

FIRST REGULAR SESSION

[CORRECTED]

HOUSE BILL NO. 328

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES MUNZLINGER, DOUGHERTY, TOWNLEY, DETHROW,
CRAWFORD, WHORTON, BEHNEN (Co-sponsors), LUETKEMEYER, BEARDEN, MOORE, MYERS,
RECTOR, BEAN AND EMERY.

Read 1st time January 30, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0604L.011

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Section A. Section 571.030, RSMo, is repealed and three new sections enacted in lieu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:

3 **50.535. 1. Notwithstanding the provisions of sections 50.525 to 50.745 the fee**
4 **collected pursuant to subsection 7 of section 571.090, RSMo, or section 571.094, RSMo,**
5 **shall be deposited by the county treasurer into a separate interest-bearing fund to be**
6 **known as the "County Sheriff's Revolving Fund" to be expended at the direction of the**
7 **county or city sheriff or his or her designee as provided in this section.**

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

12 **3. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money**
13 **in this fund shall not be transferred and placed to the credit of the general revenue fund.**

14 571.030. 1. A person commits the crime of unlawful use of weapons if he or she
15 knowingly:

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

- 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
23 any person, or at any other motor vehicle, or at any building or habitable structure, unless the
24 person was lawfully acting in self-defense **or was on private property with the owner's**
25 **permission**; or
- 26 (10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable
27 of lethal use into any school, onto any school bus, or onto the premises of any function or activity
28 sponsored or sanctioned by school officials or the district school board.
- 29 2. Subdivisions (1), (3), (4), (6), (7), (8), (9), and (10) of subsection 1 of this section shall
30 not apply to or affect any of the following:
- 31 (1) All state, county and municipal [law enforcement] **peace** officers possessing the duty
32 and power of arrest for violation of the general criminal laws of the state or for violation of
33 ordinances of counties or municipalities of the state, **whether such officers are within or**
34 **outside their jurisdictions or on or off duty**, or any person summoned by such officers to assist
35 in making arrests or preserving the peace while actually engaged in assisting such officer;
- 36 (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other
37 institutions for the detention of persons accused or convicted of crime, **or correctional officers**
38 **pursuant to arrest powers in section 217.280, RSMo**;

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

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

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

44 (6) Any federal probation officer;

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

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

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

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

65 **5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section**
66 **shall not apply to persons who are engaged in a lawful act of defense pursuant to section**
67 **563.031, RSMo.**

68 [4.] **6.** Nothing in this section shall make it unlawful for a student to actually participate
69 in school-sanctioned gun safety courses, student military or ROTC courses, or other
70 school-sponsored firearm-related events, provided the student does not carry a firearm or other
71 weapon readily capable of lethal use into any school, onto any school bus, or onto the premises
72 of any **other** function or activity sponsored or sanctioned by school officials or the district school
73 board.

74 [5.] **7.** Unlawful use of weapons is a class D felony unless committed pursuant to

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

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

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

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

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

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

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

**571.094. 1. All applicants for permits to carry concealed firearms must satisfy the
2 following requirements. If the said applicant can show qualification as provided by this
3 section, the county or city sheriff shall issue a permit. Any person who has been issued a
4 permit may carry concealed firearms on or about his or her person. Permits shall be valid
5 for a period of three years from the date of issuance or renewal. The permit is valid
6 throughout this state.**

**7 2. A permit shall be issued by the sheriff or his designee of the city or county in
8 which the applicant resides, if the applicant:**

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

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

16 **(3) Has not been convicted of, pled guilty to or entered a plea of nolo contendere**
17 **to one or more misdemeanor offenses involving crimes of violence within a five-year period**
18 **immediately preceding application for a concealed handgun license or if the applicant has**
19 **not been convicted of two or more misdemeanor offenses involving driving while under the**
20 **influence of intoxicating liquor or drugs or the possession or abuse of a controlled**
21 **substance within a five-year period immediately preceding application for a concealed**
22 **handgun license.**

