

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

**HOUSE BILL NOS. 294, 123, 125, 113,
271 & 215**

96TH GENERAL ASSEMBLY

1118L.03P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 407.500, 407.505, 571.020, 571.030, 571.101, 571.107, and 571.117, RSMo, and to enact in lieu thereof eleven new sections relating to firearms, with penalty provisions.

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

Section A. Sections 407.500, 407.505, 571.020, 571.030, 571.101, 571.107, and
2 571.117, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as
3 sections 144.064, 571.020, 571.030, 571.063, 571.085, 571.087, 571.101, 571.107, 571.117, and
4 1 and 2, to read as follows:

**144.064. No sales tax levied under this chapter on any firearms or ammunition shall
2 be levied at a rate that is higher than the sales tax levied under this chapter or any other
3 excise tax levied on any sporting goods or equipment or any hunting equipment.**

571.020. 1. A person commits a crime if such person knowingly possesses,
2 manufactures, transports, repairs, or sells:

3 (1) An explosive weapon;

4 (2) An explosive, incendiary or poison substance or material with the purpose to possess,
5 manufacture or sell an explosive weapon;

6 (3) [A machine gun;

7 (4)] A gas gun;

8 [(5) A short barreled rifle or shotgun;

9 (6) A firearm silencer;

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.

- 10 (7)] **(4)** A switchblade knife;
- 11 [(8)] **(5)** A bullet or projectile which explodes or detonates upon impact because of an
12 independent explosive charge after having been shot from a firearm; or
- 13 (9)] **(6)** Knuckles; or
- 14 **(7) Any of the following in violation of federal law:**
- 15 **(a) A machine gun;**
- 16 **(b) A short barreled rifle or shotgun; or**
- 17 **(c) A firearm silencer.**

18 2. A person does not commit a crime pursuant to this section if his conduct **involved any**
19 **of the items in subdivisions (1) to (6) of subsection 1, the item was possessed in conformity**
20 **with any applicable federal law, and the conduct:**

21 (1) Was incident to the performance of official duty by the armed forces, national guard,
22 a governmental law enforcement agency, or a penal institution; or

23 (2) Was incident to engaging in a lawful commercial or business transaction with an
24 organization enumerated in subdivision (1) of this section; or

25 (3) Was incident to using an explosive weapon in a manner reasonably related to a lawful
26 industrial or commercial enterprise; or

27 (4) Was incident to displaying the weapon in a public museum or exhibition; or

28 (5) Was incident to [dealing with] **using** the weapon [solely as a curio, ornament, or
29 keepsake, or to using it] in a manner reasonably related to a lawful dramatic performance[; but
30 if the weapon is a type described in subdivision (1) or (4) of subsection 1 of this section it must
31 be in such a nonfunctioning condition that it cannot readily be made operable. No short barreled
32 rifle, short barreled shotgun, machine gun, or firearm silencer may be possessed, manufactured,
33 transported, repaired or sold as a curio, ornament, or keepsake, unless such person is an importer,
34 manufacturer, dealer, or collector licensed by the Secretary of the Treasury pursuant to the Gun
35 Control Act of 1968, U.S.C., Title 18, or unless such firearm is an antique firearm as defined in
36 subsection 3 of section 571.080, or unless such firearm has been designated a collectors item by
37 the Secretary of the Treasury pursuant to the U.S.C., Title 26, Section 5845(a)].

38 3. A crime pursuant to subdivision (1), (2), (3)[, (4), (5) or (6)] **or (7)** of subsection 1 of
39 this section is a class C felony; a crime pursuant to subdivision [(7), (8) or (9)] **(4), (5) or (6)** of
40 subsection 1 of this section is a class A misdemeanor.

