

HOUSE BILL NO. 1439

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES FUNDERBURK (Sponsor), JONES (110), SPENCER, WALKER, COX, BROWN, MCCAHERTY, FRANKLIN, SOMMER, LOVE, BAHR, PARKINSON, GATSCHENBERGER, SCHARNHORST, ROWLAND, GOSEN, HINSON, WILSON, MESSENGER, KELLEY (127), BRATTIN, KOLKMEYER, HIGDON, POGUE, DAVIS, FLANIGAN, PIKE, DUGGER, CURTMAN, KORMAN, HANSEN, HOUGHTON, WIELAND AND BLACK (Co-sponsors).

5129L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 1.320, 21.750, 571.030, 571.070, 571.101, 571.107, 571.117, and 590.010, RSMo, and to enact in lieu thereof fifteen new sections relating to firearms, with penalty provisions and a contingent effective date for certain sections.

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

Section A. Sections 1.320, 21.750, 571.030, 571.070, 571.101, 571.107, 571.117, and
2 590.010, RSMo, are repealed and fifteen new sections enacted in lieu thereof, to be known as
3 sections 1.320, 21.750, 160.665, 544.085, 544.086, 571.012, 571.030, 571.070, 571.101,
4 571.107, 571.117, 590.010, 590.200, 590.207, and 1, to read as follows:

1.320. **1. This section shall be known and may be cited as the "Second Amendment
2 Preservation Act".**

3 2. The general assembly finds and declares that:

**4 (1) The general assembly of the state of Missouri is firmly resolved to support and
5 defend the United States Constitution against every aggression, either foreign or domestic,
6 and is duty bound to oppose every infraction of those principles which constitute the basis
7 of the Union of the States because only a faithful observance of those principles can secure
8 the nation's existence and the public happiness;**

**9 (2) Acting through the United States Constitution, the people of the several states
10 created the federal government to be their agent in the exercise of a few defined powers,**

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.

11 while reserving to the state governments the power to legislate on matters which concern
12 the lives, liberties, and properties of citizens in the ordinary course of affairs;

13 (3) The limitation of the federal government's power is affirmed under the Tenth
14 Amendment to the United States Constitution, which defines the total scope of federal
15 power as being that which has been delegated by the people of the several states to the
16 federal government, and all power not delegated to the federal government in the
17 Constitution of the United States is reserved to the states respectively, or to the people
18 themselves;

19 (4) Whenever the federal government assumes powers that the people did not grant
20 it in the Constitution, its acts are unauthoritative, void, and of no force;

21 (5) The several states of the United States of America respect the proper role of the
22 federal government, but reject the proposition that such respect requires unlimited
23 submission. If the government, created by compact among the states, was the exclusive or
24 final judge of the extent of the powers granted to it by the states through the Constitution,
25 the federal government's discretion, and not the Constitution, would necessarily become
26 the measure of those powers. To the contrary, as in all other cases of compacts among
27 powers having no common judge, each party has an equal right to judge for itself as to
28 when infractions of the compact have occurred, as well as to determine the mode and
29 measure of redress. Although the several states have granted supremacy to laws and
30 treaties made pursuant to the powers granted in the Constitution, such supremacy does not
31 extend to various federal statutes, executive orders, administrative orders, court orders,
32 rules, regulations, or other actions which restrict or prohibit the manufacture, ownership,
33 and use of firearms, firearm accessories, or ammunition exclusively within the borders of
34 Missouri; such statutes, executive orders, administrative orders, court orders, rules,
35 regulations, and other actions exceed the powers granted to the federal government except
36 to the extent they are necessary and proper for governing and regulating of land and naval
37 forces of the United States or for organizing, arming, and disciplining of militia forces
38 actively employed in the service of the United States Armed Forces;

39 (6) The people of the several states have given Congress the power "to regulate
40 commerce with foreign nations, and among the several states", but "regulating commerce"
41 does not include the power to limit citizens' right to keep and bear arms in defense of their
42 families, neighbors, persons, or property, or to dictate as to what sort of arms and
43 accessories law-abiding, mentally competent Missourians may buy, sell, exchange, or
44 otherwise possess within the borders of this state;

45 (7) The people of the several states have also granted Congress the power "to lay
46 and collect taxes, duties, imports, and excises, to pay the debts, and provide for the