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

29 **(5) Has not been discharged under dishonorable conditions from the United States**
30 **armed forces;**

31 **(6) Is not known to the sheriff after inquiry to be habitually in an intoxicated or**
32 **drugged condition;**

33 **(7) Is not currently adjudged mentally incompetent or has not been committed to**
34 **a mental health facility, as defined in section 632.005, RSMo, or a similar institution**
35 **located in another state following a hearing at which the defendant was represented by**
36 **counsel or a representative;**

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

39 **(9) Submits to and clears a background check conducted by the Federal Bureau of**
40 **Investigation using the National Instant Check System (NICS);**

41 **(10) Submits an affidavit attesting that the applicant complies with the permit to**
42 **carry concealed firearms safety training requirement pursuant to subsection 24 of this**
43 **section.**

44 **3. The application for a permit shall contain only the following information:**

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

46 **(2) An affirmation of any of the provisions of subsection 2 of this section;**

47 **(3) A conspicuous warning that false statements made by the applicant will result**
48 **in prosecution for perjury pursuant to the laws of the state of Missouri.**

49 **4. Application for a permit shall be made to the sheriff of the county or any city not**
50 **within a county in which the applicant resides. An application shall be filed in writing,**
51 **signed under oath and under the penalties of perjury, and shall state whether the applicant**

52 **complies with each of the requirements specified in subsection 2 of this section. In addition**
53 **to the completed application, the applicant for a permit must also submit the following:**

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

56 **(2) A photocopy of a firearm safety training certificate of completion or other**
57 **evidence of completion of a firearm safety training course that meets the standards**
58 **established in subsection 24 of this section; and**

59 **(3) A nonrefundable permit fee as provided by subsections 11 and 12 of this section.**

60 **5. Before an application for a permit is approved, the sheriff shall make only such**
61 **inquiries as he or she deems necessary into the accuracy of the statements made in the**
62 **application. Applicant must be able to produce a current Missouri operator's license or**
63 **other suitable form of identification to the sheriff.**

64 **6. The sheriff is required to either approve or deny the application for a permit**
65 **within thirty days of submission of the completed application including Saturdays,**
66 **Sundays or holidays observed by the state of Missouri.**

67 **7. The sheriff may refuse to approve an application for a permit if he or she**
68 **determines that any of the requirements specified in subsection 2 of this section have not**
69 **been met, or if he or she has reason to believe that the applicant has rendered a false**
70 **statement regarding any of the provisions of this section. If the applicant is found to be**
71 **ineligible, the sheriff is required to deny the application, and notify the applicant in**
72 **writing, stating the grounds for denial and informing the applicant of the right to submit,**
73 **within thirty days, any additional documentation relating to the grounds of the denial.**
74 **Upon receiving any additional documentation, the sheriff shall reconsider his or her**
75 **decision and inform the applicant within thirty days of the result of the reconsideration.**
76 **The applicant shall further be informed in writing of the right to appeal the denial**
77 **pursuant to subsections 30, 31, 32, and 33 of this section.**

78 **8. If the application is approved, the sheriff shall issue a permit to the applicant**
79 **within a period not to exceed seven days after his or her approval of the application**
80 **excluding Saturdays, Sundays or holidays observed by the state of Missouri.**

81 **9. The permit issued pursuant to this section shall bear a photograph, date of birth**
82 **and physical description of the applicant on the front of the permit. The permit shall recite**
83 **the date of issuance, the date of expiration and the name and address of the person to**
84 **whom the permit has been issued. The applicant shall sign the permit in the presence of**
85 **the sheriff or his or her designee. The sheriff shall keep a record of all applications for**
86 **permits and his or her action thereon. The sheriff shall report the issuance of permits to**
87 **the Missouri uniform law enforcement system.**

