

SECOND REGULAR SESSION

SENATE BILL NO. 1026

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHATZ.

Read 1st time February 3, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5559S.03I

AN ACT

To repeal section 571.126, RSMo, and to enact in lieu thereof seven new sections relating to lifetime 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Section A. Section 571.126, RSMo, is repealed and seven new sections
2 enacted in lieu thereof, to be known as sections 571.126, 571.205, 571.210,
3 571.215, 571.220, 571.225, and 571.230, to read as follows:

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

571.205. 1. Upon request and payment of the required fee, the
2 **sheriff shall issue a concealed carry permit that is valid through the**
3 **state of Missouri for the lifetime of the permit holder to a Missouri**
4 **resident who meets the requirements of sections 571.205 to 571.230,**
5 **known as a Missouri lifetime concealed carry permit. A person issued**
6 **a Missouri lifetime concealed carry permit shall be required to comply**
7 **with the provisions of sections 571.205 to 571.230. If the applicant can**
8 **show qualification as provided by sections 571.205 to 571.230, the**
9 **county or city sheriff shall issue a Missouri lifetime concealed carry**
10 **permit authorizing the carrying of a concealed firearm on or about the**
11 **applicant's person or within a vehicle.**

12 **2. A Missouri lifetime concealed carry permit of the permit**

13 holder shall be suspended if the permit holder becomes a resident of
14 another state. The permit may be reactivated upon reestablishment of
15 Missouri residency if the applicant meets the requirements of sections
16 571.205 to 571.230, and upon successful completion of a name-based
17 inquiry of the National Instant Background Check System. For
18 processing a reactivation of a permit under this subsection, the sheriff
19 in each county shall charge a nonrefundable fee not to exceed fifty
20 dollars, which shall be paid to the treasury of the county to the credit
21 of the sheriff's revolving fund.

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

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

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

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

47 (4) Is not a fugitive from justice or currently charged in an
48 information or indictment with the commission of a crime punishable
49 by imprisonment for a term exceeding one year under the laws of any

50 state of the United States, other than a crime classified as a
51 misdemeanor under the laws of any state and punishable by a term of
52 imprisonment of two years or less that does not involve an explosive
53 weapon, firearm, firearm silencer, or gas gun;

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

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

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

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

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

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

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

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

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

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

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

87 **Armed Forces;**

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

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

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

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

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

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

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

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

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

135 **5. An application for a Missouri lifetime concealed carry permit**
136 **shall be made to the sheriff of the county or any city not within a**
137 **county in which the applicant resides. An application shall be filed in**
138 **writing, signed under oath and under the penalties of perjury, and shall**
139 **state whether the applicant complies with each of the requirements**
140 **specified in subsection 3 of this section. In addition to the completed**
141 **application, the applicant for a Missouri lifetime concealed carry**
142 **permit shall also submit the following:**

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

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

149 **6. (1) Before an application for a Missouri lifetime concealed**
150 **carry permit is approved, the sheriff shall make only such inquiries as**
151 **he or she deems necessary into the accuracy of the statements made in**
152 **the application. The sheriff may require that the applicant display a**
153 **Missouri driver's license or nondriver's license or military**
154 **identification. In order to determine the applicant's suitability for a**
155 **Missouri lifetime concealed carry permit, the applicant shall be**
156 **fingerprinted. No other biometric data shall be collected from the**
157 **applicant. The sheriff shall conduct an inquiry of the National Instant**
158 **Criminal Background Check System within three working days after**
159 **submission of the properly completed application for a Missouri**
160 **lifetime concealed carry permit. If no disqualifying record is identified**

161 by these checks at the state level, the fingerprints shall be forwarded
162 to the Federal Bureau of Investigation for a national criminal history
163 record check. Upon receipt of the completed report from the National
164 Instant Criminal Background Check System and the response from the
165 Federal Bureau of Investigation national criminal history record check,
166 the sheriff shall examine the results and, if no disqualifying
167 information is identified, shall issue a Missouri lifetime concealed carry
168 permit within three working days.

