

SECOND REGULAR SESSION

# HOUSE BILL NO. 1747

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES WELLS (Sponsor), DUGGER, ENTLICHER, FISHER, POLLOCK, NOLTE, SMITH (150), SCHATZ, SCHOELLER, LOEHNER, KELLEY (126), MOLENDORP, RUZICKA, TORPEY, GUERNSEY, DIEHL, HAEFNER, DAVIS, WHITE, LANT, SOMMER, LICHTENEGGER, ZERR, McCAHERTY, BRANDOM, ROWLAND, PARKINSON, NANCE, WETER, JOHNSON, CAUTHORN, KORMAN, LEARA, McNARY, SCHIEBER, HODGES, SCHAD, COOKSON, SCHARNHORST, BRATTIN, KOENIG, JONES (117), LONG, CONWAY (14), SCHNEIDER, PHILLIPS, MEADOWS, FUNDERBURK, HINSON, FRAKER, KEENEY, KLIPPENSTEIN, SATER, CRAWFORD, SWINGER, FALLERT, SCHIEFFER, TILLEY, McGHEE, BROWN (116), GATSCHENBERGER, HOUGH, BLACK, WEBBER, CROSS, WRIGHT, JONES (89), BERNSKOETTER, COX AND THOMSON (Co-sponsors).

5867H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 571.020, 571.101, and 571.111, RSMo, and to enact in lieu thereof three new sections relating to weapons, with penalty provisions in existing language.

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

Section A. Sections 571.020, 571.101, and 571.111, RSMo, are repealed and three new  
2 sections enacted in lieu thereof, to be known as sections 571.020, 571.101, and 571.111, to read  
3 as follows:

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 gas gun;

7 (4) A switchblade knife;

8 (5) A bullet or projectile which explodes or detonates upon impact because of an  
9 independent explosive charge after having been shot from a firearm; or

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 (6) Knuckles; or

11 (7) Any of the following in violation of federal law:

12 (a) A machine gun;

13 (b) A short-barreled rifle or shotgun; or

14 (c) A firearm silencer.

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

18 (1) [Was incident to the performance of] **Performing an** official duty by the armed  
19 forces, national guard, a governmental law enforcement agency, or a penal institution; or

20 (2) [Was incident to] Engaging in a lawful commercial or business transaction with an  
21 organization enumerated in subdivision (1) of this section; or

22 (3) [Was incident to] Using an explosive weapon in a manner reasonably related to a  
23 lawful industrial or commercial enterprise; or

24 (4) [Was incident to] Displaying the weapon in a public museum or exhibition; or

25 (5) [Was incident to] Using the weapon in a manner reasonably related to a lawful  
26 dramatic performance; **or**

27 **(6) Dealing with the weapon solely as a curio, ornament, or keepsake.**

28 3. A crime pursuant to subdivision (1), (2), (3) or (7) of subsection 1 of this section is  
29 a class C felony; a crime pursuant to subdivision (4), (5) or (6) of subsection 1 of this section is  
30 a class A misdemeanor.

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, cancelled, 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-one years of age, is a citizen of the United States and either:

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

- 52 (1) The applicant's name, address, telephone number, gender, and date and place of birth;
- 53 (2) An affirmation that the applicant has assumed residency in Missouri or is a member
- 54 of the armed forces stationed in Missouri or the spouse of such a member of the armed forces
- 55 and is a citizen of the United States;
- 56 (3) An affirmation that the applicant is at least twenty-one years of age;
- 57 (4) An affirmation that the applicant has not pled guilty to or been convicted of a crime
- 58 punishable by imprisonment for a term exceeding one year under the laws of any state or of the
- 59 United States other than a crime classified as a misdemeanor under the laws of any state and
- 60 punishable by a term of imprisonment of one year or less that does not involve an explosive
- 61 weapon, firearm, firearm silencer, or gas gun;
- 62 (5) An affirmation that the applicant has not been convicted of, pled guilty to, or entered
- 63 a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence
- 64 within a five-year period immediately preceding application for a certificate of qualification to
- 65 obtain a concealed carry endorsement or if the applicant has not been convicted of two or more
- 66 misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs
- 67 or the possession or abuse of a controlled substance within a five-year period immediately
- 68 preceding application for a certificate of qualification to obtain a concealed carry endorsement;
- 69 (6) An affirmation that the applicant is not a fugitive from justice or currently charged
- 70 in an information or indictment with the commission of a crime punishable by imprisonment for
- 71 a term exceeding one year under the laws of any state or of the United States other than a crime
- 72 classified as a misdemeanor under the laws of any state and punishable by a term of
- 73 imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm
- 74 silencer or gas gun;
- 75 (7) An affirmation that the applicant has not been discharged under dishonorable
- 76 conditions from the United States armed forces;
- 77 (8) An affirmation that the applicant is not adjudged mentally incompetent at the time
- 78 of application or for five years prior to application, or has not been committed to a mental health
- 79 facility, as defined in section 632.005, or a similar institution located in another state, except that
- 80 a person whose release or discharge from a facility in this state pursuant to chapter 632, or a
- 81 similar discharge from a facility in another state, occurred more than five years ago without
- 82 subsequent recommitment may apply;
- 83 (9) An affirmation that the applicant has received firearms safety training that meets the
- 84 standards of applicant firearms safety training defined in subsection 1 or 2 of section 571.111;
- 85 (10) An affirmation that the applicant, to the applicant's best knowledge and belief, is
- 86 not the respondent of a valid full order of protection which is still in effect; and