571.030. 1. A person commits the crime of unlawful use of weapons if he or she
2 knowingly:

3 (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or
4 any other weapon readily capable of lethal use; or

5 (2) Sets a spring gun; or

6 (3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft,
7 or motor vehicle as defined in section 302.010, or any building or structure used for the
8 assembling of people; or

9 (4) Exhibits, in the presence of one or more persons, any weapon readily capable of
10 lethal use in an angry or threatening manner; or

11 (5) Has a firearm or projectile weapon readily capable of lethal use on his or her person,
12 while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon
13 in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless
14 acting in self-defense;

15 (6) Discharges a firearm within one hundred yards of any occupied schoolhouse,
16 courthouse, or church building; or

17 (7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or
18 across a public highway or discharges or shoots a firearm into any outbuilding; or

19 (8) Carries a firearm or any other weapon readily capable of lethal use into any church
20 or place where people have assembled for worship, or into any election precinct on any election
21 day, or into any building owned or occupied by any agency of the federal government, state
22 government, or political subdivision thereof; or

23 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section
24 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any
25 building or habitable structure, unless the person was lawfully acting in self-defense; or

26 (10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable
27 of lethal use into any school, onto any school bus, or onto the premises of any function or activity
28 sponsored or sanctioned by school officials or the district school board;

29 **(11) Possesses a firearm while also in possession of controlled substances that are**
30 **sufficient for a felony violation under section 195.202, unless such possession is reasonably**
31 **associated with or is necessary to the fulfillment of such person's official duties.**

32 2. Subdivisions (1), (3), (4), (6), (7), (8), (9) and (10) of subsection 1 of this section shall
33 not apply to or affect any of the following [when such uses are reasonably associated with or are
34 necessary to the fulfillment of such person's official duties]:

35 (1) All state, county and municipal peace officers who have completed the training
36 required by the police officer standards and training commission pursuant to sections 590.030
37 to 590.050 and who possess the duty and power of arrest for violation of the general criminal
38 laws of the state or for violation of ordinances of counties or municipalities of the state, whether
39 such officers are on or off duty, and whether such officers are within or outside of the law
40 enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection
41 [10] **11** of this section, and who carry the identification defined in subsection [11] **12** of this

42 section, or any person summoned by such officers to assist in making arrests or preserving the
43 peace while actually engaged in assisting such officer;

44 (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other
45 institutions for the detention of persons accused or convicted of crime;

46 (3) Members of the armed forces or national guard while performing their official duty;

47 (4) Those persons vested by article V, section 1 of the Constitution of Missouri with the
48 judicial power of the state and those persons vested by Article III of the Constitution of the
49 United States with the judicial power of the United States, the members of the federal judiciary;

50 (5) Any person whose bona fide duty is to execute process, civil or criminal;

51 (6) Any federal probation officer or federal flight deck officer as defined under the
52 federal flight deck officer program, 49 U.S.C. Section 44921 **whether such officers are on or**
53 **off duty, and whether such officers are within or outside of the law enforcement agency's**
54 **jurisdiction;**

55 (7) Any state probation or parole officer, including supervisors and members of the
56 board of probation and parole;

57 (8) Any corporate security advisor meeting the definition and fulfilling the requirements
58 of the regulations established by the board of police commissioners under section 84.340;

59 (9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner; [and]

60 (10) Any prosecuting attorney or assistant prosecuting attorney or any circuit attorney
61 or assistant circuit attorney who has completed the firearms safety training course required under
62 subsection 2 of section 571.111[.] ; **and**

63 **(11) Any member of a fire department, who is employed on a full-time basis as a**
64 **fire investigator and who has met the training requirements for a concealed carry**
65 **endorsement under section 571.111.**

66 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when
67 the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when
68 ammunition is not readily accessible or when such weapons are not readily accessible.
69 Subdivision (1) of subsection 1 of this section does not apply to any person twenty-one years of
70 age or older transporting a concealable firearm in the passenger compartment of a motor vehicle,
71 so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also
72 in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in
73 his or her dwelling unit or upon premises over which the actor has possession, authority or
74 control, or is traveling in a continuous journey peaceably through this state. Subdivision (10)
75 of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by
76 a person while traversing school premises for the purposes of transporting a student to or from

77 school, or possessed by an adult for the purposes of facilitation of a school-sanctioned
78 firearm-related event.

