

SECOND REGULAR SESSION

HOUSE BILL NO. 1729

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BARNITZ, JETTON, SHOEMYER (9), BERKOWITZ,
SEIGFREID, WHORTON, MERIDETH, KREIDER, HAMPTON (Co-sponsors), LEGAN, PURGASON,
CRUMP AND RANSALL.

Read 1st time January 30, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

3786L.02I

AN ACT

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

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

Section A. Section 571.030, RSMo, is repealed and three new sections enacted in lieu
2 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
2 collected pursuant to subsection 7 of section 571.090, RSMo, or subsection 13, 14, 20, 21
3 or 22 of section 571.094, RSMo, shall be deposited by the county treasurer into a separate
4 interest-bearing fund to be known as the county sheriff's revolving fund to be expended
5 at the direction of the sheriff as provided in this section.**

**6 2. No prior approval of the expenditures from this fund shall be required by the
7 governing body of the county or city not within a county, nor shall any prior audit or
8 encumbrance of the fund be required before any expenditure is made by the sheriff from
9 this fund. This fund may be audited by the state auditor's office or the appropriate
10 auditing agency.**

**11 3. If the moneys collected and deposited into this fund are not totally expended
12 annually, then the unexpended balance shall remain in said fund and the balance shall be
13 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 concealed carry permit issued pursuant to section 571.094 or a valid**
62 **permit to carry concealed firearms issued by another state or political subdivision of**
63 **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. All applicants for concealed carry permits must satisfy the following
2 **requirements to the approval of the county sheriff who will issue the certificate of**
3 **qualification for a concealed carry permit. If the said applicant can show qualification as**
4 **provided by this section, the county sheriff will issue a certificate of qualification for a**
5 **concealed carry permit. Any person who has been issued a concealed carry permit may**
6 **carry concealed firearms on or about his or her person or within a vehicle. Concealed**
7 **carry permits shall be valid for a period of three years from the date of issuance or**
8 **renewal. The concealed carry permit is valid throughout this state.**

9 **2. A certificate of qualification for a concealed carry permit shall be issued by the**
10 **sheriff of the county in which the applicant resides, if the applicant:**

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

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

18 **(3) Has not been convicted of, pled guilty to or entered a plea of nolo contendere**

19 to one or more misdemeanor offenses involving crimes of violence within a five-year period
20 immediately preceding application for a concealed weapon license or if the applicant has
21 not been convicted of one or more misdemeanor offenses involving driving while under the
22 influence of intoxicating liquor or drugs or the possession or abuse of a controlled
23 substance within a five-year period immediately preceding application for a concealed
24 firearm license.

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

31 (5) Has not been discharged under dishonorable conditions from the United States
32 armed forces;

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

34 (7) Is not currently adjudged mentally incompetent or has not been committed to
35 a mental health facility, as defined in section 632.005, RSMo, or a similar institution
36 located in another state;

37 (8) Submits a completed application for a concealed carry permit as defined in
38 subsection 3 of this section;

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

41 3. The application for a concealed carry permit shall contain only the following
42 information:

43 (1) The applicant's name, address, telephone number, gender and date and place
44 of birth;

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

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

48 (4) An affirmation that the applicant has not pled guilty to or been convicted of a
49 crime punishable by imprisonment for a term exceeding one year under the laws of any
50 state or of the United States other than a crime classified as a misdemeanor under the laws
51 of any state and punishable by a term of imprisonment of two years or less that does not
52 involve an explosive weapon, firearm, firearm silencer or gas gun within a five year period
53 immediately preceding application for a concealed firearm license;

54 (5) An affirmation that the applicant is not a fugitive from justice or currently

55 charged in an information or indictment with the commission of a crime punishable by
56 imprisonment for a term exceeding one year under the laws of any state or of the United
57 States other than a crime classified as a misdemeanor under the laws of any state and
58 punishable by a term of imprisonment of two years or less that does not involve an
59 explosive weapon, firearm, firearm silencer or gas gun;

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

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

65 (8) A statement that the applicant has received firearm safety training that meets
66 the standards of applicant firearm safety training defined in subsection 23 of this section;
67 and

68 (9) A conspicuous warning that false statements made by the applicant will result
69 in prosecution for perjury pursuant to the laws of the state of Missouri.