47 common defense and general welfare of the United States" and "to make all laws which
48 shall be necessary and proper for carrying into execution the powers vested by the
49 Constitution in the government of the United States, or in any department or office
50 thereof". These constitutional provisions merely identify the means by which the federal
51 government may execute its limited powers and ought not to be so construed as themselves
52 to grant unlimited powers because to do so would be to destroy the carefully constructed
53 equilibrium between the federal and state governments. Consequently, the general
54 assembly rejects any claim that the taxing and spending powers of Congress can be used
55 to diminish in any way the right of the people to keep and bear arms;

56 (8) The people of Missouri have vested the general assembly with the authority to
57 regulate the manufacture, possession, exchange, and use of firearms within the borders of
58 this state, subject only to the limits imposed by the Second Amendment to the United States
59 Constitution and the Missouri Constitution; and

60 (9) The general assembly of the state of Missouri strongly promotes responsible gun
61 ownership, including parental supervision of minors in the proper use, storage, and ownership
62 of all firearms, the prompt reporting of stolen firearms, and the proper enforcement of all state
63 gun laws. The general assembly of the state of Missouri hereby condemns any unlawful transfer
64 of firearms and the use of any firearm in any criminal or unlawful activity.

65 3. (1) All federal acts, laws, executive orders, administrative orders, court orders,
66 rules, and regulations, whether past, present, or future, which infringe on the people's
67 right to keep and bear arms as guaranteed by the Second Amendment to the United States
68 Constitution and Article I, Section 23 of the Missouri Constitution shall be invalid in this
69 state, shall not be recognized by this state, shall be specifically rejected by this state, and
70 shall be considered null and void and of no effect in this state.

71 (2) Such federal acts, laws, executive orders, administrative orders, court orders,
72 rules, and regulations include, but are not limited to:

73 (a) Any tax, levy, fee, or stamp imposed on firearms, firearm accessories, or
74 ammunition not common to all other goods and services which might reasonably be
75 expected to create a chilling effect on the purchase or ownership of those items by law-
76 abiding citizens;

77 (b) Any registering or tracking of firearms, firearm accessories, or ammunition
78 which might reasonably be expected to create a chilling effect on the purchase or
79 ownership of those items by law-abiding citizens;

80 (c) Any registering or tracking of the owners of firearms, firearm accessories, or
81 ammunition which might reasonably be expected to create a chilling effect on the purchase
82 or ownership of those items by law-abiding citizens;

83 (d) Any act forbidding the possession, ownership, or use or transfer of a firearm,
84 firearm accessory, or ammunition by law-abiding citizens; and

85 (e) Any act ordering the confiscation of firearms, firearm accessories, or
86 ammunition from law-abiding citizens.

87 4. It shall be the duty of the courts and law enforcement agencies of this state to
88 protect the rights of law-abiding citizens to keep and bear arms within the borders of this
89 state and to protect these rights from the infringements defined in subsection 3 of this
90 section.

91 5. No public officer or employee of this state shall have authority to enforce or
92 attempt to enforce any law, statute, ordinance, or order of any court infringing on the right
93 to keep and bear arms as defined in subsection 3 of this section.

94 6. (1) Any entity or person who knowingly, as defined in section 562.061, attempts
95 to enforce any of the infringements of the right to keep and bear arms included in
96 subsection 3 of this section or otherwise knowingly deprives a citizen of Missouri of the
97 rights or privileges ensured by the Second Amendment of the United States Constitution
98 or Section 23 of Article I of the Missouri Constitution, while acting under the color of any
99 state or federal law, shall be liable to the injured party in an action at law, suit in equity,
100 or other proper proceeding for redress.

101 (2) In such action, the court may award the prevailing party, other than the state
102 of Missouri or any political subdivision of the state, reasonable attorney's fees and costs.

103 (3) Neither sovereign nor official or qualified immunity shall be an affirmative
104 defense in such cases.

105 7. Any official, agent, or employee of the United States government who enforces
106 or attempts to enforce any of the infringements on the right to keep and bear arms
107 included in subsection 3 of this section is guilty of a class A misdemeanor. Missouri law
108 enforcement officers shall have the discretionary power to appropriately interpose on
109 behalf of law-abiding citizens, including the power to levy charges or arrest such officials,
110 agents, or employees of the United States government.

111 8. For the purposes of this section, the term "law-abiding citizen" shall mean a
112 person who is not otherwise precluded under state law from possessing a firearm and shall
113 not be construed to include anyone who is not legally present in the United States or the
114 state of Missouri.