79 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any
80 person who has a valid concealed carry endorsement issued pursuant to sections 571.101 to
81 571.121 or a valid permit or endorsement to carry concealed firearms issued by another state or
82 political subdivision of another state.

83 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall
84 not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

85 6. Nothing in this section shall make it unlawful for a student to actually participate in
86 school-sanctioned gun safety courses, student military or ROTC courses, or other
87 school-sponsored firearm-related events, provided the student does not carry a firearm or other
88 weapon readily capable of lethal use into any school, onto any school bus, or onto the premises
89 of any other function or activity sponsored or sanctioned by school officials or the district school
90 board.

91 7. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision
92 (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or
93 subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor
94 if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of
95 subsection 1 of this section, in which case it is a class B felony, except that if the violation of
96 subdivision (9) of subsection 1 of this section results in injury or death to another person, it is
97 a class A felony.

98 8. Violations of subdivision (9) of subsection 1 of this section shall be punished as
99 follows:

100 (1) For the first violation a person shall be sentenced to the maximum authorized term
101 of imprisonment for a class B felony;

102 (2) For any violation by a prior offender as defined in section 558.016, a person shall be
103 sentenced to the maximum authorized term of imprisonment for a class B felony without the
104 possibility of parole, probation or conditional release for a term of ten years;

105 (3) For any violation by a persistent offender as defined in section 558.016, a person
106 shall be sentenced to the maximum authorized term of imprisonment for a class B felony without
107 the possibility of parole, probation, or conditional release;

108 (4) For any violation which results in injury or death to another person, a person shall
109 be sentenced to an authorized disposition for a class A felony.

110 9. Any person knowingly aiding or abetting any other person in the violation of
111 subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that
112 prescribed by this section for violations by other persons.

113 **10. Notwithstanding any other provision of law, no person who pleads guilty to or**
114 **is found guilty of a felony violation of subsection 1 of this section shall receive a suspended**
115 **imposition of sentence if such person has previously received a suspended imposition of**
116 **sentence for any other firearms or weapons related felony offense.**

117 **11.** As used in this section "qualified retired peace officer" means an individual who:

118 (1) Retired in good standing from service with a public agency as a peace officer, other
119 than for reasons of mental instability;

120 (2) Before such retirement, was authorized by law to engage in or supervise the
121 prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any
122 violation of law, and had statutory powers of arrest;

123 (3) Before such retirement, was regularly employed as a peace officer for an aggregate
124 of fifteen years or more, or retired from service with such agency, after completing any
125 applicable probationary period of such service, due to a service-connected disability, as
126 determined by such agency;

127 (4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such
128 a plan is available;

129 (5) During the most recent twelve-month period, has met, at the expense of the
130 individual, the standards for training and qualification for active peace officers to carry firearms;

131 (6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or
132 substance; and

133 (7) Is not prohibited by federal law from receiving a firearm.

134 [11.] **12.** The identification required by subdivision (1) of subsection 2 of this section
135 is:

136 (1) A photographic identification issued by the agency from which the individual retired
137 from service as a peace officer that indicates that the individual has, not less recently than one
138 year before the date the individual is carrying the concealed firearm, been tested or otherwise
139 found by the agency to meet the standards established by the agency for training and qualification
140 for active peace officers to carry a firearm of the same type as the concealed firearm; or

141 (2) A photographic identification issued by the agency from which the individual retired
142 from service as a peace officer; and

143 (3) A certification issued by the state in which the individual resides that indicates that
144 the individual has, not less recently than one year before the date the individual is carrying the
145 concealed firearm, been tested or otherwise found by the state to meet the standards established
146 by the state for training and qualification for active peace officers to carry a firearm of the same
147 type as the concealed firearm.

