

FIRST REGULAR SESSION

HOUSE BILL NO. 618

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BROWN (149) (Sponsor), LEARA, KOENIG, BURLISON, MUNZLINGER, RIDDLE, COOPER, GUEST, WELLS, DIECKHAUS, LAIR, FLANIGAN, DETHROW, GUERNSEY, SMITH (150), NIEVES, DAY, TRACY, KEENEY, FRANZ, LOEHNER, SCHLOTTACH AND DENISON (Co-sponsors).

1264L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 571.101, RSMo, and to enact in lieu thereof one new section relating to concealed carry endorsements.

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

Section A. Section 571.101, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 571.101, to read as follows:

571.101. 1. All applicants for concealed carry endorsements issued pursuant to subsection 7 of this section must satisfy the requirements of sections 571.101 to 571.121. If the said applicant can show qualification as provided by sections 571.101 to 571.121, the county or city sheriff shall issue a certificate of qualification for a concealed carry endorsement. Upon receipt of such certificate, the certificate holder shall apply for a driver's license or nondriver's license with the director of revenue in order to obtain a concealed carry endorsement. Any person who has been issued a concealed carry endorsement on a driver's license or nondriver's license and such endorsement or license has not been suspended, revoked, canceled, or denied may carry concealed firearms on or about his or her person or within a vehicle. A concealed carry endorsement shall be valid for a period of three years from the date of issuance or renewal. The concealed carry endorsement is valid throughout this state.

2. A certificate of qualification for a concealed carry endorsement issued pursuant to subsection 7 of this section shall be issued by the sheriff or his or her designee of the county or city in which the applicant resides, if the applicant:

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 (1) Is at least [twenty-three] **twenty-one** years of age, is a citizen of the United States
16 and either:
- 17 (a) Has assumed residency in this state; or
18 (b) Is a member of the armed forces stationed in Missouri, or the spouse of such member
19 of the military;
- 20 (2) Has not pled guilty to or entered a plea of nolo contendere or been convicted of a
21 crime punishable by imprisonment for a term exceeding one year under the laws of any state or
22 of the United States other than a crime classified as a misdemeanor under the laws of any state
23 and punishable by a term of imprisonment of one year or less that does not involve an explosive
24 weapon, firearm, firearm silencer or gas gun;
- 25 (3) Has not been convicted of, pled guilty to or entered a plea of nolo contendere to one
26 or more misdemeanor offenses involving crimes of violence within a five-year period
27 immediately preceding application for a certificate of qualification for a concealed carry
28 endorsement or if the applicant has not been convicted of two or more misdemeanor offenses
29 involving driving while under the influence of intoxicating liquor or drugs or the possession or
30 abuse of a controlled substance within a five-year period immediately preceding application for
31 a certificate of qualification for a concealed carry endorsement;
- 32 (4) Is not a fugitive from justice or currently charged in an information or indictment
33 with the commission of a crime punishable by imprisonment for a term exceeding one year under
34 the laws of any state of the United States other than a crime classified as a misdemeanor under
35 the laws of any state and punishable by a term of imprisonment of two years or less that does not
36 involve an explosive weapon, firearm, firearm silencer, or gas gun;
- 37 (5) Has not been discharged under dishonorable conditions from the United States armed
38 forces;
- 39 (6) Has not engaged in a pattern of behavior, documented in public records, that causes
40 the sheriff to have a reasonable belief that the applicant presents a danger to himself or others;
- 41 (7) Is not adjudged mentally incompetent at the time of application or for five years prior
42 to application, or has not been committed to a mental health facility, as defined in section
43 632.005, RSMo, or a similar institution located in another state following a hearing at which the
44 defendant was represented by counsel or a representative;
- 45 (8) Submits a completed application for a certificate of qualification as defined in
46 subsection 3 of this section;
- 47 (9) Submits an affidavit attesting that the applicant complies with the concealed carry
48 safety training requirement pursuant to subsections 1 and 2 of section 571.111;
- 49 (10) Is not the respondent of a valid full order of protection which is still in effect.

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

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

54 (2) An affirmation that the applicant has assumed residency in Missouri or is a member
55 of the armed forces stationed in Missouri or the spouse of such a member of the armed forces
56 and is a citizen of the United States;

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

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

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

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

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

78 (8) An affirmation that the applicant is not adjudged mentally incompetent at the time
79 of application or for five years prior to application, or has not been committed to a mental health
80 facility, as defined in section 632.005, RSMo, or a similar institution located in another state,
81 except that a person whose release or discharge from a facility in this state pursuant to chapter
82 632, RSMo, or a similar discharge from a facility in another state, occurred more than five years
83 ago without subsequent recommitment may apply;

84 (9) An affirmation that the applicant has received firearms safety training that meets the
85 standards of applicant firearms safety training defined in subsection 1 or 2 of section 571.111;

86 (10) An affirmation that the applicant, to the applicant's best knowledge and belief, is
87 not the respondent of a valid full order of protection which is still in effect; and

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

90 4. An application for a certificate of qualification for a concealed carry endorsement shall
91 be made to the sheriff of the county or any city not within a county in which the applicant
92 resides. An application shall be filed in writing, signed under oath and under the penalties of
93 perjury, and shall state whether the applicant complies with each of the requirements specified
94 in subsection 2 of this section. In addition to the completed application, the applicant for a
95 certificate of qualification for a concealed carry endorsement must also submit the following:

96 (1) A photocopy of a firearms safety training certificate of completion or other evidence
97 of completion of a firearms safety training course that meets the standards established in
98 subsection 1 or 2 of section 571.111; and

99 (2) A nonrefundable certificate of qualification fee as provided by subsection 10 or 11
100 of this section.