70 4. Application for a concealed carry permit shall be made to the sheriff of the
71 county in which the applicant resides. An application shall be filed in writing, signed
72 under oath and under the penalties of perjury, and shall state whether the applicant
73 complies with each of the requirements specified in subsection 2 of this section. In addition
74 to the completed application, the applicant for a concealed carry permit must also submit
75 the following:

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

78 (2) A photocopy of a firearm safety training certificate of completion or other
79 evidence of completion of a firearm safety training course that meets the standards
80 established in subsection 23 of this section; and

81 (3) A nonrefundable permit fee as provided by subsections 9 and 10 of this section.

82 5. Before an application for a concealed carry permit is approved, the sheriff shall
83 make only such inquiries as he or she deems necessary into the accuracy of the statements
84 made in the application. In order to determine the applicant's suitability for a concealed
85 carry permit, the applicant shall be fingerprinted. If no disqualifying record is identified
86 at the state level, the fingerprints shall be forwarded to the Federal Bureau of Investigation
87 for a national criminal history record check. The sheriff may require that the applicant
88 display a Missouri operator's license or state identification card. The sheriff shall request
89 a criminal background check through the appropriate law enforcement agency within
90 three working days after submission of the properly completed application for a concealed

91 carry permit and issue a certificate of qualification for a concealed carry permit in a period
92 not to exceed three working days after receipt of the completed background check. The
93 sheriff shall issue the certificate of qualification within a period not to exceed forty-five
94 days after submission of the properly completed application unless there is just cause not
95 to, such as the criminal background check has not been received by the sheriff.

96 6. The sheriff may refuse to approve an application for a concealed carry permit
97 if he or she determines that any of the requirements specified in subsection 2 of this section
98 have not been met, or if he or she has reason to believe that the applicant has rendered a
99 false statement regarding any of the provisions of this section. If the applicant is found to
100 be ineligible, the sheriff is required to deny the application, and notify the applicant in
101 writing, stating the grounds for denial and informing the applicant of the right to submit,
102 within thirty days, any additional documentation relating to the grounds of the denial.
103 Upon receiving any additional documentation, the sheriff shall reconsider his or her
104 decision and inform the applicant within thirty days of the result of the reconsideration.
105 The applicant shall further be informed in writing of the right to appeal the denial
106 pursuant to subsections 28, 29, 30, and 31 of this section.

107 7. If the application is approved, the sheriff shall issue a certificate of qualification
108 for a concealed carry permit to the applicant within a period not to exceed three working
109 days after his or her approval of the application. The applicant shall sign the certificate
110 of qualification in the presence of the sheriff or his or her designee and shall within seven
111 days of receipt of the certificate of qualification take the certificate of qualification to the
112 drivers license bureau. The drivers license bureau shall within three working days of
113 receipt of the certificate of qualification issue a concealed carry permit on the applicant's
114 drivers license or state identification card. The drivers license bureau shall charge the
115 normal fee for issuance of the drivers license or state identification card.

116 8. The concealed carry permit on the drivers license or state identification card
117 issued pursuant to this section shall bear the date of birth and physical description of the
118 applicant, the county of application, the date of expiration of the permit, and the name and
119 address of the person to whom the permit has been issued. The sheriff shall keep a record
120 of all applications for concealed carry permits and his or her action thereon. The sheriff
121 shall report the issuance of a certification of qualification to the Missouri uniform law
122 enforcement system.

123 9. For processing an application for a concealed carry permit pursuant to this
124 section, the sheriff in each county shall charge a nonrefundable fee not to exceed one
125 hundred dollars which shall be paid to the treasury of the county to the credit of the
126 sheriff's revolving fund.

127 **10. For processing a renewal for a concealed carry permit pursuant to this section,**
128 **the sheriff in each county shall charge a nonrefundable fee not to exceed fifty dollars which**
129 **shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.**

130 **11. For the purposes of this section, the term sheriff shall include the sheriff of any**
131 **county or city not within a county or his or her designee.**

132 **12. A concealed carry permit issued pursuant to this section shall be suspended or**
133 **revoked if the permit holder becomes ineligible for a permit under the criteria established**
134 **in this section. When an order of protection is issued against a person holding a concealed**
135 **carry permit issued pursuant to this section, the holder of the permit shall surrender the**
136 **permit to the court or to the officer serving the order. The officer to whom the permit is**
137 **surrendered shall forthwith transmit the permit to the court issuing the order. The permit**
138 **shall be suspended until the order is terminated. Any sheriff suspending or revoking any**
139 **concealed carry permit shall report the change in status of the permit to the Missouri**
140 **uniform law enforcement system.**