88 **10. No person shall in any manner transfer, alter or change a permit issued**
89 **pursuant to this section, or make a false notation thereon, or obtain a permit upon any**
90 **false representation, or use, or attempt to use a permit issued to another. Violation of this**
91 **subsection is a class A misdemeanor.**

92 **11. For processing an application for a permit pursuant to this section, the sheriff**
93 **in each county shall charge a nonrefundable fee not to exceed fifty dollars which shall be**
94 **paid to the treasury of the county to the credit of the sheriff's revolving fund.**

95 **12. For processing a renewal for a permit pursuant to this section, the sheriff in**
96 **each county shall charge a nonrefundable fee not to exceed ten dollars which shall be paid**
97 **to the treasury of the county to the credit of the sheriff's revolving fund.**

98 **13. A permit issued pursuant to this section shall be suspended or revoked if the**
99 **permit holder becomes ineligible for a permit under the criteria established in this section.**
100 **When an order of protection is issued against a person holding a permit issued pursuant**
101 **to this section, the holder of the permit shall surrender the permit to the court or to the**
102 **officer serving the order. The officer to whom the permit is surrendered shall forthwith**
103 **transmit the permit to the court issuing the order. The permit shall be suspended until the**
104 **order is terminated. Any sheriff suspending or revoking any permit shall report the**
105 **change in status of the permit to the Missouri uniform law enforcement system.**

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

109 **15. A permit shall be renewed for a qualified applicant upon receipt of the properly**
110 **completed renewal application and the required renewal fee. The renewal application shall**
111 **contain the same required information as set forth in subsection 3 of this section, except**
112 **that in lieu of the firearm safety training, the applicant need only display his or her current**
113 **permit.**

114 **16. A person who has been issued a permit who fails to file a renewal application**
115 **on or before its expiration date must pay an additional late fee of ten dollars. Any permit**
116 **holder who fails to renew his or her application within six months after the expiration date**
117 **must reapply for a new permit and pay the fee for a new application.**

118 **17. Any person issued a permit shall notify the sheriff of the permit holder's new**
119 **county of residence of the permit holder's change of residence within thirty days after the**
120 **changing of a permanent residence. The permit holder shall furnish proof to the sheriff**
121 **that the permit holder has changed his or her residence and display his or her current**
122 **permit. Within seven days of being notified by the permit holder of his or her change of**
123 **residence, the sheriff shall issue a new permit with the permit holder's new residence and**

124 shall take custody of the old permit. The reissued permit shall contain the same expiration
125 date as the surrendered permit but shall reflect the change of residence. The sheriff shall
126 report the change of address information to the Missouri uniform law enforcement system.
127 For processing the reissued permit, the sheriff of the county of the permit holder's new
128 residence shall charge a fee not to exceed ten dollars. The reissue fee shall be paid to the
129 treasury of the county to the credit of the sheriff's revolving fund.

130 **18.** Any person issued a permit shall notify the sheriff or his or her designee of the
131 permit holder's county or city of residence within fifteen days after the loss or destruction
132 of his or her permit. The permit holder shall furnish a statement to the sheriff that the
133 permit has been lost or destroyed. After notification of the loss or destruction of a permit,
134 the sheriff shall reissue a new permit within fifteen days of being notified by the permit
135 holder of its loss or destruction. The reissued permit shall contain the same personal
136 information, including expiration date, as the lost or destroyed permit. For processing the
137 reissued permit, the sheriff shall charge a fee not to exceed ten dollars. The reissue fee
138 shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

139 **19.** If a person issued a permit changes his or her name, the person to whom the
140 permit was issued may obtain a corrected permit with a change of name. The permit
141 holder shall furnish a Missouri operator's license or other form of identification with the
142 permit holder's new name and display his or her current permit. Within seven days of
143 being notified by the permit holder of his or her change of name, the sheriff shall issue a
144 new permit with the permit holder's new name and shall take custody of the old permit.
145 The expiration date on the reissued permit shall be the same date as on the surrendered
146 permit. The sheriff shall report the change of name information to the Missouri uniform
147 law enforcement system. For processing the reissued permit, the sheriff of the county shall
148 charge a fee not to exceed ten dollars. The reissue fee shall be paid into the treasury of the
149 county to the credit of the sheriff's revolving fund.

