

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 365

93RD GENERAL ASSEMBLY

Reported from the Committee on Crime Prevention and Public Safety February 23, 2005, with recommendation that the House Committee Substitute for House Bill No. 365 Do Pass. Referred to the Committee on Rules pursuant to rule 25 (26) (f).

Reported from the Committee on Rules February 28, 2005 with recommendation that the House Committee Substitute Do Pass with no time limit for debate.

Taken up for Perfection March 8, 2005. House Committee Substitute ordered Perfected and printed.

STEPHEN S. DAVIS, Chief Clerk

1193L.03P

AN ACT

To repeal section 50.535, RSMo, and to enact in lieu thereof one new section relating to the county sheriff's revolving fund, with an emergency clause.

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

Section A. Section 50.535, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 50.535, to read as follows:

50.535. 1. Notwithstanding the provisions of sections 50.525 to 50.745, the fee collected pursuant to subsections 10 and 11 of section 571.101, 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 county or city sheriff or his or her designee 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 shall only be used by law enforcement agencies for the purchase of equipment [and], to provide training, **and to make necessary expenditures to process applications for concealed carry endorsements or renewals, including but not limited to, the purchase of**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

12 **equipment, training, fingerprinting and background checks, employment of additional**
13 **personnel, and any expenditure necessitated by an action under section 571.114 or 571.117,**
14 **RSMo.** If the moneys collected and deposited into this fund are not totally expended annually,
15 then the unexpended balance shall remain in said fund and the balance shall be kept in said fund
16 to accumulate from year to year. This fund may be audited by the state auditor's office or the
17 appropriate auditing agency.

18 **3. Notwithstanding any provision of this section to the contrary, the sheriff of every**
19 **county, regardless of classification, is authorized to pay, from the sheriff's revolving fund,**
20 **all reasonable and necessary costs and expenses for activities or services occasioned by**
21 **compliance with sections 571.101 to 571.121, RSMo. Such was the intent of the general**
22 **assembly in original enactment of this section and sections 571.101 to 571.121, RSMo, and**
23 **it is made express by this section in light of the decision in Brooks v. State of Missouri, (Mo.**
24 **Sup. Ct. February 26, 2004). The application and renewal fees to be charged pursuant to**
25 **section 571.101, RSMo, shall be based on the sheriff's good faith estimate, made during**
26 **regular budgeting cycles, of the actual costs and expenses to be incurred by reason of**
27 **compliance with sections 571.101 to 571.121, RSMo. If the maximum fee permitted by**
28 **section 571.101, RSMo, is inadequate to cover the actual reasonable and necessary expenses**
29 **in a given year, and there are not sufficient accumulated unexpended funds in the**
30 **revolving fund, a sheriff may present specific and verified evidence of the unreimbursed**
31 **expenses to the office of administration, which upon certification by the attorney general,**
32 **shall reimburse such sheriff for those expenses from an appropriation made for that**
33 **purpose.**

34 **4.** If pursuant to subsection 12 of section 571.101, RSMo, the sheriff of a county of the
35 first classification designates one or more chiefs of police of any town, city, or municipality
36 within such county to accept and process applications for certificates of qualification to obtain
37 a concealed carry endorsement, then that sheriff shall reimburse such chiefs of police, out of the
38 moneys deposited into this fund, for any reasonable expenses related to accepting and processing
39 such applications.

Section B. Because of the need to clarify ambiguities in the laws governing the
2 administrative costs incurred by sheriffs' departments in processing concealed weapons permit
3 applications, section A of this act is deemed necessary for the immediate preservation of the
4 public health, welfare, peace and safety, and is hereby declared to be an emergency act within
5 the meaning of the constitution, and section A of this act shall be in full force and effect upon
6 its passage and approval.