141 **13. A concealed carry permit shall be renewed for a qualified applicant upon**
142 **receipt of the properly completed renewal application and the required renewal fee. The**
143 **renewal application shall contain the same required information as set forth in subsection**
144 **3 of this section, except that in lieu of the firearm safety training, the applicant need only**
145 **display his or her current concealed carry permit.**

146 **14. A person who has been issued a concealed carry permit who fails to file a**
147 **renewal application on or before its expiration date must pay an additional late fee of ten**
148 **dollars per month for each month it is expired for up to six months. After six months any**
149 **permit holder who failed to renew his or her application within the six month period must**
150 **reapply for a new permit and pay the fee for a new application.**

151 **15. Any person issued a concealed carry permit shall notify the drivers license**
152 **bureau of the permit holder's change of residence within thirty days after the changing of**
153 **a permanent residence. The permit holder shall furnish proof to the drivers licence bureau**
154 **that the permit holder has changed his or her residence and display his or her current**
155 **drivers license or state identification card. Within three working days of being notified by**
156 **the permit holder of his or her change of residence, the drivers license bureau shall issue**
157 **a new drivers licence or state identification card with concealed carry permit with the**
158 **permit holder's new residence and shall take custody of the old drivers license or state**
159 **identification card. The reissued drivers license or state identification card with concealed**
160 **carry permit shall contain the same expiration date as the surrendered drivers license or**
161 **state identification card but shall reflect the change of residence.**

162 **16. Any person issued a drivers license or state identification card with a concealed**

163 carry permit shall notify the sheriff of the permit holder's county of residence within forty-
164 eight hours after the loss or destruction of his or her drivers license or state identification
165 card with a concealed carry permit. The permit holder shall furnish a statement to the
166 sheriff that the permit has been lost or destroyed. After notification of the loss or
167 destruction of a concealed carry permit, the sheriff shall reissue a new certificate of
168 qualification within three working days of being notified by the permit holder of its loss
169 or destruction. The reissued certificate of qualification shall contain the same personal
170 information, including expiration date, as the lost or destroyed permit.

171 17. If a person issued concealed to carry permit changes his or her name, the person
172 to whom the permit was issued shall obtain a corrected permit to carry concealed firearms
173 with a change of name. The permit holder shall furnish proof of the name change to the
174 drivers license bureau withing thirty days and display his or her current concealed carry
175 permit. Within three working days of being notified by the permit holder of his or her
176 change of name, the drivers license bureau shall issue a new drivers license or state
177 identification card with concealed carry permit with the permit holder's new name and
178 shall take custody of the old permit. The expiration date on the reissued permit shall be
179 the same date as on the surrendered permit. The expiration date on the reissued permit
180 shall be the same date as on the surrendered permit.

181 18. A concealed carry permit shall be automatically invalid after thirty days if the
182 permit holder has changed his or her name or changed his or her residence and not
183 notified the drivers license bureau or sheriff of a change of name or residence as required
184 in subsections 15 and 17 of this section.

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

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

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

198 (3) The facility of any adult or juvenile detention or correctional institution, prison

199 or jail. Possession of a firearm in a vehicle on the premises of a correctional institution,
200 prison or jail shall not be a criminal offense so long as the firearm is not removed from the
201 vehicle or brandished while the vehicle is on the premises;

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

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

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

228 (7) Any portion of an establishment licensed to dispense beer or alcoholic beverages
229 for consumption on the premises, which portion of the establishment is primarily devoted
230 to that purpose without the consent of the owner or manager. This subdivision of the
231 subsection does not apply to any bona fide restaurant open to the general public having
232 dining facilities for not less than fifty persons and that receives at least fifty percent of its
233 gross annual income from the dining facilities by the sale of food. This subdivision does
234 not prohibit the possession of a firearm in a vehicle on the premises of the establishment

235 and shall not be a criminal offense so long as the firearm is not removed from the vehicle
236 or brandished while the vehicle is on the premises. Nothing in this subdivision authorizes
237 any individual who has been issued a concealed carry permit to possess any firearm while
238 intoxicated;

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

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

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

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

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

254 (13) Any gated area of an amusement park;

