

SECOND REGULAR SESSION  
[PERFECTED]  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NOS. 1729, 1589 & 1435**  
**91ST GENERAL ASSEMBLY**

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Taken up for Perfection April 22, 2002.

House Substitute for House Committee Substitute for House Bill Nos. 1729, 1589 & 1435 ordered Perfected and printed, as amended.

TED WEDEL, Chief Clerk

3786L.05P

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**AN ACT**

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

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*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Section A. Section 571.030, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 50.535, 571.030 and 571.094, to read as follows: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. 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 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. If the moneys collected and deposited into this fund are not totally expended annually, then the unexpended balance shall remain in said fund and the balance used to**

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

13 **produce and distribute public service announcements promoting the safe storage of**  
14 **firearms in the presence of children.**

15 **4. If pursuant to subsection 11 of section 571.094, RSMo, the sheriff of a county of**  
16 **the first classification designates one or more chiefs of police of any town, city, or**  
17 **municipality within such county to accept and process applications for concealed carry**  
18 **permits then that sheriff shall reimburse such chiefs of police, out of the moneys deposited**  
19 **into this fund, for any reasonable expenses related to accepting and processing such**  
20 **applications.**

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 anywhere in the passenger compartment**  
52 **of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor**  
53 when the actor is also in possession of an exposed firearm or projectile weapon for the lawful  
54 pursuit of game, or is in his **or her** dwelling unit or upon [business] premises over which the  
55 actor has possession, authority or control, or is traveling in a continuous journey peaceably  
56 through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm  
57 is otherwise lawfully possessed by a person while traversing school premises for the purposes  
58 of transporting a student to or from school, or possessed by an adult for the purposes of  
59 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 endorsement issued pursuant to section 571.094 or**  
62 **a valid permit or endorsement to carry concealed firearms issued by another state or**  
63 **political 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. All applicants for concealed carry endorsements issued pursuant to**  
2 **subsection 7 of this section must satisfy the requirements of this section. If the applicant**  
3 **can show qualification as provided by this section, the county sheriff will issue a certificate**  
4 **of qualification for a concealed carry endorsement. Upon receipt of such certificate, the**  
5 **certificate holder must apply for a drivers license or nondriver license with the director of**  
6 **revenue in order to obtain a concealed carry endorsement. Any person who has been**

7 issued a concealed carry endorsement on a drivers license or nondriver license and such  
8 endorsement has not been suspended, revoked, canceled or denied may carry concealed  
9 firearms on or about his or her person or within a vehicle. A certificate of qualification  
10 shall be valid for a period of three years from the date of issuance or renewal. The  
11 concealed carry endorsement is valid throughout this state.

12 2. A certificate of qualification for a concealed carry endorsement issued pursuant  
13 to subsection 7 of this section shall be issued by the sheriff of the county in which the  
14 applicant resides, if the applicant:

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

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

22 (3) Has not been convicted of, pled guilty to or entered a plea of nolo contendere  
23 to one or more misdemeanor offenses involving crimes of violence within a five-year period  
24 immediately preceding application for a certificate of qualification for a concealed carry  
25 endorsement or if the applicant has not been convicted of two or more misdemeanor  
26 offenses involving driving while under the influence of intoxicating liquor or drugs or the  
27 possession or abuse of a controlled substance within a five-year period immediately  
28 preceding application for a certificate of qualification for a concealed carry endorsement;

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

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

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

38 (7) Is not adjudged mentally incompetent at the time of application or for five years  
39 prior to application, or has not been committed to a mental health facility, as defined in  
40 section 632.005, RSMo, or a similar institution located in another state, except that a  
41 person whose release or discharge from a facility in this state pursuant to chapter 632,  
42 RSMo, or a similar discharge from a facility in another state, occurred more than five

43 years ago without subsequent recommitment may apply;

44 (8) Submits a completed application for a certificate of qualification as defined in  
45 subsection 3 of this section;

46 (9) Submits an affidavit attesting that the applicant complies with the concealed  
47 carry endorsement safety training requirement pursuant to subsection 21 of this section.

