

FIRST REGULAR SESSION

HOUSE BILL NO. 853

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES CRUMP, KREIDER, HAMPTON, GRATZ, LOGRASSO, KOLLER, CLAYTON, RANSBALL (Co-sponsors), OVERSCHMIDT, WAGNER, WARD, MAYS (50), HOLT, BARNITZ, BRITT, LUETKENHAUS, SHOEMYER, BERKOWITZ, BONNER, TREADWAY, McKENNA, SELBY, MERIDETH, SMITH, RELFORD, CIERPIOT, ROSS, PURGASON, CROWELL, REINHART, LEGAN, RIDGEWAY, BALLARD, BOATRIGHT, MYERS, LUETKEMEYER, ROARK, MAY (149), COOPER, CRAWFORD, LONG, TOWNLEY, HOHULIN, GRIESHEIMER AND RICHARDSON.

Read 1st time February 21, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1981L.031

AN ACT

To repeal section 571.030, RSMo 2000, relating to concealable weapons, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

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

Section A. Section 571.030, RSMo 2000, is repealed and three new sections enacted in lieu thereof, to be known as sections 50.535, 571.030 and 571.094, to read as follows:

- 50.535. 1. Notwithstanding the provisions of sections 50.525 to 50.745 the fee collected pursuant to subsection 7 of section 571.090, RSMo, or subsection 13, 14, 20, 21 or 22 of section 571.094, RSMo, shall be deposited by the county treasurer into a separate interest-bearing fund to be known as the county sheriff's revolving fund to be expended at the direction of the sheriff as provided in this section.**
- 2. Prior approval of the expenditures from this fund shall not be required by the governing body of the county or a city not within a county, nor shall any prior audit or encumbrance of the fund be required before any expenditure is made by the sheriff from this fund. This fund may be audited by the state auditor's office or the appropriate auditing agency.**
- 3. No prior approval of the expenditures from this fund shall be required by the governing body of the county or city not within a county, nor shall any prior audit or**

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

13 **encumbrance of the fund be required before any expenditure is made by the sheriff from**
14 **this fund. This fund may be audited by the state auditor's office or the appropriate**
15 **auditing agency.**

16 **4. If the moneys collected and deposited into this fund are not totally expended**
17 **annually, then the unexpended balance shall remain in said fund and the balance shall be**
18 **kept in said fund to accumulate from year to year.**

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

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

5 (2) Sets a spring gun; or

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

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

11 (5) Possesses or discharges a firearm or projectile weapon while intoxicated; or

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

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

16 (8) Carries a firearm or any other weapon readily capable of lethal use into any church
17 or place where people have assembled for worship, or into any election precinct on any election
18 day, or into any building owned or occupied by any agency of the federal government, state
19 government, or political subdivision thereof[, or into any public assemblage of persons met for
20 any lawful purpose]; or

21 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section
22 301.010, RSMo, while within any city, town, or village, and discharges or shoots a firearm at any
23 person, or at any other motor vehicle, or at any building or habitable structure, unless the person
24 was lawfully acting in self-defense; or

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

28 2. Subdivisions (1), (3), (4), (6), (7), (8), (9) and (10) of subsection 1 of this section shall
29 not apply to or affect any of the following:

30 (1) All state, county and municipal [law enforcement] **peace** officers possessing the duty

31 and power of arrest for violation of the general criminal laws of the state or for violation of
32 ordinances of counties or municipalities of the state, **whether such officers are within or**
33 **outside their jurisdictions or on or off duty**, or any person summoned by such officers to assist
34 in making arrests or preserving the peace while actually engaged in assisting such officer;

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

37 (3) Members of the armed forces or national guard while performing their official duty;

38 (4) Those persons vested by article V, section 1 of the Constitution of Missouri with the
39 judicial power of the state and those persons vested by article III of the Constitution of the United
40 States with the judicial power of the United States, the members of the federal judiciary;

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

42 (6) Any federal probation officer;

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

45 (8) Any corporate security advisor meeting the definition and fulfilling the requirements
46 of the regulations established by the board of police commissioners under section 84.340, RSMo.