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

260 (15) Any private property whose owner has posted the premises as being off limits
261 to concealed firearms. The owner, business or commercial lessee, manager of a private
262 business enterprise, or any other organization, entity, or person may prohibit persons
263 holding a concealed carry permit from carrying concealed firearms on the premises and
264 may prohibit employees, not authorized by the employer, holding a concealed carry permit
265 from carrying concealed firearms on the property of the employer. If the building or the
266 premises are open to the public, the employer of the business enterprise shall post signs on
267 or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm
268 in a vehicle on the premises shall not be a criminal offense so long as the firearm is not
269 removed from the vehicle or brandished while the vehicle is on the premises. An employer
270 may prohibit employees or other persons holding a concealed carry permit from carrying

271 a concealed firearm in vehicles owned by the employer;

272 (16) Any sports arena or stadium with a seating capacity of two hundred fifty or
273 more;

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

277 20. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17)
278 of subsection 19 of this section by a permit holder shall not be a criminal act but may
279 subject the person to denial to the premises or removal from the premises. If the permit
280 holder refuses to leave the premises and a peace officer is summoned, the permit holder
281 may be issued a citation for an amount not to exceed one hundred dollars for the first
282 offense. If a second citation for a similar violation occurs within a six-month period, the
283 permit holder shall be fined an amount not to exceed two hundred dollars and his or her
284 permit to carry concealed firearms shall be suspended for a period of one year. If a third
285 citation for a similar violation is issued the permit holder shall be fined an amount not to
286 exceed five hundred dollars and shall have his or her permit revoked for a period of three
287 years.

288 21. An applicant for a concealed carry permit shall demonstrate knowledge of
289 firearm safety training. This requirement shall be fully satisfied if the applicant for a
290 concealed carry permit:

291 (1) Submits a photocopy of a certificate of firearm safety training course
292 completion, as defined in subsection 22 of this section, signed by a qualified firearms safety
293 instructor as defined in subsection 25 of this section; or

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

297 (3) Is a qualified firearm safety instructor as defined in subsection 25 of this
298 section.

299 22. A certificate of firearm safety training course completion may be issued to any
300 applicant by any qualified firearm safety instructor. On the certificate of course
301 completion the qualified firearm safety instructor shall affirm that the applicant for a
302 concealed carry permit has taken and passed a firearm safety course taught by the
303 instructor that included:

304 (1) Four hours of classroom instruction covering handgun safety in the classroom,
305 at home, on the firing range and while carrying the firearm;

306 (2) A physical demonstration performed by the applicant that demonstrated his or

307 her ability to safely load and unload a revolver and a semiautomatic pistol and
308 demonstrated his or her marksmanship with both a cylinder loaded and clip loaded
309 firearm;

310 (3) The basic principles of marksmanship;

311 (4) Care and cleaning of handguns and long guns;

312 (5) Safe storage of firearms at home;

313 (6) The requirements for obtaining a concealed carry permit in this state;

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

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

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

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

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

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

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

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

334 24. Qualified firearm safety instructors who provide firearm safety instruction to
335 any person who applies for a concealed carry permit shall:

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

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

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

342 25. A firearm safety instructor shall be considered to be a qualified firearm safety

instructor by any sheriff issuing a certificate of qualification for a concealed carry permit pursuant to this section if the instructor:

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

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

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

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

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

26. Any firearm safety instructor who knowingly provides any sheriff with false information concerning an applicant's performance on either the written test or the live fire test administered to the applicant by the instructor pursuant to subdivision (8) or (9) of subsection 22 of this section shall be guilty of a class C misdemeanor.

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

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

SMALL CLAIMS COURT

In the Circuit Court of..... Missouri

Case Number.....

....., Denied Applicant

)

)

vs.

)

)

379)
380 , Sheriff)

381
382 **Return Date**

383

384 **DENIAL OF PERMIT APPEAL**

385

386 **The denied applicant states that his or her properly completed application for a concealed**
387 **carry permit was denied by the sheriff of County, Missouri, without just cause. The**
388 **denied applicant affirms that all of the statements in the application are true.**

389 , Denied Applicant)

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

392 **30. If at the hearing the person shows he or she is entitled to the requested**
393 **concealed carry permit, the court shall issue an appropriate order to cause the issuance of**
394 **the certificate of qualification for a concealed carry permit. Costs shall not be assessed**
395 **against the sheriff unless the action of the sheriff is determined by the judge to be arbitrary**
396 **and capricious.**

397 **31. Any person aggrieved by any final judgment rendered by a small claims court**
398 **in a denial of permit appeal may have a right to trial de novo as provided in sections**
399 **512.180 to 512.320, RSMo.**