101 5. Before an application for a certificate of qualification for a concealed carry
102 endorsement is approved, the sheriff shall make only such inquiries as he or she deems necessary
103 into the accuracy of the statements made in the application. The sheriff may require that the
104 applicant display a Missouri driver's license or nondriver's license or military identification and
105 orders showing the person being stationed in Missouri. In order to determine the applicant's
106 suitability for a certificate of qualification for a concealed carry endorsement, the applicant shall
107 be fingerprinted. The sheriff shall request a criminal background check through the appropriate
108 law enforcement agency within three working days after submission of the properly completed
109 application for a certificate of qualification for a concealed carry endorsement. If no
110 disqualifying record is identified by the fingerprint check at the state level, the fingerprints shall
111 be forwarded to the Federal Bureau of Investigation for a national criminal history record check.
112 Upon receipt of the completed background check, the sheriff shall issue a certificate of
113 qualification for a concealed carry endorsement within three working days. The sheriff shall
114 issue the certificate within forty-five calendar days if the criminal background check has not been
115 received, provided that the sheriff shall revoke any such certificate and endorsement within
116 twenty-four hours of receipt of any background check that results in a disqualifying record, and
117 shall notify the department of revenue.

118 6. The sheriff may refuse to approve an application for a certificate of qualification for
119 a concealed carry endorsement if he or she determines that any of the requirements specified in
120 subsection 2 of this section have not been met, or if he or she has a substantial and demonstrable
121 reason to believe that the applicant has rendered a false statement regarding any of the provisions

122 of sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff is required
123 to deny the application, and notify the applicant in writing, stating the grounds for denial and
124 informing the applicant of the right to submit, within thirty days, any additional documentation
125 relating to the grounds of the denial. Upon receiving any additional documentation, the sheriff
126 shall reconsider his or her decision and inform the applicant within thirty days of the result of
127 the reconsideration. The applicant shall further be informed in writing of the right to appeal the
128 denial pursuant to subsections 2, 3, 4, and 5 of section 571.114. After two additional reviews
129 and denials by the sheriff, the person submitting the application shall appeal the denial pursuant
130 to subsections 2, 3, 4, and 5 of section 571.114.

131 7. If the application is approved, the sheriff shall issue a certificate of qualification for
132 a concealed carry endorsement to the applicant within a period not to exceed three working days
133 after his or her approval of the application. The applicant shall sign the certificate of
134 qualification in the presence of the sheriff or his or her designee and shall within seven days of
135 receipt of the certificate of qualification take the certificate of qualification to the department of
136 revenue. Upon verification of the certificate of qualification and completion of a driver's license
137 or nondriver's license application pursuant to chapter 302, RSMo, the director of revenue shall
138 issue a new driver's license or nondriver's license with an endorsement which identifies that the
139 applicant has received a certificate of qualification to carry concealed weapons issued pursuant
140 to sections 571.101 to 571.121 if the applicant is otherwise qualified to receive such driver's
141 license or nondriver's license. The requirements for the director of revenue to issue a concealed
142 carry endorsement pursuant to this subsection shall not be effective until July 1, 2004, and the
143 certificate of qualification issued by a county sheriff pursuant to subsection 1 of this section shall
144 allow the person issued such certificate to carry a concealed weapon pursuant to the requirements
145 of subsection 1 of section 571.107 in lieu of the concealed carry endorsement issued by the
146 director of revenue from October 11, 2003, until the concealed carry endorsement is issued by
147 the director of revenue on or after July 1, 2004, unless such certificate of qualification has been
148 suspended or revoked for cause.

149 8. The sheriff shall keep a record of all applications for a certificate of qualification for
150 a concealed carry endorsement and his or her action thereon. The sheriff shall report the issuance
151 of a certificate of qualification to the Missouri uniform law enforcement system. All information
152 on any such certificate that is protected information on any driver's or nondriver's license shall
153 have the same personal protection for purposes of sections 571.101 to 571.121. An applicant's
154 status as a holder of a certificate of qualification or a concealed carry endorsement shall not be
155 public information and shall be considered personal protected information. Any person who
156 violates the provisions of this subsection by disclosing protected information shall be guilty of
157 a class A misdemeanor.

158 9. Information regarding any holder of a certificate of qualification or a concealed carry
159 endorsement is a closed record.

160 10. For processing an application for a certificate of qualification for a concealed carry
161 endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a
162 nonrefundable fee not to exceed one hundred dollars which shall be paid to the treasury of the
163 county to the credit of the sheriff's revolving fund.

164 11. For processing a renewal for a certificate of qualification for a concealed carry
165 endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a
166 nonrefundable fee not to exceed fifty dollars which shall be paid to the treasury of the county to
167 the credit of the sheriff's revolving fund.

168 12. For the purposes of sections 571.101 to 571.121, the term "sheriff" shall include the
169 sheriff of any county or city not within a county or his or her designee and in counties of the first
170 classification the sheriff may designate the chief of police of any city, town, or municipality
171 within such county.

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