

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 668

95TH GENERAL ASSEMBLY

1747L.02P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 21.750, 563.011, 563.031, 571.070, 571.101, 571.104, and 571.107, RSMo, and to enact in lieu thereof seven new sections relating to criminal justice, with a penalty provision.

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

Section A. Sections 21.750, 563.011, 563.031, 571.070, 571.101, 571.104, and 571.107, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 21.750, 563.011, 563.031, 571.070, 571.101, 571.104, and 571.107, to read as follows:

21.750. 1. The general assembly hereby occupies and preempts the entire field of legislation touching in any way firearms, components, ammunition and supplies to the complete exclusion of any order, ordinance or regulation by any political subdivision of this state. Any existing or future orders, ordinances or regulations in this field are hereby and shall be null and void except as provided in subsection 3 of this section.

2. No county, city, town, village, municipality, or other political subdivision of this state shall adopt any order, ordinance or regulation concerning in any way the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permit, registration, taxation other than sales and compensating use taxes or other controls on firearms, components, ammunition, and supplies except as provided in subsection 3 of this section. **Except that such political subdivisions shall be allowed to adopt any order, ordinance or regulation which prohibits illegal immigrants from selling, purchasing, transferring, owning, using or possessing firearms, components, or ammunition.**

3. Nothing contained in this section shall prohibit any ordinance of any political subdivision which conforms exactly with any of the provisions of sections 571.010 to 571.070,

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.

16 RSMo, with appropriate penalty provisions, [or which regulates the open carrying of firearms
17 readily capable of lethal use] or the discharge of firearms within a jurisdiction, provided such
18 ordinance complies with the provisions of section 252.243, RSMo, **and incorporates the**
19 **justification defenses found in chapter 563, RSMo.**

20 4. The lawful design, marketing, manufacture, distribution, or sale of firearms or
21 ammunition to the public is not an abnormally dangerous activity and does not constitute a public
22 or private nuisance.

23 5. No county, city, town, village or any other political subdivision nor the state shall
24 bring suit or have any right to recover against any firearms or ammunition manufacturer, trade
25 association or dealer for damages, abatement or injunctive relief resulting from or relating to the
26 lawful design, manufacture, marketing, distribution, or sale of firearms or ammunition to the
27 public. This subsection shall apply to any suit pending as of October 12, 2003, as well as any
28 suit which may be brought in the future. Provided, however, that nothing in this section shall
29 restrict the rights of individual citizens to recover for injury or death caused by the negligent or
30 defective design or manufacture of firearms or ammunition.

31 6. Nothing in this section shall prevent the state, a county, city, town, village or any other
32 political subdivision from bringing an action against a firearms or ammunition manufacturer or
33 dealer for breach of contract or warranty as to firearms or ammunition purchased by the state or
34 such political subdivision.

563.011. As used in this chapter the following terms shall mean:

2 (1) "Deadly force", physical force which the actor uses with the purpose of causing or
3 which he or she knows to create a substantial risk of causing death or serious physical injury;

4 (2) "Dwelling", any building, inhabitable structure, or conveyance of any kind, whether
5 the building, inhabitable structure, or conveyance is temporary or permanent, mobile or
6 immobile, which has a roof over it, including a tent, and is designed to be occupied by people
7 lodging therein at night;

8 (3) "Forcible felony", any felony involving the use or threat of physical force or violence
9 against any individual, including but not limited to murder, robbery, burglary, arson, kidnapping,
10 assault, and any forcible sexual offense;

11 (4) "Premises", includes any building, inhabitable structure and any real property;

12 (5) "Private person", any person other than a law enforcement officer;

13 (6) **"Private property", any real property in this state that is privately owned or**
14 **leased;**

15 (7) "Remain after unlawfully entering", to remain in or upon premises after unlawfully
16 entering as defined in this section;

17 [(7)] (8) "Residence", a dwelling in which a person resides either temporarily or
18 permanently or is visiting as an invited guest;

19 [(8)] (9) "Unlawfully enter", a person unlawfully enters in or upon premises **or private**
20 **property** when he or she enters such premises **or private property** and is not licensed or
21 privileged to do so. A person who, regardless of his or her purpose, enters in or upon **private**
22 **property or** premises that are at the time open to the public does so with license unless he or she
23 defies a lawful order not to enter, personally communicated to him or her by the owner of such
24 premises or by another authorized person. A license to enter in a building that is only partly open
25 to the public is not a license to enter in that part of the building that is not open to the public.

