

HCS SB 75 -- FIREARMS

SPONSOR: Brown (Burlison)

COMMITTEE ACTION: Voted "Do Pass" by the Committee on General Laws by a vote of 13 to 0.

This substitute changes the laws regarding firearms, state agencies, sheriffs, public school safety, knives, and concealed carry permits.

STATE AGENCIES

The substitute:

(1) Allows the Director of the Department of Revenue to require motor vehicle and watercraft licensing and registration applications and manufactured home title applications received by the department to include the applicant's unique identification number, which must be treated as personal, non-public information. A "unique identification number" is the applicant's driver's license, non-driver's license, or social security number (Section 32.090, RSMo);

(2) Specifies that the department must indemnify and hold harmless any fee office for any liabilities imposed in connection with or arising out of any action, suit, or proceeding if the fee office was acting in the course of its official duties and pursuant to state law or department regulation or rules (Section 136.055);

(3) Prohibits the Department of Revenue from retaining copies, in any format, of source documents presented by individuals applying for or holding a driver's or nondriver's license and from using technology to capture digital images of source documents. The department cannot require the scanning of source documents for the issuance of a concealed carry endorsement and must securely destroy any source documents that were obtained after August 28, 2012. The department must create an in-house process for printing concealed carry endorsements. Any person harmed or damaged by a violation of this provision may bring a civil action for damages and injunctive relief against the department and any person participating in the violation. Sovereign immunity will not be available as a defense for the department in the civil action (Section 302.065); and

(4) Prohibits any state agency or department, or contractor or agent working for the state, from constructing, enabling by providing or sharing records to, maintaining, participating in, developing, or cooperating with or enabling the federal government in developing a database or record of the number or type of

firearms, ammunition, or firearms accessories that an individual possesses (Section 571.500).

SHERIFFS

The substitute:

(1) Specifies that no person will be eligible for the office of sheriff unless he or she holds a valid peace officer license under Chapter 590. The substitute requires any person filing for the office to have the license at the time of filing. This provision does not apply to the sheriffs of St. Louis County or St. Louis City (Section 57.010);

(2) Allows the sheriff of any county, regardless of classification, to employ an attorney to aid and advise in the discharge of his or her duties and to represent him or her in court (Section 57.104);

(3) Requires moneys collected by a sheriff for serving any summons, writ, or other order of the court in connection with any civil case to be used to, first, supplement the sheriff's salary and benefits to an amount up to the annual salary of an associate circuit judge, and then any remaining money is to be used for the procurement of services and equipment to support the operation of the sheriff's office (Section 57.280);

(4) Requires the circuit clerk in each county to report to the Office of State Courts Administrator the name of a person certified by the sheriff as being delinquent in the payment of money owed for a period of imprisonment in a county jail. If the person satisfies his or her debt or begins making regular payments to the sheriff, the sheriff must notify the clerk that the person is no longer considered delinquent (Section 221.070); and

(5) Allows the sheriff to establish and operate a canteen or commissary in the county jail for the use and benefit of the prisoners. The revenues received from the canteen or commissary are to be kept in a separate account and must be used to acquire the goods sold and other minimum expenses of operation, with any excess moneys remaining to be deposited into the Inmate Prisoner Detainee Security Fund (Section 221.102).

PUBLIC SCHOOL SAFETY

The substitute:

(1) Establishes the Active Shooter and Intruder Response Training for Schools Program (ASIRT). By July 1, 2014, each school district

and charter school may train teachers and school employees on how to respond to students with information about a threatening situation and how to address a potentially dangerous or armed intruder or active shooter in the school or on school property. Training may be conducted on an annual basis. Initial training may be eight hours in length, and continuing training may be four hours in length. All school personnel must annually participate in a simulated active shooter and intruder response drill conducted by law enforcement professionals, as specified in the bill. Program instructors must be certified by the Department of Public Safety's Peace Officers Standards Training Commission (Section 170.315); and

(2) Allows each school district and charter school to annually teach the Eddie Eagle Gunsafe Program or another substantially similar or successor program of the same qualifications to first grade students. The purpose of the program will be to promote the safety and protection of children and emphasize how a student should respond if he or she encounters a firearm. School personnel and program instructors must not make value judgments about firearms, and firearms are prohibited from use when teaching the program. Students with disabilities will participate to the extent appropriate (Section 171.410).

KNIVES

The substitute revises the definition of "knife" as it relates to weapon offenses to include a switchblade knife or any knife used for hunting or fishing, whether fixed blade or folding in nature (Section 571.010).

CONCEALED CARRY PERMITS

The substitute:

(1) Creates a concealed carry permit to replace the current concealed carry endorsement and specifies that a concealed carry endorsement issued prior to August 28, 2013, will be valid for a period of three years from the date of issuance or renewal (Sections 571.037 - 571.111);

(2) Requires a concealed carry permit to be issued by the sheriff if the applicant has not pled guilty to or entered a plea of nolo contendere or been convicted of a crime punishable by imprisonment for a term exceeding one year, other than a crime classified as a misdemeanor and punishable by a term of imprisonment of two years or less that does not involve a weapon (Section 571.037.2);

(3) Specifies that if a concealed carry permit applicant is not a United States citizen, the applicant's country of citizenship and

any alien or admission number issued by the federal government must be included with the application (Section 571.037.2);

(4) Requires a government-issued photo identification to be included with the concealed carry permit application. The photograph must not be included on the permit and must only be used to verify the person's identity (Section 571.037.3);