47 3. Subdivisions (1), (5), (8) and (10) of subsection 1 of this section do not apply when
48 the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when
49 ammunition is not readily accessible or when such weapons are not readily accessible.
50 Subdivision (1) of subsection 1 of this section does not apply **to any person twenty-one years**
51 **of age or older transporting a concealable firearm in the passenger compartment of a**
52 **motor vehicle, so long as such concealable firearm is otherwise lawfully possessed and is**
53 **not carried on the person, nor** when the actor is also in possession of an exposed firearm or
54 projectile weapon for the lawful pursuit of game, or is in his **or her** dwelling unit or upon
55 [business] premises over which the actor has possession, authority or control, or is traveling in
56 a continuous journey peaceably through this state. Subdivision (10) of subsection 1 of this
57 section does not apply if the firearm is otherwise lawfully possessed by a person while traversing
58 school premises for the purposes of transporting a student to or from school, or possessed by an
59 adult for the purposes of facilitation of a school-sanctioned firearm-related event.

60 4. Subdivisions (1), (8) and (10) of subsection 1 of this section shall not apply to any
61 person who has a valid permit to carry concealed firearms issued pursuant to section
62 571.094 or a valid permit to carry concealed firearms issued by another state or political
63 subdivision of another state.

64 5. Subdivisions (3), (4), (5), (6), (7), (8), (9) and (10) of subsection 1 of this section
65 shall not apply to persons who are engaged in a lawful act of defense pursuant to section
66 563.031, RSMo.

67 **6.** Nothing in this section shall make it unlawful for a student to actually participate in
68 school-sanctioned gun safety courses, student military or ROTC courses, or other
69 school-sponsored firearm-related events, provided the student does not carry a firearm or other
70 weapon readily capable of lethal use into any school, onto any school bus, or onto the premises
71 of any function or activity sponsored or sanctioned by school officials or the district school
72 board.

73 [5.] **7.** Unlawful use of weapons is a class D felony unless committed pursuant to
74 subdivision (5), (6), (7) or (8) of subsection 1 of this section, in which cases it is a class B
75 misdemeanor, or subdivision **(5) or (10)** of subsection 1 of this section, in which case it is a class
76 A misdemeanor if the firearm is unloaded and a class D felony if the firearm is loaded, or
77 subdivision (9) of subsection 1 of this section, in which case it is a class B felony, except that
78 if the violation of subdivision (9) of subsection 1 of this section results in injury or death to
79 another person, it is a class A felony.

80 [6.] **8.** Violations of subdivision (9) of subsection 1 of this section shall be punished as
81 follows:

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

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

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

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

92 [7.] **9.** Any person knowingly aiding or abetting any other person in the violation of
93 subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that
94 prescribed by this section for violations by other persons.

**571.094. 1. The sheriff of each county is hereby authorized to issue permits to carry
2 concealed firearms to persons qualified as provided by this section. Any person who has
3 been issued a permit to carry concealed firearms may carry concealed firearms on or about
4 his or her person. Permits to carry concealed firearms shall be valid for a period of three
5 years from the date of issuance or renewal. The permit to carry concealed firearms is valid
6 throughout this state.**

7 **2. A permit to carry concealed firearms shall be issued by the sheriff of the county
8 in which the applicant resides, if the applicant:**

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

11 (2) Has not pled guilty to or been convicted of a crime punishable by imprisonment
12 for a term exceeding one year under the laws of any state or of the United States other than
13 a crime classified as a misdemeanor under the laws of any state and punishable by a term
14 of imprisonment of two years or less that does not involve an explosive weapon, firearm,
15 firearm silencer or gas gun;

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

22 (4) Has not been discharged under dishonorable conditions from the United States
23 armed forces;

24 (5) Is not publicly known to be habitually in an intoxicated or drugged condition;

25 (6) Is not currently adjudged mentally incompetent or has not been committed to
26 a mental health facility, as defined in section 632.005, RSMo, or a similar institution
27 located in another state;

28 (7) Submits a completed application for a permit to carry a concealed firearm as
29 defined in subsection 3 of this section;

30 (8) Demonstrates a need to be issued a permit to carry a concealed firearm
31 pursuant to subsections 4 and 5 of this section; and

32 (9) Submits an affidavit attesting that the applicant complies with the permit to
33 carry concealed firearms safety training requirement pursuant to subsection 26 of this
34 section.

