

FIRST REGULAR SESSION

# HOUSE BILL NO. 962

## 94TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE DAVIS.

Read 1st time February 22, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2082L.011

---

### AN ACT

To repeal section 571.090, RSMo, and to enact in lieu thereof one new section relating to permits to acquire concealable firearms, with a penalty provision.

---

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

Section A. Section 571.090, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 571.090, to read as follows:

571.090. 1. A permit to acquire a concealable firearm shall be issued by the sheriff of the county in which the applicant resides, if all of the statements in the application are true, and the applicant:

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

(2) Has not 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;

(3) Is not a fugitive from justice, **currently on probation as a condition of a suspended imposition of sentence**, 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 or of the United States other than a crime classified as a misdemeanor under the laws

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.

15 of any state and punishable by a term of imprisonment of two years or less that does not involve  
16 an explosive weapon, firearm, firearm silencer or gas gun;

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

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

20 (6) Is not currently adjudged mentally incompetent [and] , has not been **civilly**  
21 **committed to inpatient mental health services for any period under the laws of the state of**  
22 **Missouri or similar laws of other states, or** committed to a mental health facility, as defined  
23 in section 632.005, RSMo, or a similar institution located in another state.

24 2. Applications shall be made to the sheriff of the county in which the applicant resides.  
25 An application shall be filed in writing, signed and verified by the applicant, and shall state only  
26 the following: the name, Social Security number, occupation, age, height, color of eyes and hair,  
27 residence and business addresses of the applicant, the reason for desiring the permit, and whether  
28 the applicant complies with each of the requirements specified in subsection 1 of this section.

29 3. Before a permit is issued, the sheriff shall make only such inquiries as he deems  
30 necessary into the accuracy of the statements made in the application. The sheriff may require  
31 that the applicant display a Missouri operator's license or other suitable identification. The  
32 sheriff shall issue the permit within a period not to exceed seven days after submission of the  
33 properly completed application excluding Saturdays, Sundays or legal holidays.

34

35 The sheriff may refuse to issue the permit if he determines that any of the requirements specified  
36 in subsection 1 of this section have not been met, or if he has reason to believe that the applicant  
37 has rendered a false statement regarding any of the provisions in subsection 1 of this section. If  
38 the application is approved, the sheriff shall issue a permit and a copy thereof to the applicant.  
39 **Notwithstanding the criteria set forth in subdivision (2) of subsection 1 of this section, the**  
40 **sheriff may issue a permit to an applicant who, ten or more years prior to the application,**  
41 **entered a plea of guilty to a criminal charge not involving violence against persons which**  
42 **resulted in a suspended imposition of sentence and the terms of that suspended imposition**  
43 **of sentence were fulfilled.**

44 4. The permit shall recite the date of issuance, that it is invalid after thirty days, the name  
45 and address of the person to whom granted, the nature of the transaction, and a physical  
46 description of the applicant. The applicant shall sign the permit in the presence of the sheriff.

47 5. If the permit is used, the person who receives the permit from the applicant shall  
48 return it to the sheriff within thirty days after its expiration, with a notation thereon showing the  
49 date and manner of disposition of the firearm and a description of the firearm including the

50 make, model and serial number. The sheriff shall keep a record of all applications for permits,  
51 his action thereon, and shall preserve all returned permits.

52 6. No person shall in any manner transfer, alter or change a permit, or make a false  
53 notation thereon, or obtain a permit upon any false representation, or use, or attempt to use a  
54 permit issued to another.

55 7. For the processing of the permit, the sheriff in each county and the city of St. Louis  
56 shall charge a fee not to exceed ten dollars which shall be paid into the treasury of the county or  
57 city to the credit of the general revenue fund.

58 8. In any case when the sheriff refuses to issue or to act on an application for a permit,  
59 such refusal shall be in writing setting forth the reasons for such refusal. Such written refusal  
60 shall explain the denied applicant's right to appeal and, with a copy of the completed application,  
61 shall be given to the denied applicant within a period not to exceed seven days after submission  
62 of the properly completed application excluding Saturdays, Sundays or legal holidays. The  
63 denied applicant shall have the right to appeal the denial within ten days of receiving written  
64 notice of the denial. Such appeals shall be heard in small claims court as defined in section  
65 482.300, RSMo, and the provisions of sections 482.300, 482.310 and 482.335, RSMo, shall  
66 apply to such appeals.

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

71

SMALL CLAIMS COURT

72 In the Circuit Court of ..... Missouri

73 Case Number .....

74 ..... , Denied Applicant )

75 )

76 vs. )

77 )

78 ..... , Sheriff )

79 Return Date .....

80

81 DENIAL OF PERMIT APPEAL

82 The denied applicant states that his properly completed application for a permit to acquire  
83 a firearm with a barrel of less than sixteen inches was denied by the sheriff of ..... County,  
84

85 Missouri, without just cause. The denied applicant affirms that all of the statements in the  
86 application are true.

87 .....

88 Denied Applicant

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

91 11. If at the hearing the person shows he is entitled to the requested permit, the court  
92 shall issue an appropriate order to cause the issuance of the permit. Costs shall not be assessed  
93 against the sheriff in any case.

94 12. Any person aggrieved by any final judgment rendered by a small claims court in a  
95 denial of permit appeal may have a trial de novo as provided in sections 512.180 to 512.320,  
96 RSMo.

97 13. Violation of any provision of this section is a class A misdemeanor.

✓