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

192 7. The sheriff may refuse to approve an application for a
193 Missouri lifetime concealed carry permit if he or she determines that
194 any of the requirements specified in subsection 3 of this section have
195 not been met, or if he or she has a substantial and demonstrable reason
196 to believe that the applicant has rendered a false statement regarding
197 any of the provisions of sections 571.205 to 571.230. If the applicant is

198 found to be ineligible, the sheriff is required to deny the application,
199 and notify the applicant in writing, stating the grounds for denial and
200 informing the applicant of the right to submit, within thirty days, any
201 additional documentation relating to the grounds of the denial. Upon
202 receiving any additional documentation, the sheriff shall reconsider his
203 or her decision and inform the applicant within thirty days of the
204 result of the reconsideration. The applicant shall further be informed
205 in writing of the right to appeal the denial pursuant to section
206 571.220. After two additional reviews and denials by the sheriff, the
207 person submitting the application shall appeal the denial pursuant to
208 section 571.220.

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

215 9. The Missouri lifetime concealed carry permit shall specify only
216 the following information:

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

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

220 (3) The date of issuance; and

221 (4) A clear statement indicating that the permit is only valid
222 within the state of Missouri.

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

228 10. (1) The sheriff shall keep a record of all applications for a
229 Missouri lifetime concealed carry permit or a provisional permit and
230 his or her action thereon. Any record of an application that is
231 incomplete or denied for any reason shall be kept for a period not to
232 exceed one year.

233 (2) The sheriff shall report the issuance of a Missouri lifetime
234 concealed carry permit or provisional permit to the concealed carry

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

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

257 12. For processing an application for a Missouri lifetime
258 concealed carry permit the sheriff in each county shall charge a
259 nonrefundable fee not to exceed two hundred dollars, which shall be
260 paid to the treasury of the county to the credit of the sheriff's revolving
261 fund.

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

8 (1) When a valid full order of protection or any arrest warrant,
9 discharge, or commitment for the reasons listed in subdivision (2), (3),
10 (4), (7), or (10) of subsection 3 of section 571.205 is issued against a

11 person holding a Missouri lifetime concealed carry permit, upon
12 notification of said order, warrant, discharge, or commitment or upon
13 an order of a court of competent jurisdiction in a criminal proceeding,
14 a commitment proceeding, or a full order of protection proceeding
15 ruling that a person holding a Missouri lifetime concealed carry permit
16 presents a risk of harm to themselves or others, then upon notification
17 of such order, the holder of the Missouri lifetime concealed carry
18 permit shall surrender the permit to the court, officer, or other official
19 serving the order, warrant, discharge, or commitment. The permit shall
20 be suspended until the order is terminated or until the arrest results
21 in a dismissal of all charges. The official to whom the permit is
22 surrendered shall administratively suspend the permit in the concealed
23 carry permit system until the order is terminated or the charges are
24 dismissed. Upon dismissal, the court holding the permit shall return
25 such permit to the individual and the official to whom the permit was
26 surrendered shall administratively return the permit to good standing
27 within the concealed carry permit 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 concealed carry permit shall report the change in
33 status of the concealed carry permit to the concealed carry permit
34 system.

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

48 **3. Any person issued a Missouri lifetime concealed carry permit**
49 **shall notify the sheriff or his or her designee where the permit was**
50 **issued within seven days after actual knowledge of the loss or**
51 **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 concealed carry permit within three working days of**
57 **being notified by the permit holder of its loss or destruction. The new**
58 **Missouri lifetime concealed carry permit shall contain the same**
59 **personal information as the original concealed carry permit.**

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

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

49 or endorsement from carrying a concealed firearm at a meeting of the
50 body which he or she is a member. Possession of a firearm in a vehicle
51 on the premises shall not be a criminal offense so long as the firearm
52 is not removed from the vehicle or brandished while the vehicle is on
53 the premises. Nothing in this subdivision shall preclude a member of
54 the general assembly, a full-time employee of the general assembly
55 employed under Section 17, Article III, Constitution of Missouri,
56 legislative employees of the general assembly as determined under
57 section 21.155, or statewide elected officials and their employees,
58 holding a valid concealed carry permit or endorsement, from carrying
59 a concealed firearm in the state capitol building or at a meeting
60 whether of the full body of a house of the general assembly or a
61 committee thereof, that is held in the state capitol building;

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

80 (7) Any establishment licensed to dispense intoxicating liquor for
81 consumption on the premises, which portion is primarily devoted to
82 that purpose, without the consent of the owner or manager. The
83 provisions of this subdivision shall not apply to the licensee of said
84 establishment. The provisions of this subdivision shall not apply to any
85 bona fide restaurant open to the general public having dining facilities