150 **20.** A permit shall be automatically invalid after thirty days if the permit holder has
151 changed his or her name or changed his or her residence and not notified the sheriff of a
152 change of name or residence.

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

157 **(1)** Any police, sheriff, or highway patrol office or station without the consent of
158 the chief law enforcement officer in charge of that office or station. Possession of a firearm
159 in a vehicle on the premises of the office or station shall not be a criminal offense so long

160 as the firearm is not removed from the vehicle or brandished while the vehicle is on the
161 premises;

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

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

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

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

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

193 (7) Any portion of an establishment licensed to dispense beer or alcoholic beverages
194 for consumption on the premises, which portion of the establishment is primarily devoted
195 to that purpose without the consent of the owner or manager. This subdivision of the

196 subsection does not apply to any bona fide restaurant open to the general public having
197 dining facilities for not less than fifty persons and that receives at least fifty percent of its
198 gross annual income from the dining facilities by the sale of food. This subdivision does
199 not prohibit the possession of a firearm in a vehicle on the premises of the establishment
200 and shall not be a criminal offense so long as the firearm is not removed from the vehicle
201 or brandished while the vehicle is on the premises. Nothing in this subdivision authorizes
202 any individual who has been issued a permit to possess any firearm while intoxicated;

203 (8) Any area of an airport;

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

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

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

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

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

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

223 (15) Any private property whose owner has posted the premises as being off limits
224 to concealed firearms. The owner, business or commercial lessee, manager of a private
225 business enterprise, or any other organization, entity, or person may prohibit persons
226 holding a permit from carrying concealed firearms on the premises and may prohibit
227 employees, not authorized by the employer, holding a permit from carrying concealed
228 firearms on the property of the employer. If the building or the premises are open to the
229 public, the employer of the business enterprise shall post signs on or about the premises if
230 carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the
231 premises shall not be a criminal offense so long as the firearm is not removed from the

232 vehicle or brandished while the vehicle is on the premises. An employer may prohibit
233 employees or other persons holding a permit from carrying a concealed firearm in vehicles
234 owned by the employer;

235 (16) Any sports arena or stadium with a seating capacity of five thousand;

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

239 22. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17)
240 of subsection 21 of this section by a permit holder shall not be a criminal act but may
241 subject the person to denial to the premises or removal from the premises. If the permit
242 holder refuses to leave the premises and a peace officer is summoned, the permit holder
243 may be issued a citation for an amount not to exceed one hundred dollars for the first
244 offense. If a second citation for a similar violation occurs within a six-month period, the
245 permit holder shall be fined an amount not to exceed two hundred dollars and his or her
246 permit shall be suspended for a period of six months. If a third citation for a similar
247 violation is issued within one year of the first citation, the permit holder shall be fined an
248 amount not to exceed five hundred dollars and shall have his or her permit revoked for a
249 period of three years.

250 23. An applicant for a permit shall demonstrate knowledge of firearm safety
251 training. This requirement shall be fully satisfied if the applicant for a permit:

252 (1) Submits a photocopy of a certificate of firearm safety training course
253 completion, as defined in subsection 24 of this section, signed by a qualified firearms safety
254 instructor as defined in subsection 29 of this section; or

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

258 (3) Is a qualified firearm safety instructor as defined in subsection 27 of this
259 section.

