

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1026

98TH GENERAL ASSEMBLY

Reported from the Committee on Transportation, Infrastructure and Public Safety, March 31, 2016, with recommendation that the Senate Committee Substitute do pass.

5559S.04C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal section 571.126, RSMo, and to enact in lieu thereof seven new sections relating to nonreciprocal permits that allow the concealed carrying of firearms, with penalty provisions.

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

Section A. Section 571.126, RSMo, is repealed and seven new sections enacted in lieu thereof, to be known as sections 571.126, 571.205, 571.210, 571.215, 571.220, 571.225, and 571.230, to read as follows:

571.126. Notwithstanding any other state law to the contrary, no state agency shall disclose to the federal government the statewide list of persons who have obtained a concealed carry endorsement or permit, **including Missouri lifetime and extended concealed carry permits**. Nothing in this section shall be construed to restrict access to individual records by any criminal justice agency authorized to access the Missouri uniform law enforcement system.

571.205. 1. Upon request and payment of the required fee, the sheriff shall issue a concealed carry permit that is valid through the state of Missouri for the lifetime of the permit holder to a Missouri resident who meets the requirements of sections 571.205 to 571.230, known as a Missouri lifetime concealed carry permit. A person may also request, and the sheriff shall issue upon payment of the required fee, a concealed carry permit that is valid through the state of Missouri for a period of either ten years or twenty-five years from the date of issuance or renewal to a Missouri resident who meets the requirements of sections 571.205 to 571.230. Such permit shall be known as a Missouri extended concealed carry permit. A person issued a Missouri

12 lifetime or extended concealed carry permit shall be required to comply
13 with the provisions of sections 571.205 to 571.230. If the applicant can
14 show qualification as provided by sections 571.205 to 571.230, the
15 sheriff shall issue a Missouri lifetime or extended concealed carry
16 permit authorizing the carrying of a concealed firearm on or about the
17 applicant's person or within a vehicle.

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

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

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

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

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

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

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

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

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

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

69 (9) Submits an affidavit attesting that the applicant complies
70 with the concealed carry safety training requirement pursuant to
71 subsections 1 and 2 of section 571.111;

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

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

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

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

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

86 **(3) An affirmation that the applicant is at least nineteen years**
87 **of age or is eighteen years of age or older and a member of the United**
88 **States Armed Forces or honorably discharged from the United States**
89 **Armed Forces;**

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

97 **(5) An affirmation that the applicant has not been convicted of,**
98 **pled guilty to, or entered a plea of nolo contendere to one or more**
99 **misdemeanor offenses involving crimes of violence within a five-year**
100 **period immediately preceding application for a permit or that the**
101 **applicant has not been convicted of two or more misdemeanor offenses**
102 **involving driving while under the influence of intoxicating liquor or**
103 **drugs or the possession or abuse of a controlled substance within a**
104 **five-year period immediately preceding application for a permit;**

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

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

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

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

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

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

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

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

146 **(1) A photocopy of a firearms safety training certificate of**
147 **completion or other evidence of completion of a firearms safety**
148 **training course that meets the standards established in subsection 1 or**
149 **2 of section 571.111; and**

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

152 **6. (1) Before an application for a Missouri lifetime or extended**
153 **concealed carry permit is approved, the sheriff shall make only such**
154 **inquiries as he or she deems necessary into the accuracy of the**
155 **statements made in the application. The sheriff may require that the**
156 **applicant display a Missouri driver's license or nondriver's license or**
157 **military identification. In order to determine the applicant's suitability**
158 **for a Missouri lifetime or extended concealed carry permit, the**
159 **applicant shall be fingerprinted. No other biometric data shall be**

160 collected from the applicant. The sheriff shall conduct an inquiry of
161 the National Instant Criminal Background Check System within three
162 working days after submission of the properly completed application
163 for a Missouri lifetime or extended concealed carry permit. If no
164 disqualifying record is identified by these checks at the state level, the
165 fingerprints shall be forwarded to the Federal Bureau of Investigation
166 for a national criminal history record check. Upon receipt of the
167 completed report from the National Instant Criminal Background
168 Check System and the response from the Federal Bureau of
169 Investigation national criminal history record check, the sheriff shall
170 examine the results and, if no disqualifying information is identified,
171 shall issue a Missouri lifetime or extended concealed carry permit
172 within three working days.