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

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

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

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

100 5. Before an application for a certificate of qualification for a concealed carry  
101 endorsement is approved, the sheriff shall [make only such inquiries as he or she deems  
102 necessary into the] **only make inquiries necessary to determine the** accuracy of the statements  
103 made in the application. The sheriff may require that the applicant display a Missouri driver's  
104 license or nondriver's license or military identification and orders showing the person being  
105 stationed in Missouri. In order to determine the applicant's suitability for a certificate of  
106 qualification for a concealed carry endorsement, the applicant shall be fingerprinted. The sheriff  
107 shall request a criminal background check through the appropriate law enforcement agency  
108 within three working days after submission of the properly completed application for a certificate  
109 of qualification for a concealed carry endorsement. If no disqualifying record is identified by the  
110 fingerprint check at the state level, the fingerprints shall be forwarded to the Federal Bureau of  
111 Investigation for a national criminal history record check. Upon receipt of the completed  
112 background check, the sheriff shall issue a certificate of qualification for a concealed carry  
113 endorsement within three working days. The sheriff shall issue the certificate within forty-five  
114 calendar days if the criminal background check has not been received, provided that the sheriff  
115 shall revoke any such certificate and endorsement within twenty-four hours of receipt of any  
116 background check that results in a disqualifying record, and shall notify the department of  
117 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, the director of revenue shall issue a  
138 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. Notwithstanding any other provision of chapter 302, a nondriver's  
142 license with a concealed carry endorsement shall expire ~~[three]~~ **six** years from the date the  
143 certificate of qualification was issued pursuant to this section. The requirements for the director  
144 of revenue to issue a concealed carry endorsement pursuant to this subsection shall not be  
145 effective until July 1, 2004, and the certificate of qualification issued by a county sheriff pursuant  
146 to subsection 1 of this section shall allow the person issued such certificate to carry a concealed  
147 weapon pursuant to the requirements of subsection 1 of section 571.107 in lieu of the concealed  
148 carry endorsement issued by the director of revenue from October 11, 2003, until the concealed  
149 carry endorsement is issued by the director of revenue on or after July 1, 2004, unless such  
150 certificate of qualification has been 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] **sixty-five** dollars which shall be paid to the  
165 treasury of the 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] **thirty-two** dollars which shall be paid to the treasury of  
169 the county to 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.

571.111. 1. An applicant for a concealed carry endorsement shall demonstrate  
2 knowledge of firearms safety training. This requirement shall be fully satisfied if the applicant  
3 for a concealed carry endorsement:

4 (1) Submits a photocopy of a certificate of firearms safety training course completion,  
5 as defined in subsection 2 of this section, signed by a qualified firearms safety instructor as  
6 defined in subsection 5 of this section; or

7 (2) Submits a photocopy of a certificate that shows the applicant completed a firearms  
8 safety course given by or under the supervision of any state, county, municipal, or federal law  
9 enforcement agency; or

10 (3) Is a qualified firearms safety instructor as defined in subsection 5 of this section; or

11 (4) Submits proof that the applicant currently holds any type of valid peace officer  
12 license issued under the requirements of chapter 590; or