 563.031. 1. A person may, subject to the provisions of subsection 2 of this section, use
2 physical force upon another person when and to the extent he or she reasonably believes such
3 force to be necessary to defend himself or herself or a third person from what he or she
4 reasonably believes to be the use or imminent use of unlawful force by such other person, unless:

5 (1) The actor was the initial aggressor; except that in such case his or her use of force
6 is nevertheless justifiable provided:

7 (a) He or she has withdrawn from the encounter and effectively communicated such
8 withdrawal to such other person but the latter persists in continuing the incident by the use or
9 threatened use of unlawful force; or

10 (b) He or she is a law enforcement officer and as such is an aggressor pursuant to section
11 563.046; or

12 (c) The aggressor is justified under some other provision of this chapter or other
13 provision of law;

14 (2) Under the circumstances as the actor reasonably believes them to be, the person
15 whom he or she seeks to protect would not be justified in using such protective force;

16 (3) The actor was attempting to commit, committing, or escaping after the commission
17 of a forcible felony.

18 2. A person may not use deadly force upon another person under the circumstances
19 specified in subsection 1 of this section unless:

20 (1) He or she reasonably believes that such deadly force is necessary to protect himself
21 or herself or another against death, serious physical injury, or any forcible felony; [or]

22 (2) Such force is used against a person who unlawfully enters, remains after unlawfully
23 entering, or attempts to unlawfully enter a dwelling, residence, or vehicle lawfully occupied by
24 such person; **or**

25 **(3) Such force is used against a person who unlawfully enters, remains after**
26 **unlawfully entering, or attempts to unlawfully enter private property that is owned or**
27 **leased by an individual claiming a justification of using protective force under this section.**

28 3. A person does not have a duty to retreat from a dwelling, residence, or vehicle where
29 the person is not unlawfully entering or unlawfully remaining. **A person does not have a duty**
30 **to retreat from private property that is owned or leased by such individual.**

31 4. The justification afforded by this section extends to the use of physical restraint as
32 protective force provided that the actor takes all reasonable measures to terminate the restraint
33 as soon as it is reasonable to do so.

34 5. The defendant shall have the burden of injecting the issue of justification under this
35 section.

 571.070. 1. A person commits the crime of unlawful possession of a firearm if such
2 person knowingly has any firearm in his or her possession and:

3 (1) Such person has been convicted of a felony under the laws of this state, or of a crime
4 under the laws of any state or of the United States which, if committed within this state, would
5 be a felony; or

6 (2) Such person is a fugitive from justice, is habitually in an intoxicated or drugged
7 condition, or is currently adjudged mentally incompetent.

8 2. Unlawful possession of a firearm is a class C felony.

9 **3. The provisions of subdivision (1) of subsection 1 of this section shall not apply**
10 **to the possession of an antique firearm.**

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

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

- 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] **twenty-one** 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.

571.104. 1. (1) A concealed carry endorsement issued pursuant to sections 571.101 to
2 571.121 shall be suspended or revoked if the concealed carry endorsement holder becomes
3 ineligible for such concealed carry endorsement under the criteria established in subdivisions (2),
4 (3), (4), (5), and (7) of subsection 2 of section 571.101 or upon the issuance of a valid full order
5 of protection.