48 3. The application for a certificate of qualification for a concealed carry  
49 endorsement issued by the sheriff of the county of the application's residence shall contain  
50 only the following information:

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

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

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

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

61 (5) An affirmation that the applicant has not been convicted of, pled guilty to, or  
62 entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes  
63 of violence within a five-year period immediately preceding application for a certificate of  
64 qualification for a concealed carry endorsement or if the applicant has not been convicted  
65 of two or more misdemeanor offenses involving driving while under the influence of  
66 intoxicating liquor or drugs or the possession or abuse of a controlled substance within a  
67 five-year period immediately preceding application for a certificate of qualification for a  
68 concealed carry endorsement;

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

75 (7) An affirmation that the applicant has not been discharged under dishonorable  
76 conditions from the United States armed forces;

77 (8) An affirmation that the applicant is not adjudged mentally incompetent at the  
78 time of application or for five years prior to application, or has not been committed to a

79 mental health facility, as defined in section 632.005, RSMo, or a similar institution located  
80 in another state, except that a person whose release or discharge from a facility in this state  
81 pursuant to chapter 632, RSMo, or a similar discharge from a facility in another state,  
82 occurred more than five years ago without subsequent recommitment may apply;

83 (9) A statement that the applicant has received firearm safety training that meets  
84 the standards of applicant firearm safety training defined in subsection 22 of this section;  
85 and

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

88 4. An application for a certificate of qualification for a concealed carry  
89 endorsement shall be made to the sheriff of the county in which the applicant resides. An  
90 application shall be filed in writing, signed under oath and under the penalties of perjury,  
91 and shall state whether the applicant complies with each of the requirements specified in  
92 subsection 2 of this section. In addition to the completed application, the applicant for a  
93 certificate of qualification for a concealed carry endorsement must also submit the  
94 following:

95 (1) A photocopy of a firearm safety training certificate of completion or other  
96 evidence of completion of a firearm safety training course that meets the standards  
97 established in subsection 22 of this section; and

98 (2) A nonrefundable certificate of qualification fee as provided by subsections 9 and  
99 10 of this section.

100 5. Before an application for a certificate of qualification for a concealed carry  
101 endorsement is approved, the sheriff shall make only such inquiries as he or she deems  
102 necessary into the accuracy of the statements made in the application. In order to  
103 determine the applicant's suitability for a certificate of qualification for a concealed carry  
104 endorsement, the applicant shall be fingerprinted. If no disqualifying record is identified  
105 at the state level, the fingerprints shall be forwarded to the Federal Bureau of Investigation  
106 for a national criminal history record check. The sheriff may require that the applicant  
107 display a Missouri driver's license or nondriver's license. The sheriff shall request a  
108 criminal background check through the appropriate law enforcement agency within three  
109 working days after submission of the properly completed application for a certificate of  
110 qualification for a concealed carry endorsement and if no disqualifying criminal  
111 background is found and there is no other just cause not to, shall approve the application  
112 for a certificate of qualification for a concealed carry endorsement in a period not to exceed  
113 three working days after receipt of the completed background check. In the event that the  
114 federal criminal background check has not been received within forty-five days of the

115 request for such, the sheriff may go ahead and provisionally approve the application  
116 provided that the sheriff shall, within twenty-four hours of receipt of any federal  
117 background check that results in a disqualifying record, withdraw any provisional  
118 approval of such application and revoke any certificate that has been issued based upon  
119 that provisional approval.

120       6. The sheriff may refuse to approve an application for a certificate of qualification  
121 for a concealed carry endorsement if he or she determines that any of the requirements  
122 specified in subsection 2 of this section have not been met, or if he or she has reason to  
123 believe that the applicant has rendered a false statement regarding any of the provisions  
124 of this section. If the applicant is found to be ineligible, the sheriff is required to deny the  
125 application, and notify the applicant in writing, stating the grounds for denial and  
126 informing the applicant of the right to submit, within thirty days, any additional  
127 documentation relating to the grounds of the denial. Upon receiving any additional  
128 documentation, the sheriff shall reconsider his or her decision and inform the applicant  
129 within thirty days of the result of the reconsideration. The applicant shall further be  
130 informed in writing of the right to appeal the denial pursuant to subsections 28, 29, 30, and  
131 31 of this section.

132       7. If the application is approved or provisionally approved pursuant to subsection  
133 5 of this section, the sheriff shall issue a certificate of qualification for a concealed carry  
134 endorsement to the applicant within a period not to exceed three working days after his or  
135 her approval or provisional approval of the application. The applicant shall sign the  
136 certificate of qualification in the presence of the sheriff and shall within seven days of  
137 receipt of the certificate of qualification take the certificate of qualification to the  
138 department of revenue. Upon receipt of the certificate of qualification and completion of  
139 a driver license or nondriver license application pursuant to chapter 302, RSMo, the  
140 director of revenue shall issue a driver license or nondriver license with an endorsement  
141 which identifies that the applicant has received a certificate of qualification to carry a  
142 concealed weapon issued pursuant to this section if the applicant is otherwise qualified to  
143 receive such driver license or nondriver license.