35 3. The application for a permit to carry concealed firearms shall contain only the
36 following information:

37 (1) The applicant's name, address, gender and date and place of birth;

38 (2) An affirmation that the applicant is a resident of the state of Missouri and has
39 been a resident thereof for the last six months and is a citizen of the United States;

40 (3) An affirmation that the applicant is at least twenty-one years of age;

41 (4) An affirmation that the applicant has not pled guilty to or been convicted of a
42 crime punishable by imprisonment for a term exceeding one year under the laws of any
43 state or of the United States other than a crime classified as a misdemeanor under the laws
44 of any state and punishable by a term of imprisonment of two years or less that does not

45 involve an explosive weapon, firearm, firearm silencer or gas gun;

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

52 (6) An affirmation that the applicant has not been discharged under dishonorable
53 conditions from the United States armed forces;

54 (7) An affirmation that the applicant has not been committed to a mental health
55 facility, as defined in section 632.005, RSMo, or a similar institution located in another
56 state;

57 (8) An affirmation that the applicant has a need for a permit to carry concealed
58 firearms as defined in subsections 4 and 5 of this section;

59 (9) A statement that the applicant has received firearms safety training that meets
60 the standards of applicant firearm safety training defined in subsection 26 of this section;
61 and

62 (10) A conspicuous warning that false statements made by the applicant will result
63 in prosecution for perjury under the laws of the State of Missouri.

64 4. An applicant for a permit pursuant to this section must demonstrate a need for
65 a permit to carry concealed firearms. An applicant shall have fully demonstrated the need
66 to carry a concealed firearm if the applicant submits an affidavit attesting that the
67 applicant:

68 (1) Is a retired peace officer or a former peace officer with five years of work
69 experience as a certified police officer and retired or resigned from such work experience
70 under honorable circumstances; or

71 (2) Is a business owner who routinely makes bank deposits; or

72 (3) Has obtained an order of protection or restraining order against another
73 person; or

74 (4) Is employed as a bail bondsman, private investigator, probation or parole
75 officer, private security officer, bail enforcement agent, or process server; or

76 (5) Is a prosecuting attorney, assistant prosecuting attorney or circuit attorney; or

77 (6) Currently resides or works in a high crime area; or

78 (7) Provides personal protective services to another individual; or

79 (8) Has been a victim of stalking; or

80 (9) Is a retired or former prosecuting attorney, assistant prosecuting attorney or

81 circuit attorney; or

82 (10) Is employed as an armed security guard; or

83 (11) Has received threats of violence or has personally been a victim of violent
84 crime or have a family member that has been a victim of violent crime; or

85 (12) Is responsible for the care and safety of others; or

86 (13) Is habitually in physical custody of more than five hundred dollars in cash or
87 valuable property.

88 5. Any applicant submitting an affidavit stating that the applicant qualifies for a
89 permit to carry a concealed firearm pursuant to subsection 4 of this section shall be
90 accepted as having a per se need for a permit to carry concealed firearms.

91 6. Application for a permit to carry concealed firearms shall be made to the sheriff
92 of the county in which the applicant resides. An application shall be filed in writing, signed
93 under oath and under the penalties of perjury, and shall state whether the applicant
94 complies with each of the requirements specified in subsection 2 of this section. In addition
95 to the completed application, the applicant for a permit to carry concealed firearms must
96 also submit the following:

97 (1) A head and shoulder color photograph measuring one inch by one inch and
98 taken within thirty days preceding the date on which the application is submitted;

99 (2) A photocopy of a firearm safety training certificate of completion or other
100 evidence of completion of a firearm safety training course that meets the standards
101 established in subsection 26 of this section; and

102 (3) A nonrefundable permit fee as provided by subsection 13 or 14 of this section.

103 7. Before an application for a permit to carry concealed firearms is approved, the
104 sheriff shall make only such inquiries as he or she deems necessary into the accuracy of the
105 statements made in the application. The sheriff may require that the applicant display a
106 Missouri operator's license or other suitable identification.

107 8. The sheriff shall either approve or deny the application for a permit to carry
108 concealed firearms within thirty days after submission of the completed application
109 excluding Saturdays, Sundays or legal holidays.