6 (2) When a valid full order of protection, or any arrest warrant, discharge, or
7 commitment for the reasons listed in subdivision (2), (3), (4), (5), or (7) of subsection 2 of
8 section 571.101, is issued against a person holding a concealed carry endorsement issued
9 pursuant to sections 571.101 to 571.121 upon notification of said order, warrant, discharge or
10 commitment or upon an order of a court of competent jurisdiction in a criminal proceeding, a
11 commitment proceeding or a full order of protection proceeding ruling that a person holding a
12 concealed carry endorsement presents a risk of harm to themselves or others, then upon
13 notification of such order, the holder of the concealed carry endorsement shall surrender the
14 driver's license or nondriver's license containing the concealed carry endorsement to the court,
15 to the officer, or other official serving the order, warrant, discharge, or commitment.

16 (3) The official to whom the driver's license or nondriver's license containing the
17 concealed carry endorsement is surrendered shall issue a receipt to the licensee for the license
18 upon a form, approved by the director of revenue, that serves as a driver's license or a nondriver's
19 license and clearly states the concealed carry endorsement has been suspended. The official shall
20 then transmit the driver's license or a nondriver's license containing the concealed carry
21 endorsement to the circuit court of the county issuing the order, warrant, discharge, or
22 commitment. The concealed carry endorsement issued pursuant to sections 571.101 to 571.121
23 shall be suspended until the order is terminated or until the arrest results in a dismissal of all
24 charges. Upon dismissal, the court holding the driver's license or nondriver's license containing
25 the concealed carry endorsement shall return it to the individual.

26 (4) Any conviction, discharge, or commitment specified in sections 571.101 to 571.121
27 shall result in a revocation. Upon conviction, the court shall forward a notice of conviction or
28 action and the driver's license or nondriver's license with the concealed carry endorsement to the
29 department of revenue. The department of revenue shall notify the sheriff of the county which
30 issued the certificate of qualification for a concealed carry endorsement and shall report the
31 change in status of the concealed carry endorsement to the Missouri uniform law enforcement
32 system. The director of revenue shall immediately remove the endorsement issued pursuant to
33 sections 571.101 to 571.121 from the individual's driving record within three days of the receipt
34 of the notice from the court. The director of revenue shall notify the licensee that he or she must
35 apply for a new license pursuant to chapter 302, RSMo, which does not contain such
36 endorsement. This requirement does not affect the driving privileges of the licensee. The notice
37 issued by the department of revenue shall be mailed to the last known address shown on the
38 individual's driving record. The notice is deemed received three days after mailing.

39 2. A concealed carry endorsement shall be renewed for a qualified applicant upon receipt
40 of the properly completed renewal application and the required renewal fee by the sheriff of the
41 county of the applicant's residence. The renewal application shall contain the same required
42 information as set forth in subsection 3 of section 571.101, except that in lieu of the fingerprint
43 requirement of subsection 5 of section 571.101 and the firearms safety training, the applicant
44 need only display his or her current driver's license or nondriver's license containing a concealed
45 carry endorsement. Upon successful completion of all renewal requirements, the sheriff shall
46 issue a certificate of qualification which contains the date such certificate was renewed.

47 3. A person who has been issued a certificate of qualification for a concealed carry
48 endorsement who fails to file a renewal application on or before its expiration date must pay an
49 additional late fee of ten dollars per month for each month it is expired for up to six months.
50 After six months, the sheriff who issued the expired certificate shall notify the director of