144       8. The sheriff shall keep a record of all applications for a certificate of qualification  
145 for a concealed carry endorsement and his or her action thereon. The sheriff shall report  
146 the issuance of a certification of qualification to the Missouri uniform law enforcement  
147 system. All information on any such permit that is protected information on any drivers  
148 or nondriver's license shall have the same personal protection for purposes of this section.

149       9. For processing an application for a certificate of qualification for a concealed  
150 carry endorsement pursuant to this section, the sheriff in each county shall charge a



151 nonrefundable fee not to exceed one hundred dollars which shall be paid to the treasury  
152 of the county to the credit of the sheriff's revolving fund.

153       **10.** For processing a renewal for a certificate of qualification for a concealed carry  
154 endorsement pursuant to this section, the sheriff in each county shall charge a  
155 nonrefundable fee not to exceed fifty dollars which shall be paid to the treasury of the  
156 county to the credit of the sheriff's revolving fund.

157       **11.** For the purposes of this section, the term sheriff shall include the sheriff of any  
158 county or city not within a county or his or her designee and in counties of the first  
159 classification the sheriff may designate the chief of police of any city, town, or municipality  
160 within such county.

161       **12.** A certificate of qualification for a concealed carry endorsement issued pursuant  
162 to this section shall be suspended or revoked if the certificate holder becomes ineligible for  
163 such certificate under the criteria established in subdivisions (2), (3), (4), (5), and (7) of  
164 subsection 2 of this section or upon the issuance of an order of protection. When an order  
165 of protection, or any arrest warrant, discharge, or commitment for the reasons listed in  
166 subdivision (2), (3), (4), (5), or (7) of subsection 2 of this section, is issued against a person  
167 holding a certificate of qualification for a concealed carry endorsement issued pursuant  
168 to this section, the holder of the certificate shall surrender the certificate of qualification  
169 and the driver license or nondriver license containing the concealed carry endorsement to  
170 the court, officer, or other official serving the order, warrant, discharge, or commitment.  
171 The official to whom the certificate of qualification is surrendered shall forthwith transmit  
172 such certificate to the circuit court of the county issuing the order, warrant, discharge, or  
173 commitment. The driver license or nondriver license containing the concealed carry  
174 endorsement shall be forwarded to the department of revenue and the sheriff shall inform  
175 the director of revenue of the suspension or revocation of the certificate of qualification  
176 and the concealed carry endorsement. The certificate and endorsement issues pursuant  
177 to this section shall be suspended until the order is terminated or until the arrest results  
178 in a dismissal of all charges. Any conviction, discharge, or commitment specified in  
179 subsection 2 of this section shall result in a revocation. Any sheriff suspending or revoking  
180 any certificate of qualification or any concealed carry endorsement shall report the change  
181 in status of the certificate or endorsement to the Missouri uniform law enforcement system  
182 and the department of revenue. The director of revenue shall immediately remove the  
183 endorsement issued pursuant to this section from the individual's driving record upon  
184 receipt of the notice of suspension or revocation from the sheriff and within three days of  
185 receipt of such notice of suspension from the sheriff, the director of revenue shall notify the  
186 licensee that he or she must apply for a new license pursuant to chapter 302, RSMo, which

187 does not contain such endorsement. The notice issued by the department of revenue shall  
188 be mailed to the last known address shown on the individual's driving record. The notice  
189 is deemed received three days after mailing.

190 13. A certificate of qualification for a concealed carry endorsement shall be  
191 renewed for a qualified applicant upon receipt of the properly completed renewal  
192 application and the required renewal fee by the sheriff of the county of the applicant's  
193 residence. The renewal application shall contain the same required information as set  
194 forth in subsection 3 of this section, except that in lieu of the firearm safety training, the  
195 applicant need only display his or her current driver license or nondriver license  
196 containing a concealed carry endorsement. Upon successful completion of all renewal  
197 requirements, the sheriff shall issue a certificate of qualification which contains the date  
198 such certificate was renewed.