110 9. The sheriff may refuse to approve an application for a permit to carry concealed
111 firearms if he or she determines that any of the requirements specified in subsection 2 of
112 this section have not been met, or if he or she has reason to believe that the applicant has
113 rendered a false statement regarding any of the provisions of this section. If the applicant
114 is found to be ineligible, the sheriff shall deny the application, and notify the applicant in
115 writing, stating the grounds for denial and informing the applicant of the right to submit,
116 within thirty days, any additional documentation relating to the grounds of the denial.

117 Upon receiving any additional documentation, the sheriff shall reconsider his or her
118 decision and inform the applicant within thirty days of the result of the reconsideration.
119 The applicant shall further be informed in writing of the right to appeal the denial
120 pursuant to subsections 32, 33, 34, 35 and 36 of this section.

121 10. If the application is approved, the sheriff shall issue a permit to carry concealed
122 firearms to the applicant within a period not to exceed seven days after his or her approval
123 of the application excluding Saturdays, Sundays or legal holidays.

124 11. The permit to carry concealed firearms issued pursuant to this section shall
125 bear a photograph, date of birth, physical description of the applicant on the front of the
126 permit. The permit shall recite the date of issuance, the date of expiration and the name
127 and address of the person to whom the permit has been issued. The applicant shall sign
128 the permit in the presence of the sheriff or his or her designee. The sheriff shall keep a
129 record of all applications for permits and his or her action thereon. The sheriff shall
130 report the issuance of permits to carry concealed firearms to the Missouri uniform law
131 enforcement system.

132 12. No person shall in any manner transfer, alter or change a permit to carry
133 concealed firearms issued pursuant to this section, or make a false notation thereon, or
134 obtain a permit upon any false representation, or use, or attempt to use a permit issued to
135 another. Violation of this subsection is a class A misdemeanor.

136 13. For processing an application for a permit to carry concealed firearms pursuant
137 to this section, the sheriff in each county shall charge a nonrefundable fee not to exceed one
138 hundred dollars which shall be paid to the treasury of the county to the credit of the
139 sheriff's revolving fund.

140 14. For processing a renewal for a permit to carry concealed firearms pursuant to
141 this section, the sheriff in each county shall charge a nonrefundable fee not to exceed fifty
142 dollars which shall be paid to the treasury of the county to the credit of the sheriff's
143 revolving fund.

144 15. For the purposes of this section, the term sheriff shall include the sheriff of any
145 county or city not within a county or his or her designee.

146 16. A permit to carry concealed firearms issued pursuant to this section shall be
147 suspended or revoked if the permit holder becomes ineligible for a permit under the
148 criteria established in this section. When an order of protection is issued against a person
149 holding a permit to carry concealed firearms issued pursuant to this section, the holder of
150 the permit shall surrender the permit to the court or to the officer serving the order. The
151 officer to whom the permit is surrendered shall forthwith transmit the permit to the court
152 issuing the order. The permit shall be suspended until the order is terminated. Any sheriff

suspending or revoking any permit to carry concealed firearms shall report the change in status of the permit to the Missouri uniform law enforcement system.

17. Not later than one hundred twenty days before the expiration of any permit issued pursuant to this section, the sheriff shall notify the permit holder in writing of the expiration of the permit and furnish an application for renewal of the permit.

18. A permit to carry concealed firearms shall be renewed for a qualified applicant upon receipt of the properly completed renewal application and the required renewal fee. The renewal application shall contain the same required information as set forth in subsection 3 of this section, except that in lieu of the firearm safety training, the applicant need only display his or her current permit to carry concealed firearms.

19. A person who has been issued a concealed firearms permit who fails to file a renewal application on or before its expiration date must pay an additional late fee of twenty-five dollars. Any permit holder who fails to renew his or her application within six months after the expiration date must reapply for a new permit and pay the fee for a new application.