400 **32. Any person who has knowledge that another person, who was issued a**
401 **concealed carry permit pursuant to this section, never was or no longer is eligible for such**
402 **permit under the criteria established in this section, may file a petition with the clerk of the**
403 **small claims court to revoke that person's concealed carry permit. The petition shall be**
404 **in a form substantially similar to the petition for revocation of concealed carry permit**
405 **provided in this section. Appeal forms shall be provided by the clerk of the small claims**
406 **court free of charge to any person:**

407

408 **SMALL CLAIMS COURT**

409

410
411 **In the Circuit Court of.....Missouri**

412

413

414 **Case Number.....**

415

416

417**PLAINTIFF**

418)

419)

420)

421)

422 **vs.**)

423)

424)

425)

426)

427)

428**DEFENDANT, Carry Permit Holder**

429)

430**DEFENDANT, Sheriff**

431)

432)

433 **PERMIT FOR REVOCATION OF CONCEALED CARRY PERMIT**

434)

435)

436 **Plaintiff states to the court that the defendant,.....,**

437)

438 **has a concealed carry permit issued pursuant to section 571.094, RSMo 2000, and that the**

439 **defendant's permit should now be revoked because the defendant either never was or no**

440 **longer is eligible for such a permit pursuant to the provisions of section 571.094, RSMo**

441 **2000, specifically plaintiff states that defendant,, never was or no longer is eligible**

442 **for such permit for one or more of the following reasons:**

443)

444 **(CHECK BELOW EACH REASON THAT APPLIES TO THIS DEFENDANT)**

445)

446 **G Defendant is not at least twenty-one years of age**

447)

448 **G Defendant is not a citizen of the United States**

449)

450 **G Defendant had not resided in this state for at least six months prior to issuance of the**

451 **permit**

452)

453 **G Defendant has pled guilty to or been convicted of a crime punishable by imprisonment**

454 **for a term exceeding one year under the laws of any state or of the United States other than**

455 **a crime classified as a misdemeanor under the laws of any state and punishable by a term**

456 of imprisonment of two years or less that does not involve an explosive weapon, firearm,
457 firearm silencer or gas gun

458

459 G Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere to
460 one or more misdemeanor offenses involving crimes of violence within a five-year period
461 immediately preceding application for a concealed handgun license or if the applicant has
462 been convicted of two or more misdemeanor offenses involving driving while under the
463 influence of intoxicating liquor or drugs or the possession or abuse of a controlled
464 substance within a five-year period immediately preceding application for a concealed
465 handgun license

466

467 G Defendant is a fugitive from justice or currently charged in an information or indictment
468 with the commission of a crime punishable by imprisonment for a term exceeding one year
469 under the laws of any state of the United States other than a crime classified as a
470 misdemeanor under the laws of any state and punishable by a term of imprisonment of two
471 years or less that does not involve an explosive weapon, firearm, firearm silencer or gas
472 gun

473

474 G Defendant has been discharged under dishonorable conditions from the United States
475 armed forces

476

477 G Defendant is publically known to be habitually in an intoxicated or drugged condition
478

479 G Defendant is currently adjudged mentally incompetent or has been committed to a
480 mental health facility, as defined in section 632.005, RSMo, or a similar institution located
481 in another state

482

483 G Defendant failed to submit a completed application for a concealed carry permit as
484 defined in subsection 3 of section 571.094, RSMo

485

486 G Defendant failed to submit to or failed to clear a background check conducted by the
487 Federal Bureau of Investigation using the National Instant Check System (NICS)

488

489 G Defendant failed to submit an affidavit attesting that the applicant complies with the
490 concealed carry permit safety training requirement pursuant to subsection 23 of section
491 571.094, RSMo

492

493 **The plaintiff states that the information contained in this petition is true and correct to the**
494 **best of petitioner's knowledge.**

495

496**PLAINTIFF**

497

498 **33. If at the hearing the plaintiff shows that the defendant was not eligible for the**
499 **permit at the time of issuance or renewal or is no longer eligible for a permit pursuant to**
500 **the provisions of this section, the court shall issue an appropriate order to cause the**
501 **revocation of the permit. Costs shall not be assessed against the sheriff.**

502

503 **34. Any person aggrieved by any final judgment rendered by a small claims court**
504 **in a petition for revocation of concealed carry permit may have a right to trial de novo as**
505 **provided in sections 512.180 to 512.320, RSMo.**

506

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

510

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