199 14. A person who has been issued a certificate of qualification for a concealed carry  
200 endorsement who fails to file a renewal application on or before its expiration date must  
201 pay an additional late fee of ten dollars per month for each month it is expired for up to  
202 six months. After six months any person who has been issued a certificate of qualification  
203 for a concealed carry endorsement pursuant to this section who fails to renew his or her  
204 application within the six month period must reapply for a new certificate of qualification  
205 for a concealed carry endorsement and pay the fee for a new application. The director of  
206 revenue shall not renew a driver license or nondriver license with a concealed carry  
207 endorsement issued pursuant to this section unless the applicant for such license provides  
208 evidence that he or she has renewed the certificate of qualification for a concealed carry  
209 endorsement in the manner provided for such renewal pursuant to this section. If an  
210 applicant for renewal of a driver license or nondriver license containing a concealed carry  
211 endorsement does not want to maintain the concealed carry endorsement, the applicant  
212 shall inform the director at the time of license renewal of his or her desire to remove the  
213 endorsement. When a driver license or nondriver license applicant informs the director  
214 of his or her desire to remove the concealed carry endorsement, the director shall renew  
215 the driver license or nondriver license without the endorsement appearing on the license  
216 if the applicant is otherwise qualified for such renewal.

217 15. Any person issued a concealed carry endorsement pursuant to this section shall  
218 notify the department of revenue and the sheriffs of both the old and new jurisdictions of  
219 the endorsement holder's change of residence within thirty days after the changing of a  
220 permanent residence. The endorsement holder shall furnish proof to the department of  
221 revenue and the sheriff in the new jurisdiction that the endorsement holder has changed  
222 his or her residence. The change of residence shall be made by the department of revenue

223 onto the individual's driving record and the new address shall be accessible by the  
224 Missouri uniform law enforcement system within three days of receipt of the information.

225       16. Any person issued a driver's license or nondriver's license with a concealed  
226 carry endorsement shall notify the sheriff of the endorsement holder's county of residence  
227 within forty-eight hours after actual knowledge of the loss or destruction of his or her  
228 certificate of qualification or driver license or nondriver license containing a concealed  
229 carry endorsement. The endorsement holder shall furnish a statement to the sheriff that  
230 the certificate of qualification or license containing the concealed carry endorsement has  
231 been lost or destroyed. After notification of the loss or destruction of a certificate of  
232 qualification or a driver license or nondriver license containing a concealed carry  
233 endorsement, the sheriff shall reissue a new certificate of qualification within three  
234 working days of being notified by the certificate or endorsement holder of its loss or  
235 destruction. The reissued certificate of qualification shall contain the same personal  
236 information, including expiration date, as the lost or destroyed certificate of qualification.  
237 The applicant shall then take the certificate to the department of revenue, and the  
238 department of revenue shall proceed on the certificate in the same manner as provided in  
239 subsection 7 of this section. Upon application for a license pursuant to chapter 302, RSMo,  
240 the director of revenue shall issue a driver license or nondriver license containing a  
241 concealed carry endorsement if the applicant is otherwise eligible to receive such license.

242       17. If a person issued a concealed carry endorsement changes his or her name, the  
243 person to whom the endorsement was issued shall obtain a corrected certificate of  
244 qualification for a concealed carry endorsement with a change of name from the sheriff  
245 who issued such certificate upon the sheriff's verification of the name change. The  
246 endorsement holder shall furnish proof of the name change to the department of revenue  
247 and the sheriff within thirty days of changing his or her name and display his or her  
248 current driver license or nondriver license containing a concealed carry endorsement. The  
249 endorsement holder shall apply for a new driver license or nondriver license containing his  
250 or her new name. Such application for a driver license or nondriver license shall be made  
251 pursuant to chapter 302, RSMo. The director of revenue shall issue a new driver's license  
252 or nondriver's license with concealed carry endorsement with the endorsement holder's  
253 new name if the applicant is otherwise eligible for such license. The director of revenue  
254 shall take custody of the old driver license or nondriver license. The name change shall be  
255 made by the department of revenue onto the individual's driving record and the new name  
256 shall be accessible by the Missouri uniform law enforcement system within three days of  
257 receipt of the information.

258       18. A concealed carry endorsement shall be automatically invalid after thirty days

if the endorsement holder has changed his or her name or changed his or her residence and not notified the department of revenue and sheriff of a change of name or residence as required in subsections 15 and 17 of this section.