20. Any person issued a permit to carry concealed firearms shall notify the sheriff of the permit holder's new county of residence of the permit holder's change of residence within thirty days after the changing of a permanent residence. The permit holder shall furnish a notarized statement to the sheriff that the permit holder has changed his or her residence and display his or her current permit to carry concealed firearms. Within seven days of being notified by the permit holder of his or her change of residence, the sheriff shall issue a new permit with the permit holder's new residence and shall take custody of the old permit. The reissued permit shall contain the same expiration date as the surrendered permit but shall reflect the change of residence. The sheriff shall report the change of address information to the Missouri uniform law enforcement system. For processing the reissued permit to carry concealed firearms, the sheriff of the county of the permit holder's new residence shall charge a fee not to exceed twenty-five dollars. The reissue fee shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

21. Any person issued a permit to carry concealed firearms shall notify the sheriff of the permit holder's county of residence within fifteen days after the loss or destruction of his or her permit to carry concealed firearms. The permit holder shall furnish a notarized statement to the sheriff that the permit has been lost or destroyed. After notification of the loss or destruction of a permit to carry concealed firearms, the sheriff shall reissue a new permit within fifteen days of being notified by the permit holder of its loss or destruction. The reissued permit shall contain the same personal information,

including expiration date, as the lost or destroyed permit. For processing the reissued permit to carry concealed firearms, the sheriff shall charge a fee not to exceed twenty-five dollars. The reissue fee shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

22. If a person issued a permit to carry concealed firearms changes his or her name, the person to whom the permit was issued may obtain a corrected permit to carry concealed firearms with a change of name. The permit holder shall furnish a notarized statement to the sheriff that the permit holder has changed his or her name and display their current permit to carry concealed firearms. Within seven days of being notified by the permit holder of his or her change of name, the sheriff shall issue a new permit with the permit holder's new name and shall take custody of the old permit. The expiration date on the reissued permit for name change shall be the same date as on the surrendered permit. The sheriff shall report the change of name information to the Missouri uniform law enforcement system. For processing the reissued permit to carry concealed firearms, the sheriff shall charge a fee not to exceed twenty-five dollars. The reissue fee shall be paid into the treasury of the county to the credit of the sheriff's revolving fund.

23. A permit to carry concealed firearms shall be automatically invalid after thirty days if the permit holder has changed his or her name or changed his or her residence and not notified the sheriff of a change of name or residence.

24. A permit to carry concealed firearms shall authorize the person in whose name the permit is issued to carry concealed firearms on or about his or her person or vehicle throughout the state. No permit to carry concealed firearms issued pursuant to this section or issued by another state or political subdivision of another state shall authorize any person to carry concealed firearms into:

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

(2) Any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

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

(4) Any courthouse, solely occupied by the circuit, appellate, or supreme court or a courtroom of any of those courts, or court proceeding, except that nothing in this subdivision shall preclude a judge or other officer of the court, holding a valid permit to carry concealed firearms, from carrying a concealed firearm within a courthouse. Possession of a firearm in a vehicle on the premises of the courthouse shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(5) Any meeting of the governing body of a unit of local government; or any meeting of the general assembly or a committee of the general assembly, except that nothing in this subdivision shall preclude a member of the body, holding a valid permit to carry concealed firearms from carrying a concealed firearm at a meeting of the body which he or she is a member;

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

(7) Any portion of an establishment licensed to dispense beer or alcoholic beverages for consumption on the premises, which portion of the establishment is primarily devoted to that purpose without the consent of the owner or manager. This subdivision of the subsection does not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty persons and that receives at least fifty percent of its gross annual income from the dining facilities by the sale of food. This subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision authorizes any individual who has been issued a permit to carry concealed firearms to possess any

261 **firearm while intoxicated;**

262 **(8) Any area of an airport to which access is controlled by the inspection of persons**
263 **and property;**

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

265 **(10) Any elementary or secondary school facility without the consent of a school**
266 **official or the district school board. Possession of a firearm in a vehicle on the premises of**
267 **any elementary or secondary school facility shall not be a criminal offense so long as the**
268 **firearm is not removed from the vehicle or brandished while the vehicle is on the premises;**

269 **(11) Any portion of a building used as a child care facility without the consent of**
270 **the manager. Nothing in this subdivision shall prevent the operator of a child care facility**
271 **in a family home from owning or possessing a firearm or permit;**

272 **(12) Any riverboat gambling operation accessible by the public without the consent**
273 **of the owner or manager. Possession of a firearm in a vehicle on the premises of a**
274 **riverboat gambling operation shall not be a criminal offense so long as the firearm is not**
275 **removed from the vehicle or brandished while the vehicle is on the premises;**