21.750. 1. The general assembly hereby occupies and preempts the entire field of
2 legislation touching in any way firearms, components, ammunition and supplies to the complete
3 exclusion of any order, ordinance or regulation by any political subdivision of this state. Any

4 existing or future orders, ordinances or regulations in this field are hereby and shall be null and
5 void except as provided in subsection 3 of this section.

6 2. No county, city, town, village, municipality, or other political subdivision of this state
7 shall adopt any order, ordinance or regulation concerning in any way the sale, purchase, purchase
8 delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permit,
9 registration, taxation other than sales and compensating use taxes or other controls on firearms,
10 components, ammunition, and supplies except as provided in subsection 3 of this section.

11 3. **(1) Except as provided in subdivision (2) of this subsection,** nothing contained in
12 this section shall prohibit any ordinance of any political subdivision which conforms exactly with
13 any of the provisions of sections 571.010 to 571.070, with appropriate penalty provisions, or
14 which regulates the open carrying of firearms readily capable of lethal use or the discharge of
15 firearms within a jurisdiction, provided such ordinance complies with the provisions of section
16 252.243. **No ordinance may be construed to preclude the use of a firearm in the defense**
17 **of person or property, subject to the provisions of chapter 563.**

18 **(2) In any jurisdiction in which open carry of firearms is prohibited by ordinance,**
19 **open carry of a firearm shall not be prohibited in accordance with the following:**

20 **(a) Any person with a valid concealed carry endorsement or permit who is open**
21 **carrying a firearm shall be required to have a valid concealed carry endorsement or permit**
22 **from this state or a permit from another state which is recognized by this state in his or her**
23 **possession at all times;**

24 **(b) Any person open carrying a firearm in such jurisdiction shall display his or her**
25 **concealed carry endorsement permit upon demand of a law enforcement officer;**

26 **(c) In the absence of any reasonable and articulable suspicion of criminal activity,**
27 **no person carrying a concealed or unconcealed firearm shall be disarmed or physically**
28 **restrained by a law enforcement officer unless under arrest; and**

29 **(d) Any person who violates this subdivision shall be subject to the penalty**
30 **provided in section 571.121.**

31 4. The lawful design, marketing, manufacture, distribution, or sale of firearms or
32 ammunition to the public is not an abnormally dangerous activity and does not constitute a public
33 or private nuisance.

34 5. No county, city, town, village or any other political subdivision nor the state shall
35 bring suit or have any right to recover against any firearms or ammunition manufacturer, trade
36 association or dealer for damages, abatement or injunctive relief resulting from or relating to the
37 lawful design, manufacture, marketing, distribution, or sale of firearms or ammunition to the
38 public. This subsection shall apply to any suit pending as of October 12, 2003, as well as any
39 suit which may be brought in the future. Provided, however, that nothing in this section shall

40 restrict the rights of individual citizens to recover for injury or death caused by the negligent or
41 defective design or manufacture of firearms or ammunition.

42 6. Nothing in this section shall prevent the state, a county, city, town, village or any other
43 political subdivision from bringing an action against a firearms or ammunition manufacturer or
44 dealer for breach of contract or warranty as to firearms or ammunition purchased by the state or
45 such political subdivision.

**160.665. 1. Any school district within the state may designate one or more
2 elementary or secondary school teachers or administrators as a school protection officer.
3 The responsibilities and duties of a school protection officer are voluntary and shall be in
4 addition to the normal responsibilities and duties of the teacher or administrator. Any
5 compensation for additional duties relating to service as a school protection officer shall
6 be funded by the local school district, with no state funds used for such purpose.**

7 **2. Any person designated by a school district as a school protection officer shall be
8 authorized to carry concealed firearms in any school in the district and shall not be
9 permitted to allow any such firearm out of his or her personal control while that firearm
10 is on school property. Any school protection officer who violates this subsection may be
11 removed immediately from the classroom and subject to employment termination
12 proceedings.**

13 **3. A school protection officer has the same authority to detain or use force against
14 any person on school property as provided to any other person under chapter 563.**

15 **4. Upon detention of a person under subsection 3 of this section, the school
16 protection officer shall immediately notify a school administrator and a school resource
17 officer, if such officer is present at the school. If the person detained is a student then the
18 parents or guardians of the student shall also be immediately notified by a school
19 administrator.**

20 **5. Any person detained by a school protection officer shall be turned over to a
21 school administrator or law enforcement officer as soon as practically possible and shall
22 not be detained by a school protection officer for more than one hour.**

23 **6. Any teacher or administrator of an elementary or secondary school who seeks
24 to be designated as a school protection officer shall request such designation in writing, and
25 submit it to the superintendent of the school district which employs him or her as a teacher
26 or administrator. Along with this request, the teacher or administrator shall also submit
27 proof that he or she has a valid concealed carry endorsement and shall submit a certificate
28 of school protection officer training program completion from a training program
29 approved by the director of the department of public safety which demonstrates that such**

30 person has successfully completed the training requirements established by the POST
31 commission under chapter 590 for school protection officers.