571.063. 1. As used in this section the following terms shall mean:

2 (1) "Ammunition", any cartridge, shell, or projectile designed for use in a firearm;

3 (2) "Licensed dealer", a person who is licensed under 18 U.S.C. Section 923 to
4 engage in the business of dealing in firearms;

5 (3) "Materially false information", any information that portrays an illegal
6 transaction as legal or a legal transaction as illegal;

7 (4) "Private seller", a person who sells or offers for sale any firearm, as defined in
8 section 571.010, or ammunition.

9 2. A person commits the crime of fraudulent purchase of a firearm if such person:

10 (1) Knowingly solicits, persuades, encourages or entices a licensed dealer or private
11 seller of firearms or ammunition to transfer a firearm or ammunition under circumstances
12 which the person knows would violate the laws of this state or the United States; or

13 (2) Provides to a licensed dealer or private seller of firearms or ammunition what
14 the person knows to be materially false information with intent to deceive the dealer or
15 seller about the legality of a transfer of a firearm or ammunition; or

16 (3) Willfully procures another to violate the provisions of subdivision (1) or (2) of
17 this subsection.

18 3. Fraudulent purchase of a firearm is a class D felony.

571.085. Residents of the state of Missouri may purchase firearms in any state,
2 provided that such residents conform to the applicable provisions of the Federal Gun
3 Control Act of 1968, and regulations thereunder, as administered by the United States
4 Secretary of the Treasury, and provided further that such residents conform to the
5 provisions of law applicable to such purchase in the state of Missouri and in the state in
6 which the purchase is made.

571.087. Residents of any state may purchase firearms in the state of Missouri,
2 provided that such residents conform to the applicable provisions of the Federal Gun
3 Control Act of 1968, and regulations thereunder, as administered by the United States
4 Secretary of the Treasury, and provided further that such residents conform to the
5 provisions of law applicable to such purchase in the state of Missouri and in the state in
6 which such persons reside.

 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, 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] **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, or a similar institution located in another state, except that
81 a person whose release or discharge from a facility in this state pursuant to chapter 632, or a
82 similar discharge from a facility in another state, occurred more than five years ago without
83 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.

128

129 The applicant shall further be informed in writing of the right to appeal the denial pursuant to
130 subsections 2, 3, 4, and 5 of section 571.114. After two additional reviews and denials by the
131 sheriff, the person submitting the application shall appeal the denial pursuant to subsections 2,
132 3, 4, and 5 of section 571.114.

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

149 the director of revenue on or after July 1, 2004, unless such certificate of qualification has been
150 suspended or revoked for cause.

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

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

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

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

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

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), (4),
29 and (10) of subsection 2 of section 571.030, or such other persons who serve in a law
30 enforcement capacity for a court as may be specified by supreme court rule pursuant to
31 subdivision (6) of this subsection from carrying a concealed firearm within any of the areas
32 described in this subdivision. Possession of a firearm in a vehicle on the premises of any of the
33 areas listed in this subdivision shall not be a criminal offense so long as the firearm is not
34 removed from the vehicle 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 **Nothing in this subdivision shall preclude a member of the general assembly, a full-time**
42 **employee of the general assembly employed under section 17, article III, Constitution of**
43 **Missouri, legislative employees of the general assembly as determined under section 21.155,**
44 **or statewide elected officials and their employees, holding a valid concealed carry**
45 **endorsement, from carrying a concealed firearm in the state capitol building or at a**

46 **meeting whether of the full body of a house of the general assembly or a committee thereof,**
47 **that is held in the state capitol building;**

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

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

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

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

77 (10) Any higher education institution or elementary or secondary school facility without
78 the consent of the governing body of the higher education institution or a school official or the
79 district school board. Possession of a firearm in a vehicle on the premises of any higher
80 education institution or elementary or secondary school facility shall not be a criminal offense