276 **(13) Any gated area of an amusement park;**

277 **(14) Any church or other place of religious worship without the consent of the**
278 **minister or person or persons representing the religious organization that exercises control**
279 **over the place of religious worship. Possession of a firearm in a vehicle on the premises**
280 **shall not be a criminal offense so long as the firearm is not removed from the vehicle or**
281 **brandished while the vehicle is on the premises;**

282 **(15) Any private property whose owner has posted the premises as being off limits**
283 **to concealed firearms. The owner, business or commercial lessee, manager of a private**
284 **business enterprise, or any other organization, entity, or person may prohibit persons**
285 **holding a permit to carry concealed firearms from carrying concealed firearms on the**
286 **premises and may prohibit employees, not authorized by the employer, holding a permit**
287 **to carry concealed firearms from carrying concealed firearms on the property of the**
288 **employer. If the building or the premises are open to the public, the employer of the**
289 **business enterprise shall post signs on or about the premises if carrying a concealed**
290 **firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a**
291 **criminal offense so long as the firearm is not removed from the vehicle or brandished while**
292 **the vehicle is on the premises. An employer may prohibit employees or other persons**
293 **holding a permit to carry concealed firearms from carrying a concealed firearm in vehicles**
294 **owned by the employer.**

295 **25. Carrying of a concealed firearm in a location specified in subdivisions (1) to (15)**
296 **of subsection 24 of this section by a permit holder shall not be a criminal act but may**

297 subject the person to denial to the premises or removal from the premises. If the permit
298 holder refuses to leave the premises and a peace officer is summoned, the permit holder
299 may be issued a citation for an amount not to exceed two hundred dollars for the first
300 offense. If a second citation for a similar violation occurs within a six-month period, the
301 permit holder shall be fined an amount not to exceed five hundred dollars and his or her
302 permit to carry concealed firearms shall be suspended for a period of six months. If a third
303 citation for a similar violation is issued within one year of the first citation, the permit
304 holder shall be fined an amount not to exceed one thousand dollars and shall have his or
305 her permit revoked for a period of three years.

306 **26. An applicant for a permit to carry concealed firearms shall demonstrate**
307 **knowledge of firearm safety training. This requirement shall be fully satisfied if the**
308 **applicant for a permit to carry concealed firearms:**

309 **(1) Submits a photocopy of a certificate of firearm safety training course**
310 **completion, as defined in subsection 27 of this section, signed by a qualified firearms safety**
311 **instructor as defined in subsection 30 of this section; or**

312 **(2) Submits a photocopy of a certificate that shows the applicant completed a**
313 **firearm safety course given by or under the supervision of any state, county, municipal or**
314 **federal law enforcement agency; or**

315 **(3) Is a qualified firearm safety instructor as defined in subsection 30 of this**
316 **section; or**

317 **(4) Has prior military firearm training.**

318 **27. A certificate of firearm safety training course completion may be issued to any**
319 **applicant by any qualified firearm safety instructor. On the certificate of course**
320 **completion the qualified firearm safety instructor shall affirm that the applicant for a**
321 **permit to carry concealed firearms has taken and passed a firearm safety course taught by**
322 **the instructor that included:**

323 **(1) Twelve hours of classroom instruction covering handgun safety in the**
324 **classroom, at home, on the firing range and while carrying the firearm;**

325 **(2) A physical demonstration performed by the applicant that demonstrated his or**
326 **her ability to safely load and unload a revolver and a semiautomatic pistol;**

327 **(3) The basic principles of marksmanship;**

328 **(4) Care and cleaning of handguns;**

329 **(5) Safe storage of firearms at home;**

330 **(6) The requirements for obtaining a permit to carry concealed firearms in this**
331 **state;**

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

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

(9) A live firing exercise of sufficient duration for each applicant to fire a handgun a minimum of fifty rounds from a standing position or its equivalent at a distance from a B-27 silhouette target, or an equivalent target, of seven yards;

(10) A written test administered to the applicant while the instructor was present of no less than fifty questions covering the subjects listed in subdivisions (1) to (6) of this subsection and twenty-five questions covering the subjects listed in subdivisions (7) and (8) of this subsection. The instructor shall review any questions answered incorrectly by the applicant on the test;

(11) A live fire test administered to the applicant while the instructor was present of ten rounds from a standing position or its equivalent at a distance from a B-27 silhouette target, or an equivalent target, of seven yards and ten rounds from a standing position or its equivalent at a distance from a B-27 silhouette target, or an equivalent target, of fifteen yards.