32 7. No school district may designate a teacher or administrator as a school
33 protection officer unless such person has a valid concealed carry endorsement and has
34 successfully completed a school protection officer training program which has been
35 approved by the director of the department of public safety.

36 8. Any school district which designates a teacher or administrator as a school
37 protection officer shall, within thirty days, notify, in writing, the director of the department
38 of public safety of the designation which shall include the following:

- 39 (1) The full name, date of birth, and address of the officer;
40 (2) The name of the school district; and
41 (3) The date such person was designated as a school protection officer.

42

43 Notwithstanding any other law, any identifying information collected under the authority
44 of this subsection shall not be considered public information and shall not be subject to a
45 sunshine request made under chapter 610.

46 9. A school district may revoke the designation of a person as a school protection
47 officer for any reason and shall immediately notify the designated school protection officer
48 in writing of the revocation. The school district shall also within thirty days of the
49 revocation notify the director of the department of public safety in writing of the
50 revocation of the designation of such person as a school protection officer. A person who
51 has had the designation as school protection officer revoked has no right to appeal the
52 revocation decision.

53 10. The director of the department of public safety shall maintain a listing of all
54 persons designated by school districts as school protection officers and shall make this list
55 available to all law enforcement agencies.

544.085. 1. For any warrant that is issued by a United States court that is to be
2 served within the boundaries of the state of Missouri, the federal agent or employee
3 responsible for serving the warrant shall, prior to such service, notify the sheriff of the
4 county where the warrant is to be served and proceed with the service of the warrant only
5 if accompanied by the sheriff or the sheriff's designee.

6 2. When a federal agent or employee believes that a sheriff or a member of the
7 sheriff's staff has a conflict of interest, then the federal agent or employee may file a
8 petition supported by an affidavit detailing a reasonable suspicion of such conflict of
9 interest with a circuit judge within the respective county's judicial district requesting a

10 waiver of the requirement to provide notice to the sheriff. If a waiver is granted, the circuit
11 judge shall designate a substitute for the sheriff or the sheriff's designee.

12 3. The sheriff or the sheriff's designee shall check the warrant and process to
13 protect the rights of any person who is directly affected by the warrant and make a
14 complete and permanent report on this incident.

15 4. Serving a federal warrant without meeting the conditions set forth in this section
16 is a class A misdemeanor.

544.086. 1. Prior to serving any warrant in the state of Missouri, all state law
2 enforcement agencies shall notify the sheriff of the county in which the warrant is to be
3 served and proceed with the service of the warrant only if accompanied by the sheriff or
4 the sheriff's designee.

5 2. When a state law enforcement agency believes that a sheriff or a member of the
6 sheriff's staff has a conflict of interest, then the state law enforcement agency may file an
7 affidavit detailing reasonable suspicion of such conflict of interest with a circuit judge
8 within the respective county's judicial district requesting a waiver of the requirement to
9 provide notice to the sheriff. If a waiver is granted, the circuit judge shall designate a
10 substitute for the sheriff or the sheriff's designee.

11 3. The sheriff or the sheriff's designee shall check the warrant and process to
12 protect the rights of any person who is directly affected by the warrant and make a
13 complete and permanent report on this incident.

14 4. Serving a warrant without meeting the conditions set forth in this section is a
15 class A misdemeanor.

571.012. 1. No health care professional licensed in this state shall be required by
2 law to:

3 (1) Inquire as to whether a patient owns a firearm;

4 (2) Document or maintain in a patient's medical records whether such patient owns
5 a firearm; or

6 (3) Notify any governmental entity of the identity of a patient based solely on the
7 patient's status as an owner of a firearm.

8 2. No health care professional licensed in this state may document or otherwise
9 disclose information gathered in a doctor/patient relationship about the status of such
10 patient as an owner of a firearm, unless by order of a court of appropriate jurisdiction or
11 in response to an imminent threat to the health or safety of that patient or another person.