173 (2) In the event the report from the National Instant Criminal
174 Background Check System and the response from the Federal Bureau
175 of Investigation national criminal history record check prescribed by
176 subdivision (1) of this subsection are not completed within forty-five
177 calendar days and no disqualifying information concerning the
178 applicant has otherwise come to the sheriff's attention, the sheriff shall
179 issue a provisional permit, clearly designated on the certificate as such,
180 which the applicant shall sign in the presence of the sheriff or the
181 sheriff's designee. This permit, when carried with a valid Missouri
182 driver's or nondriver's license, shall permit the applicant to exercise
183 the same rights in accordance with the same conditions as pertain to
184 a Missouri lifetime or extended concealed carry permit issued under
185 this section, provided that it shall not serve as an alternative to a
186 national instant criminal background check required by 18 U.S.C.
187 Section 922(t). The provisional permit shall remain valid until such
188 time as the sheriff either issues or denies the permit under subsection
189 7 or 8 of this section. The sheriff shall revoke a provisional permit
190 issued under this subsection within twenty-four hours of receipt of any
191 report that identifies a disqualifying record, and shall notify the
192 concealed carry permit system established under subsection 5 of
193 section 650.350. The revocation of a provisional permit issued under
194 this section shall be proscribed in a manner consistent to the denial
195 and review of an application under subsection 7 of this section.

196 7. The sheriff may refuse to approve an application for a

197 Missouri lifetime or extended concealed carry permit if he or she
198 determines that any of the requirements specified in subsection 3 of
199 this section have not been met, or if he or she has a substantial and
200 demonstrable reason to believe that the applicant has rendered a false
201 statement regarding any of the provisions of sections 571.205 to 571.230.
202 If the applicant is found to be ineligible, the sheriff is required to deny
203 the application, and notify the applicant in writing, stating the grounds
204 for denial and informing the applicant of the right to submit, within
205 thirty days, any additional documentation relating to the grounds of
206 the denial. Upon receiving any additional documentation, the sheriff
207 shall reconsider his or her decision and inform the applicant within
208 thirty days of the result of the reconsideration. The applicant shall
209 further be informed in writing of the right to appeal the denial
210 pursuant to section 571.220. After two additional reviews and denials
211 by the sheriff, the person submitting the application shall appeal the
212 denial pursuant to section 571.220.

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

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

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

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

224 (3) The date of issuance;

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

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

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

234 **10. (1) The sheriff shall keep a record of all applications for a**
235 **Missouri lifetime or extended concealed carry permit or a provisional**
236 **permit and his or her action thereon. Any record of an application that**
237 **is incomplete or denied for any reason shall be kept for a period not to**
238 **exceed one year.**

239 **(2) The sheriff shall report the issuance of a Missouri lifetime or**
240 **extended concealed carry permit or provisional permit to the concealed**
241 **carry permit system. All information on any such permit that is**
242 **protected information on any driver's or nondriver's license shall have**
243 **the same personal protection for purposes of sections 571.205 to**
244 **571.230. An applicant's status as a holder of a Missouri lifetime or**
245 **extended concealed carry permit or provisional permit shall not be**
246 **public information and shall be considered personal protected**
247 **information. Information retained in the concealed carry permit**
248 **system under this subsection shall not be distributed to any federal,**
249 **state, or private entities and shall only be made available for a single**
250 **entry query of an individual in the event the individual is a subject of**
251 **interest in an active criminal investigation or is arrested for a crime.**
252 **A sheriff may access the concealed carry permit system for**
253 **administrative purposes to issue a permit, verify the accuracy of permit**
254 **holder information, change the name or address of a permit holder,**
255 **suspend or revoke a permit, cancel an expired permit, or cancel a**
256 **permit upon receipt of a certified death certificate for the permit**
257 **holder. Any person who violates the provisions of this subdivision by**
258 **disclosing protected information shall be guilty of a class A**
259 **misdemeanor.**

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

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

266 **(1) One hundred fifty dollars for a new Missouri extended**
267 **concealed carry permit that is valid for ten years from the date of**
268 **issuance or renewal;**

269 **(2) Two hundred fifty dollars for a new Missouri extended**
270 **concealed carry permit that is valid for twenty-five years from the date**

271 of issuance or renewal;

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

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

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

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

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

28 (2) Any conviction, discharge, or commitment specified in
29 sections 571.205 to 571.230 shall result in a revocation. Upon
30 conviction, the court shall forward a notice of conviction or action and

31 the permit to the issuing county sheriff. The sheriff who issued the
32 Missouri lifetime or extended concealed carry permit shall report the
33 change in status of the concealed carry permit to the concealed carry
34 permit system.