51 revenue that such certificate is expired. The director of revenue shall immediately cancel the
52 concealed carry endorsement and remove such endorsement from the individual's driving record
53 and notify the individual of such cancellation. The notice of cancellation of the endorsement
54 shall be conducted in the same manner as described in subsection 1 of this section. Any person
55 who has been issued a certificate of qualification for a concealed carry endorsement pursuant to
56 sections 571.101 to 571.121 who fails to renew his or her application within the six-month
57 period must reapply for a new certificate of qualification for a concealed carry endorsement and
58 pay the fee for a new application. The director of revenue shall not issue an endorsement on a
59 renewed driver's license or renewed nondriver's license unless the applicant for such license
60 provides evidence that he or she has renewed the certification of qualification for a concealed
61 carry endorsement in the manner provided for such renewal pursuant to sections 571.101 to
62 571.121. If an applicant for renewal of a driver's license or nondriver's license containing a
63 concealed carry endorsement does not want to maintain the concealed carry endorsement, the
64 applicant shall inform the director at the time of license renewal of his or her desire to remove
65 the endorsement. When a driver's or nondriver's license applicant informs the director of his or
66 her desire to remove the concealed carry endorsement, the director shall renew the driver's
67 license or nondriver's license without the endorsement appearing on the license if the applicant
68 is otherwise qualified for such renewal.

69 4. Any person issued a concealed carry endorsement pursuant to sections 571.101 to
70 571.121 shall notify the department of revenue and the sheriffs of both the old and new
71 jurisdictions of the endorsement holder's change of residence within thirty days after the
72 changing of a permanent residence. The endorsement holder shall furnish proof to the
73 department of revenue and the sheriff in the new jurisdiction that the endorsement holder has
74 changed his or her residence. **The sheriff of the new jurisdiction may charge a processing**
75 **fee of not more than ten dollars for any costs associated with notification of a change in**
76 **residence.** The change of residence shall be made by the department of revenue onto the
77 individual's driving record and the new address shall be accessible by the Missouri uniform law
78 enforcement system within three days of receipt of the information.

79 5. Any person issued a driver's license or nondriver's license containing a concealed carry
80 endorsement pursuant to sections 571.101 to 571.121 shall notify the sheriff or his or her
81 designee of the endorsement holder's county or city of residence within seven days after actual
82 knowledge of the loss or destruction of his or her driver's license or nondriver's license
83 containing a concealed carry endorsement. The endorsement holder shall furnish a statement to
84 the sheriff that the driver's license or nondriver's license containing the concealed carry
85 endorsement has been lost or destroyed. After notification of the loss or destruction of a driver's

86 license or nondriver's license containing a concealed carry endorsement, the sheriff shall reissue
87 a new certificate of qualification within three working days of being notified by the concealed
88 carry endorsement holder of its loss or destruction. The reissued certificate of qualification shall
89 contain the same personal information, including expiration date, as the original certificate of
90 qualification. The applicant shall then take the certificate to the department of revenue, and the
91 department of revenue shall proceed on the certificate in the same manner as provided in
92 subsection 7 section 571.101. Upon application for a license pursuant to chapter 302, RSMo,
93 the director of revenue shall issue a driver's license or nondriver's license containing a concealed
94 carry endorsement if the applicant is otherwise eligible to receive such license.

95 6. If a person issued a concealed carry endorsement changes his or her name, the person
96 to whom the endorsement was issued shall obtain a corrected certificate of qualification for a
97 concealed carry endorsement with a change of name from the sheriff who issued such certificate
98 upon the sheriff's verification of the name change. **The sheriff may charge a processing fee**
99 **of not more than ten dollars for any costs associated with obtaining a corrected certificate**
100 **of qualification.** The endorsement holder shall furnish proof of the name change to the
101 department of revenue and the sheriff within thirty days of changing his or her name and display
102 his or her current driver's license or nondriver's license containing a concealed carry
103 endorsement. The endorsement holder shall apply for a new driver's license or nondriver's
104 license containing his or her new name. Such application for a driver's license or nondriver's
105 license shall be made pursuant to chapter 302, RSMo. The director of revenue shall issue a
106 driver's license or nondriver's license with concealed carry endorsement with the endorsement
107 holder's new name if the applicant is otherwise eligible for such license. The director of revenue
108 shall take custody of the old driver's license or nondriver's license. The name change shall be
109 made by the department of revenue onto the individual's driving record and the new name shall
110 be accessible by the Missouri uniform law enforcement system within three days of receipt of
111 the information.