81 so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the
82 premises;

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

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

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

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

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

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

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

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

571.117. 1. Any person who has knowledge that another person, who was issued a
2 certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to
3 571.121, never was or no longer is eligible for such endorsement under the criteria established
4 in sections 571.101 to 571.121 may file a petition with the clerk of the small claims court to
5 revoke that person's certificate of qualification for a concealed carry endorsement and such
6 person's concealed carry endorsement. The petition shall be in a form substantially similar to the
7 petition for revocation of concealed carry endorsement provided in this section. Appeal forms
8 shall be provided by the clerk of the small claims court free of charge to any person:

9

SMALL CLAIMS COURT

10 In the Circuit Court of, Missouri, PLAINTIFF

11)

12)

13 vs.) Case Number

14)

15)

16, DEFENDANT, Carry Endorsement Holder

17, DEFENDANT, Sheriff of Issuance

18 PETITION FOR REVOCATION

19 OF CERTIFICATE OF QUALIFICATION

20 OR CONCEALED CARRY ENDORSEMENT

21 Plaintiff states to the court that the defendant,, has a certificate of
22 qualification or a concealed carry endorsement issued pursuant to sections 571.101 to 571.121,
23 RSMo, and that the defendant's certificate of qualification or concealed carry endorsement
24 should now be revoked because the defendant either never was or no longer is eligible for such
25 a certificate or endorsement pursuant to the provisions of sections 571.101 to 571.121, RSMo,
26 specifically plaintiff states that defendant,, never was or no longer is eligible for such
27 certificate or endorsement for one or more of the following reasons:

28 (CHECK BELOW EACH REASON

29 THAT APPLIES TO THIS DEFENDANT)

30 G Defendant is not at least [twenty-three] **twenty-one** years of age.

31 G Defendant is not a citizen of the United States.

32 G Defendant had not resided in this state [for at least six months] prior to issuance of the
33 permit and does not qualify as a military member or spouse of a military member
34 stationed in Missouri.

35 G Defendant has pled guilty to or been convicted of a crime punishable by imprisonment
36 for a term exceeding one year under the laws of any state or of the United States other
37 than a crime classified as a misdemeanor under the laws of any state and punishable by
38 a term of imprisonment of one year or less that does not involve an explosive weapon,
39 firearm, firearm silencer, or gas gun.

40 G Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere
41 to one or more misdemeanor offenses involving crimes of violence within a five-year
42 period immediately preceding application for a certificate of qualification or concealed
43 carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo, or if the
44 applicant has been convicted of two or more misdemeanor offenses involving driving
45 while under the influence of intoxicating liquor or drugs or the possession or abuse of a

46 controlled substance within a five-year period immediately preceding application for a
47 certificate of qualification or a concealed carry endorsement issued pursuant to sections
48 571.101 to 571.121, RSMo.

49 G Defendant is a fugitive from justice or currently charged in an information or
50 indictment with the commission of a crime punishable by imprisonment for a term
51 exceeding one year under the laws of any state of the United States other than a crime
52 classified as a misdemeanor under the laws of any state and punishable by a term of
53 imprisonment of one year or less that does not involve an explosive weapon, firearm,
54 firearm silencer, or gas gun.

55 G Defendant has been discharged under dishonorable conditions from the United States
56 armed forces.

57 G Defendant is reasonably believed by the sheriff to be a danger to self or others based
58 on previous, documented pattern.

59 G Defendant is adjudged mentally incompetent at the time of application or for five years
60 prior to application, or has been committed to a mental health facility, as defined in
61 section 632.005, RSMo, or a similar institution located in another state, except that a
62 person whose release or discharge from a facility in this state pursuant to chapter 632,
63 RSMo, or a similar discharge from a facility in another state, occurred more than five
64 years ago without subsequent recommitment may apply.

65 G Defendant failed to submit a completed application for a certificate of qualification or
66 concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo.