35 2. A Missouri lifetime or extended concealed carry permit shall
36 be reactivated for a qualified applicant upon receipt of the properly
37 completed application by the sheriff of the county of the applicant's
38 residence and in accordance with subsection 2 of section 571.205. A
39 name-based inquiry of the National Instant Criminal Background Check
40 System shall be completed for each reactivation application. The
41 sheriff shall review the results of the report from the National Instant
42 Criminal Background Check System, and when the sheriff has
43 determined the applicant has successfully completed all reactivation
44 requirements and is not disqualified under any provision of section
45 571.205, the sheriff shall issue a new Missouri lifetime or extended
46 concealed carry permit, which contains the date such permit was
47 reactivated.

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

61 4. If a person issued a Missouri lifetime or extended concealed
62 carry permit changes his or her name, the person to whom the permit
63 was issued shall obtain a corrected or new Missouri lifetime or
64 extended concealed carry permit with a change of name from the
65 sheriff who issued the Missouri lifetime or extended concealed carry
66 permit or upon the sheriff's verification of the name change. The
67 sheriff may charge a processing fee of not more than ten dollars for any

68 costs associated with obtaining a corrected or new Missouri lifetime or
69 extended concealed carry permit. The permit holder shall furnish
70 proof of the name change to the sheriff within thirty days of changing
71 his or her name and display his or her Missouri lifetime or extended
72 concealed carry permit. The sheriff shall report the name change to
73 the concealed carry permit system, and the new name shall be
74 accessible by the concealed carry permit system within three days of
75 receipt of the information.

76 5. Any person issued a Missouri lifetime or extended concealed
77 carry permit shall notify the sheriff of the new jurisdiction of the
78 permit holder's change of residence within thirty days after the
79 changing of a permanent residence to a location outside the county of
80 permit issuance. The permit holder shall furnish proof to the sheriff in
81 the new jurisdiction that the permit holder has changed his or her
82 residence. The sheriff shall report the residence change to the
83 concealed carry permit system, take possession and destroy the old
84 permit, and then issue a new permit to the permit holder. The new
85 address shall be accessible by the concealed carry permit system within
86 three days of receipt of the information.

87 6. A Missouri extended concealed carry permit shall be renewed
88 for a qualified applicant upon receipt of the properly completed
89 renewal application and payment of the required fee. The renewal
90 application shall contain the same required information as set forth in
91 subsection 3 of section 571.205, except that in lieu of the fingerprint
92 requirement of subsection 6 of section 571.205 and the firearms safety
93 training, the applicant need only display his or her current Missouri
94 extended concealed carry permit. A name-based inquiry of the National
95 Instant Criminal Background Check System shall be completed for each
96 renewal application. The sheriff shall review the results of the report
97 from the National Instant Criminal Background Check System, and
98 when the sheriff has determined the applicant has successfully
99 completed all renewal requirements and is not disqualified under any
100 provision of section 571.205, the sheriff shall issue a new Missouri
101 extended concealed carry permit which contains the date such permit
102 was renewed. Upon successful completion of all renewal requirements,
103 the sheriff shall issue a new Missouri extended concealed carry permit
104 as provided under this subsection.

105 7. A person who has been issued a Missouri extended concealed
106 carry permit who fails to file a renewal application for a Missouri
107 extended concealed carry permit on or before its expiration date shall
108 pay an additional late fee of ten dollars per month for each month it is
109 expired for up to six months. After six months, the sheriff who issued
110 the expired Missouri extended concealed carry permit shall notify the
111 concealed carry permit system that such permit is expired and
112 cancelled. Any person who has been issued a Missouri extended
113 concealed carry permit pursuant to sections 571.101 to 571.121 who fails
114 to renew his or her application within the six-month period shall
115 reapply for a concealed carry permit and pay the fee for a new
116 application.

