding any holder of a concealed carry permit, or a concealed carry
211 endorsement issued prior to August 28, 2013, is a closed record. No bulk download or batch
212 data shall be distributed to any federal, state, or private entity, except to MoSMART or a
213 designee thereof. Any state agency that has retained any documents or records, including
214 fingerprint records provided by an applicant for a concealed carry endorsement prior to August
215 28, 2013, shall destroy such documents or records, upon successful issuance of a permit.

216 11. For processing an application for a concealed carry permit pursuant to sections
217 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed one
218 hundred dollars **for Missouri residents** which shall be paid to the treasury of the county to the
219 credit of the sheriff's revolving fund; **the sheriff in each county shall charge a nonrefundable**
220 **fee for nonresidents, not to exceed two hundred dollars, that is twice the amount of the fee**
221 **charged to residents, which shall be paid to the treasury of the county to the credit of the**
222 **sheriff's revolving fund.** This fee shall include the cost to reimburse the Missouri state highway
223 patrol for the costs of fingerprinting and criminal background checks. An additional fee shall
224 be added to each credit card, debit card, or other electronic transaction equal to the charge paid
225 by the state or the applicant for the use of the credit card, debit card, or other electronic payment
226 method by the applicant.

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

231 **county shall charge a nonrefundable fee, not to exceed one hundred dollars, that is twice**
232 **the amount of the fee charged to residents.**

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

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

571.112. 1. Notwithstanding any other provision of law, residents of any state may
2 **apply for a concealed carry permit issued under section 571.101 provided that such persons**
3 **conform to the requirements of this section and all provisions of law applicable to Missouri**
4 **residents with respect to carrying a concealed weapon. Application for a concealed carry**
5 **permit under this section shall be made in the county in which the applicant took the**
6 **firearms safety training required under subsection 2 of this section.**

7 **2. A nonresident applicant for a concealed carry permit shall demonstrate**
8 **knowledge of firearms safety training that complies with the provisions of section 571.111;**
9 **however, in order to qualify for a concealed carry permit, a nonresident shall be required**
10 **to take the firearms safety training within the state of Missouri.**

✓