12 3. Nothing in this section shall be construed as prohibiting or otherwise restricting
13 a health care professional from inquiring about a patient's status as an owner of a firearm
14 and documenting any discussion about medical contraindication of access to firearms, if

15 **such inquiry or documentation is necessitated or medically indicated by the health care**
16 **professional's scope of practice and such inquiry or documentation does not violate any**
17 **other state or federal law.**

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; or

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 2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the
30 persons described in this subsection, regardless of whether such uses are reasonably associated
31 with or are necessary to the fulfillment of such person's official duties except as otherwise
32 provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section
33 shall not apply to or affect any of the following persons, when such uses are reasonably

34 associated with or are necessary to the fulfillment of such person's official duties, except as
35 otherwise provided in this subsection:

36 (1) All state, county and municipal peace officers who have completed the training
37 required by the police officer standards and training commission pursuant to sections 590.030
38 to 590.050 and who possess the duty and power of arrest for violation of the general criminal
39 laws of the state or for violation of ordinances of counties or municipalities of the state, whether
40 such officers are on or off duty, and whether such officers are within or outside of the law
41 enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection
42 11 of this section, and who carry the identification defined in subsection 12 of this section, or
43 any person summoned by such officers to assist in making arrests or preserving the peace while
44 actually engaged in assisting such officer;

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

47 (3) Members of the Armed Forces or National Guard while performing their official
48 duty;

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

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

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

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

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

60 (9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

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

64 (11) Any member of a fire department or fire protection district who is employed on a
65 full-time basis as a fire investigator and who has a valid concealed carry endorsement issued
66 prior to August 28, 2013, or a valid concealed carry permit under section 571.111 when such
67 uses are reasonably associated with or are necessary to the fulfillment of such person's official
68 duties; and

69 (12) Upon the written approval of the governing body of a fire department or fire
70 protection district, any paid fire department or fire protection district chief who is employed on
71 a full-time basis and who has a valid concealed carry endorsement, when such uses are
72 reasonably associated with or are necessary to the fulfillment of such person's official duties.

73 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when
74 the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when
75 ammunition is not readily accessible or when such weapons are not readily accessible.
76 Subdivision (1) of subsection 1 of this section does not apply to any person [twenty-one]
77 **nineteen** years of age or older or eighteen years of age or older and a member of the United
78 States Armed Forces, or honorably discharged from the United States Armed Forces,
79 transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as
80 such concealable firearm is otherwise lawfully possessed, nor when the actor is also in
81 possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his
82 or her dwelling unit or upon premises over which the actor has possession, authority or control,
83 or is traveling in a continuous journey peaceably through this state. Subdivision (10) of
84 subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a
85 person while traversing school premises for the purposes of transporting a student to or from
86 school, or possessed by an adult for the purposes of facilitation of a school-sanctioned
87 firearm-related event or club event.

88 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any
89 person who has a valid concealed carry permit issued pursuant to sections 571.101 to 571.121,
90 a valid concealed carry endorsement issued before August 28, 2013, or a valid permit or
91 endorsement to carry concealed firearms issued by another state or political subdivision of
92 another state.

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

95 6. Notwithstanding any provision of this section to the contrary, the state shall not
96 prohibit any state employee from having a firearm in the employee's vehicle on the state's
97 property provided that the vehicle is locked and the firearm is not visible. This subsection shall
98 only apply to the state as an employer when the state employee's vehicle is on property owned
99 or leased by the state and the state employee is conducting activities within the scope of his or
100 her employment. For the purposes of this subsection, "state employee" means an employee of
101 the executive, legislative, or judicial branch of the government of the state of Missouri.

102 7. Nothing in this section shall make it unlawful for a student to actually participate in
103 school-sanctioned gun safety courses, student military or ROTC courses, or other
104 school-sponsored or club-sponsored firearm-related events, provided the student does not carry

105 a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or
106 onto the premises of any other function or activity sponsored or sanctioned by school officials
107 or the district school board.

108 8. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision
109 (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or
110 subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor
111 if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of
112 subsection 1 of this section, in which case it is a class B felony, except that if the violation of
113 subdivision (9) of subsection 1 of this section results in injury or death to another person, it is
114 a class A felony.