13 (5) Submits proof that the applicant is currently allowed to carry firearms in accordance  
14 with the certification requirements of section 217.710; or

15 (6) Submits proof that the applicant is currently certified as any class of corrections  
16 officer by the Missouri department of corrections and has passed at least one eight-hour firearms  
17 training course, approved by the director of the Missouri department of corrections under the  
18 authority granted to him or her by section 217.105, that includes instruction on the justifiable use  
19 of force as prescribed in chapter 563; or

20           **(7) Submits a photocopy of a certificate of firearms safety training course**  
21 **completion that was issued on August 27, 2011, or earlier so long as the certificate met the**  
22 **requirements of subsection 2 of this section that were in effect on the date it was issued.**

23           2. A certificate of firearms safety training course completion may be issued to any  
24 applicant by any qualified firearms safety instructor. On the certificate of course completion the  
25 qualified firearms safety instructor shall affirm that the individual receiving instruction has taken  
26 and passed a firearms safety course of at least eight hours in length taught by the instructor that  
27 included:

28           (1) Handgun safety in the classroom, at home, on the firing range and while carrying the  
29 firearm;

30           (2) A physical demonstration performed by the applicant that demonstrated his or her  
31 ability to safely load and unload a revolver and a semiautomatic pistol and demonstrated his or  
32 her marksmanship with both;

33           (3) The basic principles of marksmanship;

34           (4) Care and cleaning of concealable firearms;

35           (5) Safe storage of firearms at home;

36           (6) The requirements of this state for obtaining a certificate of qualification for a  
37 concealed carry endorsement from the sheriff of the individual's county of residence and a  
38 concealed carry endorsement issued by the department of revenue;

39           (7) The laws relating to firearms as prescribed in this chapter;

40           (8) The laws relating to the justifiable use of force as prescribed in chapter 563;

41           (9) A live firing exercise of sufficient duration for each applicant to fire both a revolver  
42 and a semiautomatic pistol, from a standing position or its equivalent, a minimum of fifty rounds  
43 from each handgun at a distance of seven yards from a B-27 silhouette target or an equivalent  
44 target;

45           (10) A live fire test administered to the applicant while the instructor was present of  
46 twenty rounds from each handgun from a standing position or its equivalent at a distance from  
47 a B-27 silhouette target, or an equivalent target, of seven yards.

48           3. A qualified firearms safety instructor shall not give a grade of passing to an applicant  
49 for a concealed carry endorsement who:

50           (1) Does not follow the orders of the qualified firearms instructor or cognizant range  
51 officer; or

52           (2) Handles a firearm in a manner that, in the judgment of the qualified firearm safety  
53 instructor, poses a danger to the applicant or to others; or

54           (3) During the live fire testing portion of the course fails to hit the silhouette portion of  
55 the targets with at least fifteen rounds, with both handguns.



56 4. Qualified firearms safety instructors who provide firearms safety instruction to any  
57 person who applies for a concealed carry endorsement shall:

58 (1) Make the applicant's course records available upon request to the sheriff of the  
59 county in which the applicant resides;

60 (2) Maintain all course records on students for a period of no less than four years from  
61 course completion date; and

62 (3) Not have more than forty students in the classroom portion of the course or more than  
63 five students per range officer engaged in range firing.

64 5. A firearms safety instructor shall be considered to be a qualified firearms safety  
65 instructor by any sheriff issuing a certificate of qualification for a concealed carry endorsement  
66 pursuant to sections 571.101 to 571.121 if the instructor:

67 (1) Is a valid firearms safety instructor certified by the National Rifle Association  
68 holding a rating as a personal protection instructor or pistol marksmanship instructor; or

69 (2) Submits a photocopy of a certificate from a firearms safety instructor's course offered  
70 by a local, state, or federal governmental agency; or

71 (3) Submits a photocopy of a certificate from a firearms safety instructor course  
72 approved by the department of public safety; or

73 (4) Has successfully completed a firearms safety instructor course given by or under the  
74 supervision of any state, county, municipal, or federal law enforcement agency; or

75 (5) Is a certified police officer firearms safety instructor.

76 6. Any firearms safety instructor who knowingly provides any sheriff with any false  
77 information concerning an applicant's performance on any portion of the required training and  
78 qualification shall be guilty of a class C misdemeanor.

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