117 8. The sheriff of the county that issued the Missouri lifetime or
118 extended concealed carry permit shall conduct a name-based inquiry
119 of the National Instant Criminal Background Check System once every
120 five years from the date of issuance or renewal of the permit. The
121 sheriff shall review the results of the report from the National Instant
122 Criminal Background Check System. If the sheriff determines the
123 permit holder is disqualified under any provision of section 571.205, the
124 sheriff shall revoke the Missouri lifetime or extended concealed carry
125 permit and shall report the revocation to the concealed carry permit
126 system.

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

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

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

16 removed from the vehicle or brandished while the vehicle is on the
17 premises;

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

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

45 (5) Any meeting of the governing body of a unit of local
46 government, or any meeting of the general assembly or a committee of
47 the general assembly, except that nothing in this subdivision shall
48 preclude a member of the body holding a valid Missouri lifetime or
49 extended concealed carry permit from carrying a concealed firearm at
50 a meeting of the body which he or she is a member. Possession of a
51 firearm in a vehicle on the premises shall not be a criminal offense so
52 long as the firearm is not removed from the vehicle or brandished

53 while the vehicle is on the premises. Nothing in this subdivision shall
54 preclude a member of the general assembly, a full-time employee of the
55 general assembly employed under Section 17, Article III, Constitution
56 of Missouri, legislative employees of the general assembly as
57 determined under section 21.155, or statewide elected officials and
58 their employees, holding a valid Missouri lifetime or extended
59 concealed carry permit, from carrying a concealed firearm in the state
60 capitol building or at a meeting whether of the full body of a house of
61 the general assembly or a committee thereof, that is held in the state
62 capitol building;

63 (6) The general assembly, supreme court, county, or municipality
64 may by rule, administrative regulation, or ordinance prohibit or limit
65 the carrying of concealed firearms by permit holders in that portion of
66 a building owned, leased, or controlled by that unit of government. Any
67 portion of a building in which the carrying of concealed firearms is
68 prohibited or limited shall be clearly identified by signs posted at the
69 entrance to the restricted area. The statute, rule, or ordinance shall
70 exempt any building used for public housing by private persons,
71 highways or rest areas, firing ranges, and private dwellings owned,
72 leased, or controlled by that unit of government from any restriction
73 on the carrying or possession of a firearm. The statute, rule, or
74 ordinance shall not specify any criminal penalty for its violation but
75 may specify that persons violating the statute, rule, or ordinance may
76 be denied entrance to the building, ordered to leave the building and
77 if employees of the unit of government, be subjected to disciplinary
78 measures for violation of the provisions of the statute, rule, or
79 ordinance. The provisions of this subdivision shall not apply to any
80 other unit of government;

81 (7) Any establishment licensed to dispense intoxicating liquor for
82 consumption on the premises, which portion is primarily devoted to
83 that purpose, without the consent of the owner or manager. The
84 provisions of this subdivision shall not apply to the licensee of said
85 establishment. The provisions of this subdivision shall not apply to any
86 bona fide restaurant open to the general public having dining facilities
87 for not less than fifty persons and that receives at least fifty-one
88 percent of its gross annual income from the dining facilities by the sale
89 of food. This subdivision does not prohibit the possession of a firearm

90 in a vehicle on the premises of the establishment and shall not be a
91 criminal offense so long as the firearm is not removed from the vehicle
92 or brandished while the vehicle is on the premises. Nothing in this
93 subdivision authorizes any individual who has been issued a Missouri
94 lifetime or extended concealed carry permit to possess any firearm
95 while intoxicated;

96 (8) Any area of an airport to which access is controlled by the
97 inspection of persons and property. Possession of a firearm in a
98 vehicle on the premises of the airport shall not be a criminal offense so
99 long as the firearm is not removed from the vehicle or brandished
100 while the vehicle is on the premises;

101 (9) Any place where the carrying of a firearm is prohibited by
102 federal law;

103 (10) Any higher education institution or elementary or secondary
104 school facility without the consent of the governing body of the higher
105 education institution or a school official or the district school board,
106 unless the person with the Missouri lifetime or extended concealed
107 carry permit is a teacher or administrator of an elementary or
108 secondary school who has been designated by his or her school district
109 as a school protection officer and is carrying a firearm in a school
110 within that district, in which case no consent is required. Possession
111 of a firearm in a vehicle on the premises of any higher education
112 institution or elementary or secondary school facility shall not be a
113 criminal offense so long as the firearm is not removed from the vehicle
114 or brandished while the vehicle is on the premises;