67 G Defendant failed to submit to or failed to clear the required background check.

68 G Defendant failed to submit an affidavit attesting that the applicant complies with the
69 concealed carry safety training requirement pursuant to subsection 1 of section 571.111,
70 RSMo.

71

72 The plaintiff subject to penalty for perjury states that the information contained in this petition
73 is true and correct to the best of the plaintiff's knowledge, is reasonably based upon the
74 petitioner's personal knowledge and is not primarily intended to harass the defendant/respondent
75 named herein.

76, PLAINTIFF

77 2. If at the hearing the plaintiff shows that the defendant was not eligible for the
78 certificate of qualification or the concealed carry endorsement issued pursuant to sections
79 571.101 to 571.121, at the time of issuance or renewal or is no longer eligible for a certificate
80 of qualification or the concealed carry endorsement issued pursuant to the provisions of sections
81 571.101 to 571.121, the court shall issue an appropriate order to cause the revocation of the

82 certificate of qualification or concealed carry endorsement. Costs shall not be assessed against
83 the sheriff.

84 3. The finder of fact, in any action brought against an endorsement holder pursuant to
85 subsection 1 of this section, shall make findings of fact and the court shall make conclusions of
86 law addressing the issues at dispute.

87 If it is determined that the plaintiff in such an action acted without justification or with malice
88 or primarily with an intent to harass the endorsement holder or that there was no reasonable basis
89 to bring the action, the court shall order the plaintiff to pay the defendant/respondent all
90 reasonable costs incurred in defending the action including, but not limited to, attorney's fees,
91 deposition costs, and lost wages. Once the court determines that the plaintiff is liable to the
92 defendant/respondent for costs and fees, the extent and type of fees and costs to be awarded
93 should be liberally calculated in defendant/respondent's favor. Notwithstanding any other
94 provision of law, reasonable attorney's fees shall be presumed to be at least one hundred fifty
95 dollars per hour.

96 4. Any person aggrieved by any final judgment rendered by a small claims court in a
97 petition for revocation of a certificate of qualification or concealed carry endorsement may have
98 a right to trial de novo as provided in sections 512.180 to 512.320.

99 5. The office of the county sheriff or any employee or agent of the county sheriff shall
100 not be liable for damages in any civil action arising from alleged wrongful or improper granting,
101 renewing, or failure to revoke a certificate of qualification or a concealed carry endorsement
102 issued pursuant to sections 571.101 to 571.121, so long as the sheriff acted in good faith.

**Section 1. No political subdivision shall enact or enforce any order or ordinance
2 that prohibits the use of pneumatic guns at facilities approved for shooting ranges, on other
3 property where firearms may be discharged, or on or within private property with
4 permission of the owner or legal possessor thereof when conducted with reasonable care
5 to prevent a projectile from crossing the bounds of the property.**

**Section 2. The attorney general of the state of Missouri may establish a public
2 website that publishes the names of municipalities and counties who do not allow the open
3 carry of firearms. Such municipalities and counties, may forward their ordinances to the
4 attorney general on their own volition.**

2 [407.500. Residents of the state of Missouri may purchase rifles and
3 shotguns in a state contiguous to the state of Missouri, provided that such
4 residents conform to the applicable provisions of the Federal Gun Control Act of
5 1968, and regulations thereunder, as administered by the United States Secretary
6 of the Treasury, and provided further that such residents conform to the
7 provisions of law applicable to such purchase in the state of Missouri and in the
contiguous state in which the purchase is made.]

2 [407.505. Residents of a state contiguous to the state of Missouri may
3 purchase rifles and shotguns in the state of Missouri, provided that such residents
4 conform to the applicable provisions of the Federal Gun Control Act of 1968, and
5 regulations thereunder, as administered by the United States Secretary of the
6 Treasury, and provided further that such residents conform to the provisions of
7 law applicable to such purchase in the state of Missouri and in the state in which
such persons reside.]

T