112 7. A concealed carry endorsement shall be automatically invalid after thirty days if the
113 endorsement holder has changed his or her name or changed his or her residence and not notified
114 the department of revenue and sheriff of a change of name or residence as required in subsections
115 4 and 6 of this section.

571.107. 1. A concealed carry endorsement issued pursuant to sections 571.101 to
2 571.121 or a concealed carry endorsement or permit issued by another state or political
3 subdivision of another state shall authorize the person in whose name the permit or endorsement
4 is issued to carry concealed firearms on or about his or her person or vehicle throughout the state.
5 No driver's license or nondriver's license containing a concealed carry endorsement issued

6 pursuant to sections 571.101 to 571.121 or a concealed carry endorsement or permit issued by
7 another state or political subdivision of another state shall authorize any person to carry
8 concealed firearms into:

9 (1) Any police, sheriff, or highway patrol office or station without the consent of the
10 chief law enforcement officer in charge of that office or station. Possession of a firearm in a
11 vehicle on the premises of the office or station shall not be a criminal offense so long as the
12 firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

13 (2) Within twenty-five feet of any polling place on any election day. Possession of a
14 firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long
15 as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

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

20 (4) Any courthouse solely occupied by the circuit, appellate or supreme court, or any
21 courtrooms, administrative offices, libraries or other rooms of any such court whether or not such
22 court solely occupies the building in question. This subdivision shall also include, but not be
23 limited to, any juvenile, family, drug, or other court offices, any room or office wherein any of
24 the courts or offices listed in this subdivision are temporarily conducting any business within the
25 jurisdiction of such courts or offices, and such other locations in such manner as may be
26 specified by supreme court rule pursuant to subdivision (6) of this subsection. Nothing in this
27 subdivision shall preclude those persons listed in subdivision (1) of subsection 2 of section
28 571.030 while within their jurisdiction and on duty, those persons listed in subdivisions (2) and
29 (4) of subsection 2 of section 571.030, or such other persons who serve in a law enforcement
30 capacity for a court as may be specified by supreme court rule pursuant to subdivision (6) of this
31 subsection from carrying a concealed firearm within any of the areas described in this
32 subdivision. Possession of a firearm in a vehicle on the premises of any of the areas listed in this
33 subdivision shall not be a criminal offense so long as the firearm is not removed from the vehicle
34 or brandished while the vehicle is on the premises;

35 (5) Any meeting of the governing body of a unit of local government; or any meeting of
36 the general assembly or a committee of the general assembly, except that nothing in this
37 subdivision shall preclude a member of the body holding a valid concealed carry endorsement
38 from carrying a concealed firearm at a meeting of the body which he or she is a member.
39 Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the
40 firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

41 (6) The general assembly, supreme court, county or municipality may by rule,
42 administrative regulation, or ordinance prohibit or limit the carrying of concealed firearms by
43 endorsement holders in that portion of a building owned, leased or controlled by that unit of
44 government. Any portion of a building in which the carrying of concealed firearms is prohibited
45 or limited shall be clearly identified by signs posted at the entrance to the restricted area. The
46 statute, rule or ordinance shall exempt any building used for public housing by private persons,
47 highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled by that
48 unit of government from any restriction on the carrying or possession of a firearm. The statute,
49 rule or ordinance shall not specify any criminal penalty for its violation but may specify that
50 persons violating the statute, rule or ordinance may be denied entrance to the building, ordered
51 to leave the building and if employees of the unit of government, be subjected to disciplinary
52 measures for violation of the provisions of the statute, rule or ordinance. The provisions of this
53 subdivision shall not apply to any other unit of government;

54 (7) Any establishment licensed to dispense intoxicating liquor or nonintoxicating beer
55 for consumption on the premises, which portion is primarily devoted to that purpose, without the
56 consent of the owner or manager. The provisions of this subdivision shall not apply to the
57 licensee of said establishment. The provisions of this subdivision shall not apply to any bona
58 fide restaurant open to the general public having dining facilities for not less than fifty persons
59 and that receives at least fifty-one percent of its gross annual income from the dining facilities
60 by the sale of food. This subdivision does not prohibit the possession of a firearm in a vehicle
61 on the premises of the establishment and shall not be a criminal offense so long as the firearm
62 is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in
63 this subdivision authorizes any individual who has been issued a concealed carry endorsement
64 to possess any firearm while intoxicated;