(5) Specifies that the sheriff must, in determining an applicant's suitability for a concealed carry permit, fingerprint an applicant and request a criminal background check that includes an inquiry of the National Instant Criminal Background Check System (Section 571.037.5);

(6) Prohibits the sheriff from requesting any other biometric data from the applicant than is specified in the substitute (Section 571.037.5);

(7) Specifies that if the background check is not completed within 45 days and no disqualifying information concerning the applicant is known to the sheriff, the sheriff must issue a provisional certificate of qualification that permits the applicant, when carried with a valid Missouri driver's or nondriver's license or military identification, to exercise the same rights as any other concealed carry permit holder. The provisional certificate of qualification will remain valid until the sheriff issues or denies the certificate of qualification. The sheriff must revoke a provisional certificate within 24 hours of receipt of any background check that identifies a disqualifying record and must notify the Department of Revenue (Section 571.037.5);

(8) Specifies the information that must be included and the style of a concealed carry permit (Section 571.037.8);

(9) Requires the sheriff to keep a record of all applications for a permit or provisional certificate. Any record of an application that is incomplete or denied must be kept for a period of one year after the expiration or non-renewal of the permit (Section 571.037.9);

(10) Prohibits, beginning August 28, 2013, the Department of Revenue from keeping any record of an application for a concealed carry permit and requires the department to destroy any records and files in its possession by February 1, 2014 (Section 571.037.9);

(11) Requires the Department of Revenue to give any information collected prior to August 28, 2103, to the sheriff of the county in which an applicant resides. An applicant's status as a holder of a concealed carry permit, provisional certificate of qualification,

or a concealed carry endorsement issued prior to August 28, 2103, cannot be public information, and any retained information cannot be batch processed for query and can only be made available for a single entry query in the event the applicant is a subject of interest in an active criminal investigation or is arrested for a crime (Section 571.037.9);

(12) Prohibits bulk download or batch data from being preformed or distributed to any federal, state, or private entity. Any state agency that has retained any documents or records prior to August 28, 2013, must destroy the documents or records upon successful issuance of a permit (Section 571.037.9 - 571.037.10);

(13) Specifies that when a concealed carry permit or endorsement holder is evaluated for an emergency 96 hour commitment, he or she must surrender his or her concealed carry permit and, if applicable, the driver's or nondriver's license containing a concealed carry endorsement to the court, officer, or other official (Section 571.104.1);

(14) Specifies that a sheriff must conduct a name-based background check, including an inquiry of the National Instant Criminal Background Check System, upon receiving a request for renewal from a current permit holder. The proceeds for renewing a concealed carry endorsement issued prior to August 28, 2013, will be the same as the process for renewing a permit, except, in lieu of the fingerprint requirement and the firearms safety training, the applicant needs to only display his or her current driver's or nondriver's license containing an endorsement (Section 507.014.2);

(15) Requires the sheriff, after a permit or certificate of qualification for an endorsement prior to August 28, 2013, has been expired for six months, to notify the Missouri Uniform Law Enforcement System (MULES) and the individual that the permit is expired and canceled. If the person has an endorsement issued prior to August 28, 2013, the sheriff must notify the Department of Revenue regardless of whether the endorsement holder has applied for a concealed carry permit (Section 507.104.3);

(16) Requires any person issued a concealed carry permit or an endorsement prior to August 28, 2013, to notify the sheriffs of the old and new jurisdiction of a change of residence within 30 days. The sheriff must charge a processing fee of \$10 for a change of address or for replacing a lost or destroyed permit. The sheriff must report the change in residence or a change in name to MULES. If the person has an endorsement issued prior to August 28, 2013, he or she must also furnish proof of the residence change to the Department of Revenue (Sections 571.104.4 - 571.104.6);

(17) Allows a firearms safety instructor to submit a notarized National Rifle Association training instructor certificate, course outline, and recent photograph to the sheriff. Each sheriff must collect an annual registration fee of \$10 from each qualified instructor who chooses to submit the information and must retain a database of qualified instructors. Any instructor who knowingly provides a sheriff with false information concerning an applicant's performance on any portion of the required training and qualification is guilty of class C misdemeanor and will be prohibited from instructing concealed carry permit classes and issuing certificates (Section 571.111);

(18) Creates the Conceal Carry Permit Fund. The Director of the Department of Public Safety must distribute at least 50%, but not more than 100%, of the moneys in the fund annually in the form of grants approved by the Missouri Sheriff Methamphetamine Relief Taskforce (MoSMART). Grant funds will be spent, first, to ensure that county law enforcement agencies have the ability to comply with the issuance of conceal carry endorsements, including, but not limited to, equipment, records management hardware and software, personnel, supplies, and other services (Section 650.350); and

(19) Repeals the provisions regarding the issuance of nondriver's licenses with conceal carry endorsements (Section 571.102).

PROPOSERS: Supporters say that the bill allows schools to train teachers for active shooter response situations. This training is crucial because how a teacher responds makes a big difference. The trainers and instructors for this new training must be certified. The bill also allows first graders to receive a firearm safety training course that has been proven to provide age-appropriate information on how a child should respond if he or she comes into contact with a firearm.

Testifying for the bill were Senator Brown; National Rifle Association-Institute for Legislative Action; Mick Covington, Missouri Sheriffs Association; and Missourians for Personal Safety.

OPPOSERS: There was no opposition voiced to the committee.