19. A concealed carry endorsement shall authorize the person in whose name the driver license or nondriver license that contains such endorsement is issued to carry concealed firearms on or about his or her person or vehicle throughout the state. No driver license or nondriver license containing a concealed carry endorsement issued pursuant to this section or a concealed carry endorsement or permit 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) Within twenty-five feet of 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 concealed carry endorsement, 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 concealed carry endorsement from carrying a concealed firearm at a meeting of the body of 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

endorsement 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 concealed carry endorsement to possess any firearm while intoxicated;

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

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

(10) Any higher education institution or elementary or secondary school facility without the consent of the governing body of the higher education institution or a school official or the district school board. Possession of a firearm in a vehicle on the premises of any elementary or secondary school facility 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;

(11) Any portion of a building used as a child care facility without the consent of the manager. Nothing in this subdivision shall prevent the operator of a child care facility in a family home from owning or possessing a firearm or a driver license or nondriver license containing a concealed carry endorsement;

(12) Any riverboat gambling operation accessible by the public without the consent

331 of the owner or manager pursuant to rules promulgated by the gaming commission.  
332 Possession of a firearm in a vehicle on the premises of a riverboat gambling operation shall  
333 not be a criminal offense so long as the firearm is not removed from the vehicle or  
334 brandished while the vehicle is on the premises;

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

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

341 (15) Any private property whose owner has posted the premises as being off limits  
342 to concealed firearms. The owner, business or commercial lessee, manager of a private  
343 business enterprise, or any other organization, entity, or person may prohibit persons  
344 holding a concealed carry endorsement from carrying concealed firearms on the premises  
345 and may prohibit employees, not authorized by the employer, holding a concealed carry  
346 endorsement from carrying concealed firearms on the property of the employer. If the  
347 building or the premises are open to the public, the employer of the business enterprise  
348 shall post signs on or about the premises if carrying a concealed firearm is prohibited.  
349 Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long  
350 as the firearm is not removed from the vehicle or brandished while the vehicle is on the  
351 premises. An employer may prohibit employees or other persons holding a concealed carry  
352 endorsement from carrying a concealed firearm in vehicles owned by the employer;

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

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

358 20. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17)  
359 of subsection 19 of this section by any individual who holds a concealed carry endorsement  
360 issued pursuant to this section shall not be a criminal act but may subject the person to  
361 denial to the premises or removal from the premises. If such person refuses to leave the  
362 premises and a peace officer is summoned, such person may be issued a citation for an  
363 amount not to exceed one hundred dollars for the first offense. If a second citation for a  
364 similar violation occurs within a six-month period, such person shall be fined an amount  
365 not to exceed two hundred dollars and his or her permit to carry concealed firearms shall  
366 be suspended for a period of one year. If a third citation for a similar violation is issued

such person shall be fined an amount not to exceed five hundred dollars and shall have his or her certificate of endorsement for a concealed carry endorsement and concealed carry endorsement revoked for a period of three years. Upon conviction of charges arising from a citation issued pursuant to this subsection, the court shall notify the sheriff of the county which issued the certificate of qualification for a concealed carry endorsement and the department of revenue. The sheriff shall suspend or revoke the certificate of qualification for a concealed carry endorsement and the department of revenue shall issue a notice of such suspension or revocation of the concealed carry endorsement and take action to remove the concealed carry endorsement in the same manner as provided in subsection 12 of this section.

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

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

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

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

22. A certificate of firearm safety training course completion may be issued to any applicant by any qualified firearm safety instructor. On the certificate of course completion the qualified firearm safety instructor shall affirm that the individual receiving instruction has taken and passed a firearm safety course taught by the instructor that included:

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

(2) A physical demonstration performed by the applicant that demonstrated his or her ability to safely load and unload a revolver and a semiautomatic pistol and demonstrated his or her marksmanship with both a cylinder loaded and clip loaded firearm;

(3) The basic principles of marksmanship;

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

(5) Safe storage of firearms at home;

(6) The requirements of this state for obtaining a certificate of qualification for a

concealed carry endorsement from the sheriff of the individual's county of residence and a concealed carry endorsement issued by the department of revenue;

(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, from a standing position or its equivalent, a minimum of fifty rounds at a distance of seven yards, and twenty-five rounds at a distance of fifteen yards, from a B-27 silhouette target or an equivalent target;

(10) 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.

23. A qualified firearm safety instructor shall not give a grade of "passing" to any individual receiving such instruction 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 targets with at least fifteen rounds.

24. Qualified firearm safety instructors who provide firearm safety instruction to any person receiving such instruction 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.

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 endorsement 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 the live fire exercise or test administered to the applicant by the instructor pursuant to subdivision (9) or (10) 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 such certificate, 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 a certificate of qualification 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

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)

vs.

)

)

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....., Sheriff

Return Date .....