28. A qualified firearm safety instructor shall not give a grade of "passing" to an applicant for a permit to carry concealed firearms who:

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

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

(3) During the live fire testing portion of the course fails to hit the silhouette portion of the target with at least fifteen rounds; or

(4) Answers less than seventy percent of the written examination questions correctly; or

(5) Answers less than twenty questions of the written examination relating to topics listed in subdivisions (7) and (8) of subsection 27 of this section correctly.

29. Qualified firearm safety instructors who provide firearm safety instruction to any person who applies for a permit to carry concealed firearms shall:

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

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

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

30. A firearm safety instructor shall be considered to be a qualified firearm safety

369 instructor by any sheriff issuing a permit to carry concealed firearms pursuant to this
 370 section if the instructor:

371 (1) Is a valid firearms safety instructor certified by the National Rifle Association
 372 holding a rating as a Personal Protection Instructor or Pistol Marksmanship Instructor;
 373 or

374 (2) Submits a photocopy of a certificate from a firearms safety instructor's course
 375 offered by a state or federal governmental agency; or

376 (3) Submits a photocopy of a certificate from a firearm safety instructor course
 377 approved by the department of public safety; or

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

380 (5) Is a certified police officer firearm safety instructor.

381 31. Any firearm safety instructor who knowingly provides any sheriff with false
 382 information concerning an applicant's performance on either the written test or the live
 383 fire test administered to the applicant by the instructor pursuant to subdivision (10) or (11)
 384 of subsection 27 of this section shall be guilty of a class C misdemeanor.

385 32. In any case when the sheriff refuses to issue or to act on an application for a
 386 permit to carry concealed firearms, the denied applicant shall have the right to appeal the
 387 denial within thirty days of receiving written notice of the denial. Such appeals shall be
 388 heard in small claims court as defined in section 482.300, RSMo, and the provisions of
 389 sections 482.300, 482.310 and 482.335, RSMo, shall apply to such appeals.

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

394

395 **SMALL CLAIMS COURT**

396

397 **In the Circuit Court of Missouri**

398

399 **Case Number.**

400

401 **., Denied Applicant**

402

)

403

)

404

vs.

405)
406)
407 , Sheriff)

408
409 **Return Date**

410

411 **DENIAL OF PERMIT APPEAL**

412

413 **The denied applicant states that his or her properly completed application for a permit to**
414 **carry concealed firearms was denied by the sheriff of County, Missouri, without**
415 **just cause. The denied applicant affirms that all of the statements in the application are**
416 **true.**

417 , Denied Applicant)

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

420 **35. If at the hearing the person shows he or she is entitled to the requested permit**
421 **to carry concealed firearms, the court shall issue an appropriate order to cause the**
422 **issuance of the permit. Costs shall not be assessed against the sheriff unless the action of**
423 **the sheriff is determined by the judge to be arbitrary and capricious.**

424 **36. Any person aggrieved by any final judgment rendered by a small claims court**
425 **in a denial of permit appeal may have a right to trial de novo as provided in sections**
426 **512.180 to 512.320, RSMo.**

427 **37. The department of public safety shall design and provide a permit to be issued**
428 **pursuant to this section to the sheriff of each county no later than thirty business days after**
429 **enactment of this section.**

430 **38. The office of the county sheriff or any employee or agent of the county sheriff**
431 **shall not be liable for damages in any civil action arising from alleged wrongful or**
432 **improper granting, renewing, or failure to revoke permits issued pursuant to this section.**

433 **39. Any person issued a permit pursuant to this section shall carry the permit at all**
434 **times the person is carrying a concealed firearm and shall display the permit upon the**
435 **request of any peace officer. Failure to comply with this subsection shall not be a criminal**
436 **offense but the permit holder may be issued a citation for an amount not to exceed thirty-**
437 **five dollars.**