115 (11) Any portion of a building used as a child care facility
116 without the consent of the manager. Nothing in this subdivision shall
117 prevent the operator of a child care facility in a family home from
118 owning or possessing a firearm or a Missouri lifetime or extended
119 concealed carry permit;

120 (12) Any riverboat gambling operation accessible by the public
121 without the consent of the owner or manager pursuant to rules
122 promulgated by the gaming commission. Possession of a firearm in a
123 vehicle on the premises of a riverboat gambling operation shall not be
124 a criminal offense so long as the firearm is not removed from the
125 vehicle or brandished while the vehicle is on the premises;

126 (13) Any gated area of an amusement park. Possession of a

127 firearm in a vehicle on the premises of the amusement park shall not
128 be a criminal offense so long as the firearm is not removed from the
129 vehicle or brandished while the vehicle is on the premises;

130 (14) Any church or other place of religious worship without the
131 consent of the minister or person or persons representing the religious
132 organization that exercises control over the place of religious
133 worship. Possession of a firearm in a vehicle on the premises shall not
134 be a criminal offense so long as the firearm is not removed from the
135 vehicle or brandished while the vehicle is on the premises;

136 (15) Any private property whose owner has posted the premises
137 as being off-limits to concealed firearms by means of one or more signs
138 displayed in a conspicuous place of a minimum size of eleven inches by
139 fourteen inches with the writing thereon in letters of not less than one
140 inch. The owner, business or commercial lessee, manager of a private
141 business enterprise, or any other organization, entity, or person may
142 prohibit persons holding a Missouri lifetime or extended concealed
143 carry permit from carrying concealed firearms on the premises and
144 may prohibit employees, not authorized by the employer, holding a
145 Missouri lifetime or extended concealed carry permit from carrying
146 concealed firearms on the property of the employer. If the building or
147 the premises are open to the public, the employer of the business
148 enterprise shall post signs on or about the premises if carrying a
149 concealed firearm is prohibited. Possession of a firearm in a vehicle on
150 the premises shall not be a criminal offense so long as the firearm is
151 not removed from the vehicle or brandished while the vehicle is on the
152 premises. An employer may prohibit employees or other persons
153 holding a Missouri lifetime or extended concealed carry permit from
154 carrying a concealed firearm in vehicles owned by the employer;

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

159 (17) Any hospital accessible by the public. Possession of a
160 firearm in a vehicle on the premises of a hospital shall not be a
161 criminal offense so long as the firearm is not removed from the vehicle
162 or brandished while the vehicle is on the premises.

163 2. Carrying of a concealed firearm in a location specified in

164 subdivisions (1) to (17) of subsection 1 of this section by any individual
 165 who holds a Missouri lifetime or extended concealed carry permit shall
 166 not be a criminal act but may subject the person to denial to the
 167 premises or removal from the premises. If such person refuses to leave
 168 the premises and a peace officer is summoned, such person may be
 169 issued a citation for an amount not to exceed one hundred dollars for
 170 the first offense. If a second citation for a similar violation occurs
 171 within a six-month period, such person shall be fined an amount not to
 172 exceed two hundred dollars and his or her permit to carry concealed
 173 firearms shall be suspended for a period of one year. If a third citation
 174 for a similar violation is issued within one year of the first citation,
 175 such person shall be fined an amount not to exceed five hundred
 176 dollars and shall have his or her Missouri lifetime or extended
 177 concealed carry permit revoked and such person shall not be eligible
 178 for a Missouri lifetime or extended concealed carry permit or a
 179 concealed carry permit issued pursuant to sections 571.101 to 571.121
 180 for a period of three years. Upon conviction of charges arising from a
 181 citation issued pursuant to this subsection, the court shall notify the
 182 sheriff of the county which issued the Missouri lifetime or extended
 183 concealed carry permit. The sheriff shall suspend or revoke the
 184 Missouri lifetime or extended concealed carry permit.