**DENIAL OF CERTIFICATE FOR QUALIFICATION FOR A CONCEALED CARRY  
ENDORSEMENT APPEAL**

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

....., Denied Applicant

29. The notice of appeal in a denial of a certificate of qualification for a concealed carry endorsement appeal shall be made to the sheriff in a manner and form determined by the small claims court judge.

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

31. Any person aggrieved by any final judgment rendered by a small claims court in a denial of a certificate of qualification for a concealed carry endorsement appeal may have a right to trial de novo as provided in sections 512.180 to 512.320, RSMo.

32. Any person who has knowledge that another person, who was issued a certificate of qualification for a concealed carry endorsement pursuant to this section, never was or no longer is eligible for such endorsement under the criteria established in this section, may file a petition with the clerk of the small claims court to revoke that person's certificate of qualification for a concealed carry endorsement and such person's concealed carry endorsement. The petition shall be in a form substantially similar to the petition for revocation of concealed carry endorsement 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 .....

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513 ..... , PLAINTIFF

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518 vs. )

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524 ..... , DEFENDANT, Carry Endorsement Holder

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526 ..... , DEFENDANT, Sheriff

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529 **PETITION FOR REVOCATION OF CERTIFICATE OR QUALIFICATIONS AND**  
530 **CONCEALED CARRY ENDORSEMENT**

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532

533 Plaintiff states to the court that the defendant, ....., has a certificate of qualification  
534 and concealed carry endorsement issued pursuant to section 571.094, RSMo, and that the  
535 defendant's certification of qualification and concealed carry endorsement should now be  
536 revoked because the defendant either never was or no longer is eligible for such a  
537 certificate and endorsement pursuant to the provisions of section 571.094, RSMo,  
538 specifically plaintiff states that defendant, ....., never was or no longer is eligible for  
539 such certificate or endorsement for one or more of the following reasons:

540

541 (CHECK BELOW EACH REASON THAT APPLIES TO THIS DEFENDANT)

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543 ☐ Defendant is not at least twenty-one years of age.

544

545 ☐ Defendant is not a citizen of the United States.

546

547 ☐ Defendant had not resided in this state for at least six months prior to issuance of the  
548 endorsement.

☐ Defendant has pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun.

☐ Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a certificate of qualification for concealed carry endorsement issued pursuant to section 571.094, RSMo, or if the applicant has been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a certificate of qualification for concealed carry endorsement issued pursuant to section 571.094, RSMo.

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

☐ Defendant has been discharged under dishonorable conditions from the United States armed forces.

☐ Defendant is publicly known to be habitually in an intoxicated or drugged condition.

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

☐ Defendant failed to submit a completed application for a certificate of qualification for a concealed carry endorsement issued pursuant to section 571.094, RSMo.

☐ Defendant failed to submit to or failed to clear the required background check.

☐ Defendant failed to submit an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsection 26 of section 571.094, RSMo.

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

..... PLAINTIFF

33. If at the hearing the plaintiff shows that the defendant was not eligible for the certificate of qualification or the concealed carry endorsement issued pursuant to this section at the time of issuance or renewal or is no longer eligible for a certificate of qualification or the concealed carry endorsement issued pursuant to this section pursuant to the provisions of this section, the court shall issue an appropriate order to cause the revocation of the certificate of qualification and the concealed carry endorsement. Costs shall not be assessed against the sheriff.

34. Any person aggrieved by any final judgment rendered by a small claims court in a petition for revocation of a certificate of qualification and concealed carry endorsement may have a right to trial de novo as provided in sections 512.180 to 512.320, RSMo.

35. The office of the county sheriff or any employee or agent of the county sheriff shall not be liable for damages in any civil action arising from alleged wrongful or improper granting, renewing, or failure to suspend or revoke a certificate of qualification or a concealed carry endorsement issued pursuant to this section.

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

37. Notwithstanding the provisions of subdivision (10) of subsection 19 of this section, no driver license or nondriver license containing a concealed carry endorsement issued pursuant to this section or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize any person to carry

**622 a concealed firearm into any elementary or secondary school facility.**

Section B. The requirements for the director of revenue to issue a concealed carry  
2 endorsement pursuant to subsection 7 of section 571.094, RSMo, shall not be effective until  
3 2003, the certificate of qualification issued by a county sheriff pursuant to subsection 1 of section  
4 571.094, shall allow the person issued such certificate to carry a concealed weapon pursuant to  
5 the requirements of subsection 19 of this section in lieu of the concealed carry endorsement  
6 issued by the director of revenue, unless such certificate of qualification has been suspended or  
7 revoked for cause.