115 9. Violations of subdivision (9) of subsection 1 of this section shall be punished as
116 follows:

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

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

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

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

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

130 11. Notwithstanding any other provision of law, no person who pleads guilty to or is
131 found guilty of a felony violation of subsection 1 of this section shall receive a suspended
132 imposition of sentence if such person has previously received a suspended imposition of sentence
133 for any other firearms- or weapons-related felony offense.

134 12. As used in this section "qualified retired peace officer" means an individual who:

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

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

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

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

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

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

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

151 13. The identification required by subdivision (1) of subsection 2 of this section is:

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

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

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

571.070. 1. A person commits the crime of unlawful possession of a firearm if such
 2 person knowingly has any firearm in his or her possession and:

3 (1) Such person has been convicted of a felony under the laws of this state, or of a crime
 4 under the laws of any state or of the United States which, if committed within this state, would
 5 be a felony; [or]

6 (2) Such person is a fugitive from justice, is habitually in an intoxicated or drugged
 7 condition, or is currently adjudged mentally incompetent; or

8 **(3) Such person is illegally or unlawfully in the United States.**

9 2. Unlawful possession of a firearm is a class C felony.

10 3. The provisions of subdivision (1) of subsection 1 of this section shall not apply to the
 11 possession of an antique firearm.

571.101. 1. All applicants for concealed carry permits issued pursuant to subsection 7 of this section must satisfy the requirements of sections 571.101 to 571.121. If the said applicant can show qualification as provided by sections 571.101 to 571.121, the county or city sheriff shall issue a concealed carry permit authorizing the carrying of a concealed firearm on or about the applicant's person or within a vehicle. A concealed carry permit shall be valid for a period of five years from the date of issuance or renewal. The concealed carry permit is valid throughout this state. A concealed carry endorsement issued prior to August 28, 2013, shall continue for a period of three years from the date of issuance or renewal to authorize the carrying of a concealed firearm on or about the applicant's person or within a vehicle in the same manner as a concealed carry permit issued under subsection 7 of this section on or after August 28, 2013.

2. A concealed carry permit issued pursuant to subsection 7 of this section shall be issued by the sheriff or his or her designee of the county or city in which the applicant resides, if the applicant:

(1) Is at least [twenty-one] **nineteen** years of age, is a citizen or permanent resident of the United States and either:

(a) Has assumed residency in this state; or

(b) Is a member of the Armed Forces stationed in Missouri, or the spouse of such member of the military;

(2) Is at least [twenty-one] **nineteen** years of age, or is at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces, and is a citizen of the United States and either:

(a) Has assumed residency in this state;

(b) Is a member of the Armed Forces stationed in Missouri; or

(c) The spouse of such member of the military stationed in Missouri and [twenty-one] **nineteen** years of age;

(3) 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 under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

(4) Has not been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a concealed carry permit or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a concealed carry permit;

37 (5) Is not a fugitive from justice or currently charged in an information or indictment
38 with the commission of a crime punishable by imprisonment for a term exceeding one year under
39 the laws of any state of the United States other than a crime classified as a misdemeanor under
40 the laws of any state and punishable by a term of imprisonment of two years or less that does not
41 involve an explosive weapon, firearm, firearm silencer, or gas gun;

42 (6) Has not been discharged under dishonorable conditions from the United States
43 Armed Forces;

44 (7) Has not engaged in a pattern of behavior, documented in public or closed records,
45 that causes the sheriff to have a reasonable belief that the applicant presents a danger to himself
46 or others;

47 (8) Is not adjudged mentally incompetent at the time of application or for five years prior
48 to application, or has not been committed to a mental health facility, as defined in section
49 632.005, or a similar institution located in another state following a hearing at which the
50 defendant was represented by counsel or a representative;

51 (9) Submits a completed application for a permit as described in subsection 3 of this
52 section;

53 (10) Submits an affidavit attesting that the applicant complies with the concealed carry
54 safety training requirement pursuant to subsections 1 and 2 of section 571.111;

55 (11) Is not the respondent of a valid full order of protection which is still in effect;

56 (12) Is not otherwise prohibited from possessing a firearm under section 571.070 or 18
57 U.S.C. 922(g).

