

HCS SB 75 -- PUBLIC SAFETY

This bill changes the laws regarding public safety.

SHERIFFS (Sections 57.010, 57.104, 221.070, and 221.102, RSMo)

The bill:

(1) Specifies that a person will not be eligible for the office of sheriff unless he or she holds a valid peace officer license under Chapter 590. The bill requires any person filing for the office to have the license at the time of filing. This provision does not apply to the sheriff of St. Louis County or the City of St. Louis;

(2) Requires, beginning January 1, 2014, every sheriff to maintain, house, and issue concealed carry permits;

(3) Allows the sheriff of any county, except a county of the first classification with a charter form of government, to employ an attorney to aid and advise in the discharge of his or her duties and to represent him or her in court;

(4) Requires the circuit clerk in each county to report specified information to the Office of State Courts Administrator regarding 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 who must notify the office that the person is no longer considered delinquent; and

(5) Allows a sheriff to establish and operate a canteen or commissary in the county jail for the use and benefit of the inmates, prisoners, and detainees. 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.

PUBLIC SCHOOL SAFETY (Sections 170.315 and 171.410)

The bill:

(1) Establishes the Active Shooter and Intruder Response Training for Schools Program (ASIRT). By July 1, 2014, each school district and charter school may include in its teacher and school employee training a component on how to properly respond to students who provide them 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. The training may be conducted on an annual basis. Initial training may be eight hours in length, and continuing training may be four hours. All school personnel must participate in a simulated active shooter and intruder response drill conducted by law enforcement professionals as specified in the bill. All program instructors must be certified by the Department of Public Safety's Peace Officers Standards Training Commission; 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. A school cannot include or use a firearm or demonstrate the use of a firearm when teaching the program. A student with disabilities will participate to the extent appropriate.

#### FIREARMS OWNERSHIP RECORDS (Sections 571.011 and 571.500)

The bill specifies that any records of ownership or applications for ownership of a firearm or an endorsement that allows a person to own, acquire, possess, or carry a firearm must not be open records under the Open Meetings and Records Law, commonly known as the Sunshine Law, and must not be open for inspection or its contents disclosed except by order of the court to persons having a legitimate interest. A person who violates this provision is guilty of a class A misdemeanor.

A state agency or department or contractor or agent working for the state is prohibited from constructing, maintaining, participating in, developing, enabling by providing or sharing records to, or cooperating 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.

#### CONCEALED CARRY PERMITS (Sections 571.037 - 571.121 and 650.350)

The bill:

(1) Creates a concealed carry permit that will be valid for five years to replace the current concealed carry endorsement on a driver's or nondriver's license and specifies that a concealed carry endorsement issued prior to August 28, 2013, will continue to be valid for a period of three years from the date of issuance or renewal;

(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;

(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 Bureau of Customs and Immigration Enforcement must be included with the application;

(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 for permit renewal or for the issuance of a new permit due to a change of address or for a lost or destroyed permit;

(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;

(6) Prohibits the sheriff from requesting any other biometric data from the applicant other than fingerprints;

(7) Specifies that if the background checks are not completed within 45 days and no disqualifying information concerning the applicant is known to the sheriff, the sheriff must issue a provisional permit that allows 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 permit will remain valid until the sheriff issues or denies the certificate of qualification. The sheriff must revoke a provisional permit within 24 hours of receipt of any background check that identifies a disqualifying record and must notify the Missouri Uniform Law Enforcement System (MULES);

(8) Specifies the information that must be included and the style of a concealed carry permit. The permit must be assigned a MULES county code and must be stored in sequential number;

(9) Requires the sheriff to keep a record of all applications for a permit or provisional permit. Any record of an application that is incomplete or denied must be kept for a period of not more than one year. Any record of an application that was approved must be

kept for one year after the expiration and non-renewal of the permit;

(10) Prohibits, beginning August 28, 2013, the Department of Revenue from keeping any record of an application for a concealed carry permit;

(11) Requires the department to give any information collected prior to August 28, 2013, to the members of the Missouri Sheriff Methamphetamine Relief Taskforce (MoSMART), created under Section 650.350, for the dissemination of the information to the sheriff of the county in which an applicant resides. An applicant's status as a holder of a concealed carry permit, provisional permit, or a concealed carry endorsement issued prior to August 28, 2013, 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;

(12) Prohibits a bulk download or batch data from being preformed or distributed to any federal, state, or private entity except to MoSMART. Any state agency that has retained any documents or records provided by an applicant for a concealed carry endorsement prior to August 28, 2013, must destroy the documents or records upon successful issuance of a permit;

(13) Specifies that when a valid full order of protection or any arrest warrant, discharge, or commitment for specified reasons is issued against a person holding a concealed carry permit or endorsement, he or she must, upon notification of the legal document or upon an order of a court in specified proceedings, surrender his or her concealed carry permit or, if applicable, the driver's or nondriver's license containing a concealed carry endorsement to the court, officer, or other official serving the order, warrant, discharge, or commitment. Upon dismissal, the court must return the permit or license. Upon conviction, the court must forward notice of the conviction or action and the permit to the issuing county sheriff. If an endorsement is revoked, the court must forward the notice and the license with the endorsement to the department. The department must notify the sheriff who must report the change in status to MULES;

(14) Specifies that a sheriff must complete 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 process for renewing a concealed carry endorsement issued prior to August 28, 2013, must 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;

(15) Requires the sheriff, if a permit or certificate of qualification for an endorsement issued prior to August 28, 2013, has not been renewed six months after its expiration date, to notify 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 regardless of whether the endorsement holder has applied for a concealed carry permit. The department director must immediately remove the endorsement from the person's driving record and notify the person that his or her license has expired;

(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 may charge a processing fee of \$10 for a change of address or for replacing a lost or destroyed permit or license containing an endorsement. 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;

(17) Changes the number of rounds, from a minimum of 50 to a minimum of 20, that a firearms safety course must include in the required live firing exercise;

(18) Requires the copy of the certificate from a firearms safety instructor course approved by the Department of Public Safety to be notarized. A firearms safety instructor may submit a copy of a training instructor certificate, course outline bearing the notarized signature of the instructor, and a recent photograph of himself or herself 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. The information must be a closed record except for access by any sheriff. 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;

(19) Creates the Concealed Carry Permit Fund. The Director of the Department of Public Safety must annually distribute all moneys in the fund in the form of grants approved by 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; and

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

The provisions of the bill regarding the Concealed Carry Permit Fund contain an emergency clause.