260 24. A certificate of firearm safety training course completion may be issued to any
261 applicant by any qualified firearm safety instructor. On the certificate of course
262 completion the qualified firearm safety instructor shall affirm that the applicant for a
263 permit has taken and passed a firearm safety course taught by the instructor that included:

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

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

- 268 **(3) The basic principles of marksmanship;**
269 **(4) Care and cleaning of handguns;**
270 **(5) Safe storage of firearms at home;**
271 **(6) The requirements for obtaining a permit in this state;**
272 **(7) The laws relating to firearms as prescribed in this chapter;**
273 **(8) The laws relating to the justifiable use of force as prescribed in chapter 563,**
274 **RSMo;**
275 **(9) A live firing exercise of sufficient duration for each applicant to fire a handgun**
276 **a minimum of fifty rounds from a standing position or its equivalent at a distance from a**
277 **B-27 silhouette target, or an equivalent target, of seven yards;**
278 **(10) A written test administered to the applicant while the instructor was present**
279 **of no less than fifty questions covering the subjects listed in subdivisions (1) to (6) of this**
280 **subsection and twenty-five questions covering the subjects listed in subdivisions (7) and (8)**
281 **of this subsection. The instructor shall review any questions answered incorrectly by the**
282 **applicant on the test;**
283 **(11) A live fire test administered to the applicant while the instructor was present**
284 **of ten rounds from a standing position or its equivalent at a distance from a B-27 silhouette**
285 **target, or an equivalent target, of seven yards and ten rounds from a standing position or**
286 **its equivalent at a distance from a B-27 silhouette target, or an equivalent target, of fifteen**
287 **yards.**
288 **25. A qualified firearm safety instructor shall not give a grade of "passing" to an**
289 **applicant for a permit who:**
290 **(1) Does not follow the orders of the qualified firearms instructor or cognizant**
291 **range officer; or**
292 **(2) Handles a firearm in a manner that, in the judgement of the qualified firearm**
293 **safety instructor, poses a danger to the applicant or to others; or**
294 **(3) During the live fire testing portion of the course fails to hit the silhouette portion**
295 **of the target with at least fifteen rounds; or**
296 **(4) Answers less than seventy percent of the written examination questions**
297 **correctly; or**
298 **(5) Answers less than twenty questions of the written examination relating to topics**
299 **listed in subdivisions (7) and (8) of subsection 25 of this section correctly.**
300 **26. Qualified firearm safety instructors who provide firearm safety instruction to**
301 **any person who applies for a permit shall:**
302 **(1) Make the applicant's course records available upon request to the sheriff of the**
303 **county in which the applicant resides;**

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

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

308 27. A firearm safety instructor shall be considered to be a qualified firearm safety
309 instructor by any sheriff issuing a permit pursuant to this section if the instructor:

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

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

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

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

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

320 28. Any firearm safety instructor who knowingly provides any sheriff with false
321 information concerning an applicant's performance on either the written test or the live
322 fire test administered to the applicant by the instructor pursuant to this section shall be
323 guilty of a class C misdemeanor.

324 29. In any case when the sheriff refuses to issue or to act on an application for a
325 permit, the denied applicant shall have the right to appeal the denial within thirty days of
326 receiving written notice of the denial. Such appeals shall be heard in small claims court.

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

331 **SMALL CLAIMS COURT**

332 **In the Circuit Court of..... Missouri**

333 , Denied Applicant)

334)

335 vs.) Case No.

336)

337 , Sheriff)

338 Return Date

339 **DENIAL OF PERMIT APPEAL**

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

344, Denied Applicant

345 31. The notice of appeal in a denial of permit appeal shall be made to the sheriff in
346 a manner and form determined by the small claims court judge.

347 32. If at the hearing the person shows he or she is entitled to the requested permit,
348 the court shall issue an appropriate order to cause the issuance of the permit. Costs shall
349 not be assessed against the sheriff unless the action of the sheriff is determined by the judge
350 to be arbitrary and capricious.

351 33. Any person aggrieved by any final judgment rendered by a small claims court
352 in a denial of permit appeal may have a right to trial de novo as provided in sections
353 512.180 to 512.320, RSMo.