571.220. 1. In any case when the sheriff refuses to issue a
 2 Missouri lifetime or extended concealed carry permit or to act on an
 3 application for such permit, the denied applicant shall have the right
 4 to appeal the denial within thirty days of receiving written notice of
 5 the denial. Such appeals shall be heard in small claims court as
 6 defined in section 482.300, and the provisions of sections 482.300,
 7 482.310, and 482.335 shall apply to such appeals.

8 2. A denial of or refusal to act on an application for a Missouri
 9 lifetime or extended concealed carry permit may be appealed by filing
 10 with the clerk of the small claims court a copy of the sheriff's written
 11 refusal and a form substantially similar to the appeal form provided in
 12 this section. Appeal forms shall be provided by the clerk of the small
 13 claims court free of charge to any person:

14 **SMALL CLAIMS COURT**

15 In the Circuit Court of, Missouri
 16, Denied Applicant

17)
 18)
 19 vs.) Case Number
 20)
 21)

22 , Sheriff

23 Return Date

24 **APPEAL OF A DENIAL OF A MISSOURI**
 25 **LIFETIME OR EXTENDED CONCEALED CARRY PERMIT**

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

31 , Denied Applicant

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

35 4. If at the hearing the person shows he or she is entitled to the
 36 requested Missouri lifetime or extended concealed carry permit, the
 37 court shall issue an appropriate order to cause the issuance of the
 38 Missouri lifetime or extended concealed carry permit. Costs shall not
 39 be assessed against the sheriff unless the action of the sheriff is
 40 determined by the judge to be arbitrary and capricious.

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

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

10 by the clerk of the small claims court free of charge to any person:

11 **SMALL CLAIMS COURT**

12 **In the Circuit Court of, Missouri**

13 **....., PLAINTIFF**

14)

15)

16 **vs.**) **Case Number**

17)

18)

19 **....., DEFENDANT,**

20 **Lifetime or Extended Carry Permit Holder**

21 **....., DEFENDANT,**

22 **Sheriff of Issuance**

23 **PETITION FOR REVOCATION OF A**

24 **MISSOURI LIFETIME OR EXTENDED CONCEALED CARRY PERMIT**

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

34 **(CHECK BELOW EACH REASON THAT APPLIES**

35 **TO THIS DEFENDANT)**

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

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

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

44 Defendant has pled guilty to or been convicted of a crime
45 punishable by imprisonment for a term exceeding two years

46 under the laws of any state or of the United States other than a
47 crime classified as a misdemeanor under the laws of any state
48 and punishable by a term of imprisonment of one year or less
49 that does not involve an explosive weapon, firearm, firearm
50 silencer, or gas gun.

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

62 Defendant is a fugitive from justice or currently charged in an
63 information or indictment with the commission of a crime
64 punishable by imprisonment for a term exceeding one year under
65 the laws of any state of the United States other than a crime
66 classified as a misdemeanor under the laws of any state and
67 punishable by a term of imprisonment of two years or less that
68 does not involve an explosive weapon, firearm, firearm silencer,
69 or gas gun. Defendant has been discharged under dishonorable
70 conditions 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 or a similar institution located in another state, except
77 that a person whose release or discharge from a facility in this
78 state pursuant to chapter 632, RSMo, or a similar discharge from
79 a facility in another state, occurred more than five years ago
80 without subsequent recommitment may apply.

81 Defendant failed to submit a completed application for a

82 **concealed carry permit issued pursuant to sections 571.205 to**
83 **571.230, RSMo.**

84 **Defendant failed to submit to or failed to clear the required**
85 **background check. (Note: This does not apply if the defendant**
86 **has submitted to a background check and been issued a**
87 **provisional permit pursuant to subdivision (2) of subsection 6 of**
88 **section 571.205, RSMo, and the results of the background check**
89 **are still pending.)**

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

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

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

102 **....., PLAINTIFF**

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

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

118 action including, but not limited to, attorney's fees, deposition costs,
119 and lost wages. Once the court determines that the plaintiff is liable
120 to the defendant/respondent for costs and fees, the extent and type of
121 fees and costs to be awarded should be liberally calculated in
122 defendant/respondent's favor. Notwithstanding any other provision of
123 law, reasonable attorney's fees shall be presumed to be at least one
124 hundred fifty dollars per hour.

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

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

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

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