86 for not less than fifty persons and that receives at least fifty-one
87 percent of its gross annual income from the dining facilities by the sale
88 of food. This subdivision does not prohibit the possession of a firearm
89 in a vehicle on the premises of the establishment and shall not be a
90 criminal offense so long as the firearm is not removed from the vehicle
91 or brandished while the vehicle is on the premises. Nothing in this
92 subdivision authorizes any individual who has been issued a concealed
93 carry permit or endorsement to possess any firearm while intoxicated;

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

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

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

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

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

123 vehicle or brandished while the vehicle is on the premises;

124 (13) Any gated area of an amusement park. Possession of a
125 firearm in a vehicle on the premises of the amusement park shall not
126 be a criminal offense so long as the firearm is not removed from the
127 vehicle or brandished while the vehicle is on the premises;

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

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

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

157 (17) Any hospital accessible by the public. Possession of a
158 firearm in a vehicle on the premises of a hospital shall not be a
159 criminal offense so long as the firearm is not removed from the vehicle

160 or brandished while the vehicle is on the premises.

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

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

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

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 CONCEALED CARRY PERMIT**

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

31 **....., Denied Applicant**

32 **3. The notice of appeal in a denial of a Missouri lifetime**
 33 **concealed carry permit appeal shall be made to the sheriff in a manner**
 34 **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 concealed carry permit, the court shall**
 37 **issue an appropriate order to cause the issuance of the Missouri**
 38 **lifetime concealed carry permit. Costs shall not be assessed against the**
 39 **sheriff unless the action of the sheriff is determined by the judge to be**
 40 **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 concealed carry**
 43 **permit appeal may have a right to trial de novo as provided in sections**
 44 **512.180 to 512.320.**

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

8 revocation of Missouri lifetime concealed carry permit provided in this
9 section. Appeal forms shall be provided by the clerk of the small claims
10 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 **....., DEFENDANT,**

19 **Lifetime Carry Permit Holder**

20 **....., DEFENDANT,**

21 **Sheriff of Issuance**

22 **PETITION FOR REVOCATION OF A**

23 **MISSOURI LIFETIME CONCEALED CARRY PERMIT**

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

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

33 **TO THIS DEFENDANT)**

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

38 **Defendant is not a citizen or permanent resident of the United**
39 **States.**

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

42 **Defendant has pled guilty to or been convicted of a crime**
43 **punishable by imprisonment for a term exceeding two years**
44 **under the laws of any state or of the United States other than a**

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

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

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

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

71 Defendant is adjudged mentally incompetent at the time of
72 application or for five years prior to application, or has been
73 committed to a mental health facility, as defined in section
74 632.005 or a similar institution located in another state, except
75 that a person whose release or discharge from a facility in this
76 state pursuant to chapter 632, RSMo, or a similar discharge from
77 a facility in another state, occurred more than five years ago
78 without subsequent recommitment may apply.

79 Defendant failed to submit a completed application for a
80 concealed carry permit issued pursuant to sections 571.205 to
81 571.230, RSMo.

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

88 Defendant failed to submit an affidavit attesting that the
89 applicant complies with the concealed carry safety training
90 requirement pursuant to subsection 1 of section 571.111, RSMo.

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

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

99, PLAINTIFF

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

107 3. The finder of fact, in any action brought against a permit
108 holder pursuant to subsection 1 of this section, shall make findings of
109 fact and the court shall make conclusions of law addressing the issues
110 at dispute. If it is determined that the plaintiff in such an action acted
111 without justification or with malice or primarily with an intent to
112 harass the permit holder or that there was no reasonable basis to bring
113 the action, the court shall order the plaintiff to pay the
114 defendant/respondent all reasonable costs incurred in defending the
115 action including, but not limited to, attorney's fees, deposition costs,
116 and lost wages. Once the court determines that the plaintiff is liable
117 to the defendant/respondent for costs and fees, the extent and type of
118 fees and costs to be awarded should be liberally calculated in

119 defendant/respondent's favor. Notwithstanding any other provision of
120 law, reasonable attorney's fees shall be presumed to be at least one
121 hundred fifty dollars per hour.

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

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

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

✓

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