65 (8) Any area of an airport to which access is controlled by the inspection of persons and
66 property. Possession of a firearm in a vehicle on the premises of the airport shall not be a
67 criminal offense so long as the firearm is not removed from the vehicle or brandished while the
68 vehicle is on the premises;

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

70 (10) Any [higher education institution or] elementary or secondary school facility
71 without the consent of [the governing body of the higher education institution or] a school
72 official or the district school board. Possession of a firearm in a vehicle on the premises of any
73 [higher education institution or] elementary or secondary school facility shall not be a criminal
74 offense so long as the firearm is not removed from the vehicle or brandished while the vehicle
75 is on the premises;

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

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

85 (13) Any gated area of an amusement park. Possession of a firearm in a vehicle on the
86 premises of the amusement park shall not be a criminal offense so long as the firearm is not
87 removed from the vehicle or brandished while the vehicle is on the premises;

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

93 (15) Any private property whose owner has posted the premises as being off-limits to
94 concealed firearms by means of one or more signs displayed in a conspicuous place of a
95 minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less
96 than one inch. The owner, business or commercial lessee, manager of a private business
97 enterprise, or any other organization, entity, or person may prohibit persons holding a concealed
98 carry endorsement from carrying concealed firearms on the premises and may prohibit
99 employees, not authorized by the employer, holding a concealed carry endorsement from
100 carrying concealed firearms on the property of the employer. If the building or the premises are
101 open to the public, the employer of the business enterprise shall post signs on or about the
102 premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on
103 the premises shall not be a criminal offense so long as the firearm is not removed from the
104 vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees
105 or other persons holding a concealed carry endorsement from carrying a concealed firearm in
106 vehicles owned by the employer;

107 (16) Any sports arena or stadium with a seating capacity of five thousand or more.
108 Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the
109 firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

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

113 2. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17) of
114 subsection 1 of this section by any individual who holds a concealed carry endorsement issued
115 pursuant to sections 571.101 to 571.121 shall not be a criminal act but may subject the person
116 to denial to the premises or removal from the premises. If such person refuses to leave the
117 premises and a peace officer is summoned, such person may be issued a citation for an amount
118 not to exceed one hundred dollars for the first offense. If a second citation for a similar violation
119 occurs within a six-month period, such person shall be fined an amount not to exceed two
120 hundred dollars and his or her endorsement to carry concealed firearms shall be suspended for
121 a period of one year. If a third citation for a similar violation is issued within one year of the first
122 citation, such person shall be fined an amount not to exceed five hundred dollars and shall have
123 his or her concealed carry endorsement revoked and such person shall not be eligible for a
124 concealed carry endorsement for a period of three years. Upon conviction of charges arising
125 from a citation issued pursuant to this subsection, the court shall notify the sheriff of the county
126 which issued the certificate of qualification for a concealed carry endorsement and the
127 department of revenue. The sheriff shall suspend or revoke the certificate of qualification for
128 a concealed carry endorsement and the department of revenue shall issue a notice of such
129 suspension or revocation of the concealed carry endorsement and take action to remove the
130 concealed carry endorsement from the individual's driving record. The director of revenue shall
131 notify the licensee that he or she must apply for a new license pursuant to chapter 302, RSMo,
132 which does not contain such endorsement. A concealed carry endorsement suspension pursuant
133 to sections 571.101 to 571.121 shall be reinstated at the time of the renewal of his or her driver's
134 license. The notice issued by the department of revenue shall be mailed to the last known
135 address shown on the individual's driving record. The notice is deemed received three days after
136 mailing.

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