354 34. Any person who has knowledge that another person, who was issued a permit
355 pursuant to this section, never was or no longer is eligible for such permit under the
356 criteria established in this section, may file a petition with the clerk of the small claims
357 court to revoke that person's permit. The petition shall be in a form substantially similar
358 to the petition for revocation of permit to carry concealed firearms provided in this section.
359 Appeal forms shall be provided by the clerk of the small claims court free of charge to any
360 person:

SMALL CLAIMS COURT

In the Circuit Court of....., Missouri

363, PLAINTIFF)
364)
365 vs.) Case No.
366)
367, DEFENDANT,)
368 Carry Permit Holder)
369, DEFENDANT,)
370 Sheriff of Issuance)

PERMIT FOR REVOCATION OF PERMIT TO CARRY CONCEALED FIREARMS

371 Plaintiff states to the court that the defendant,, has a permit to carry
372 concealed firearms issued pursuant to section 571.094, RSMo, and that the defendant's
373 permit should now be revoked because the defendant either never was or no longer is
374 eligible for such a permit pursuant to the provisions of section 571.094, RSMo, specifically
375

376 **plaintiff states that defendant,, never was or no longer is eligible for such permit**
377 **for one or more of the following reasons:**

378 **CHECK BELOW EACH REASON THAT APPLIES TO THIS DEFENDANT**

- 379 **Defendant is not at least twenty-one years of age.**
- 380 **Defendant is not a citizen of the United States.**
- 381 **Defendant had not resided in this state for at least six months prior to issuance of**
382 **the permit.**
- 383 **Defendant has pled guilty to or been convicted of a crime punishable by**
384 **imprisonment for a term exceeding one year under the laws of any state or of the**
385 **United States other than a crime classified as a misdemeanor under the laws of any**
386 **state and punishable by a term of imprisonment of two years or less that does not**
387 **involve an explosive weapon, firearm, firearm silencer or gas gun.**
- 388 **Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere**
389 **to one or more misdemeanor offenses involving crimes of violence within a five-year**
390 **period immediately preceding application for a concealed handgun license or if the**
391 **applicant has been convicted of two or more misdemeanor offenses involving**
392 **driving while under the influence of intoxicating liquor or drugs or the possession**
393 **or abuse of a controlled substance within a five-year period immediately preceding**
394 **application for a concealed handgun license.**
- 395 **Defendant is a fugitive from justice or currently charged in an information or**
396 **indictment with the commission of a crime punishable by imprisonment for a term**
397 **exceeding one year under the laws of any state of the United States other than a**
398 **crime classified as a misdemeanor under the laws of any state and punishable by**
399 **a term of imprisonment of two years or less that does not involve an explosive**
400 **weapon, firearm, firearm silencer or gas gun.**
- 401 **Defendant has been discharged under dishonorable conditions from the United**
402 **States armed forces.**
- 403 **Defendant is publically known to be habitually in an intoxicated or drugged**
404 **condition.**
- 405 **Defendant is currently adjudged mentally incompetent or has been committed to**
406 **a mental health facility, as defined in section 632.005, RSMo, or a similar institution**
407 **located in another state.**
- 408 **Defendant failed to submit a completed application for a permit to carry a**
409 **concealed firearm as defined in subsection 3 of section 571.094, RSMo.**
- 410 **Defendant failed to submit to or failed to clear a background check conducted by**
411 **the Federal Bureau of Investigation using the National Instant Check System**

412 (NICS).

413 □ Defendant failed to submit an affidavit attesting that the applicant complies with
414 the permit to carry concealed firearms safety training requirement pursuant to
415 subsection 26 of section 571.094, RSMo.

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

418, PLAINTIFF

419 35. If at the hearing the plaintiff shows that the defendant was not eligible for the
420 permit at the time of issuance or renewal or is no longer eligible for a permit pursuant to
421 the provisions of this section, the court shall issue an appropriate order to cause the
422 revocation of the permit. Costs shall not be assessed against the sheriff.

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

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

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

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