

SECOND REGULAR SESSION

# HOUSE BILL NO. 1206

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES GATSCHENBERGER (Sponsor), MUNZLINGER, SMITH (14), JONES (89), SCHAAF, BURLISON, FUNDERBURK, BIERMANN, ERVIN, BIVINS, FRANZ, RUESTMAN, SCHAD, WILSON (119), HUGHES, DIECKHAUS, DETHROW, DUSENBERG, SCHIEFFER, WELLS, WALLACE, SMITH (150) AND RIDDLE (Co-sponsors).

3312L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

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

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Section A. Section 571.101, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 571.101, to read as follows: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