58 3. The application for a concealed carry permit issued by the sheriff of the county of the
59 applicant's residence shall contain only the following information:

60 (1) The applicant's name, address, telephone number, gender, date and place of birth,
61 and, if the applicant is not a United States citizen, the applicant's country of citizenship and any
62 alien or admission number issued by the Federal Bureau of Customs and Immigration
63 Enforcement or any successor agency;

64 (2) An affirmation that the applicant has assumed residency in Missouri or is a member
65 of the Armed Forces stationed in Missouri or the spouse of such a member of the Armed Forces
66 and is a citizen or permanent resident of the United States;

67 (3) An affirmation that the applicant is at least [twenty-one] **nineteen** years of age or is
68 eighteen years of age or older and a member of the United States Armed Forces or honorably
69 discharged from the United States Armed Forces;

70 (4) An affirmation that the applicant has not pled guilty to or been convicted of a crime
71 punishable by imprisonment for a term exceeding one year under the laws of any state or of the
72 United States other than a crime classified as a misdemeanor under the laws of any state and

73 punishable by a term of imprisonment of two years or less that does not involve an explosive
74 weapon, firearm, firearm silencer, or gas gun;

75 (5) An affirmation that the applicant has not been convicted of, pled guilty to, or entered
76 a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence
77 within a five-year period immediately preceding application for a permit or if the applicant has
78 not been convicted of two or more misdemeanor offenses involving driving while under the
79 influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance
80 within a five-year period immediately preceding application for a permit;

81 (6) An affirmation that the applicant is not a fugitive from justice or currently charged
82 in an information or indictment with the commission of a crime punishable by imprisonment for
83 a term exceeding one year under the laws of any state or of the United States other than a crime
84 classified as a misdemeanor under the laws of any state and punishable by a term of
85 imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm
86 silencer or gas gun;

87 (7) An affirmation that the applicant has not been discharged under dishonorable
88 conditions from the United States Armed Forces;

89 (8) An affirmation that the applicant is not adjudged mentally incompetent at the time
90 of application or for five years prior to application, or has not been committed to a mental health
91 facility, as defined in section 632.005, or a similar institution located in another state, except that
92 a person whose release or discharge from a facility in this state pursuant to chapter 632, or a
93 similar discharge from a facility in another state, occurred more than five years ago without
94 subsequent recommitment may apply;

95 (9) An affirmation that the applicant has received firearms safety training that meets the
96 standards of applicant firearms safety training defined in subsection 1 or 2 of section 571.111;

97 (10) An affirmation that the applicant, to the applicant's best knowledge and belief, is
98 not the respondent of a valid full order of protection which is still in effect;

99 (11) A conspicuous warning that false statements made by the applicant will result in
100 prosecution for perjury pursuant to the laws of the state of Missouri; and

101 (12) A government-issued photo identification. This photograph shall not be included
102 on the permit and shall only be used to verify the person's identity for permit renewal, or for the
103 issuance of a new permit due to change of address, or for a lost or destroyed permit.

104 4. An application for a concealed carry permit shall be made to the sheriff of the county
105 or any city not within a county in which the applicant resides. An application shall be filed in
106 writing, signed under oath and under the penalties of perjury, and shall state whether the
107 applicant complies with each of the requirements specified in subsection 2 of this section. In

108 addition to the completed application, the applicant for a concealed carry permit must also
109 submit the following:

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

113 (2) A nonrefundable permit fee as provided by subsection 11 or 12 of this section. **Both**
114 **fees provided for in these subsections shall be waived for service-disabled veterans as such**
115 **term is defined in section 34.074.**

116 5. (1) Before an application for a concealed carry permit is approved, the sheriff shall
117 make only such inquiries as he or she deems necessary into the accuracy of the statements made
118 in the application. The sheriff may require that the applicant display a Missouri driver's license
119 or nondriver's license or military identification and orders showing the person being stationed
120 in Missouri. In order to determine the applicant's suitability for a concealed carry permit, the
121 applicant shall be fingerprinted. No other biometric data shall be collected from the applicant.
122 The sheriff shall request a criminal background check, including an inquiry of the National
123 Instant Criminal Background Check System, through the appropriate law enforcement agency
124 within three working days after submission of the properly completed application for a concealed
125 carry permit. If no disqualifying record is identified by these checks at the state level, the
126 fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal
127 history record check. Upon receipt of the completed background checks, the sheriff shall
128 examine the results and, if no disqualifying information is identified, shall issue a concealed
129 carry permit within three working days.

130 (2) In the event the background checks prescribed by subdivision (1) of this subsection
131 are not completed within forty-five calendar days and no disqualifying information concerning
132 the applicant has otherwise come to the sheriff's attention, the sheriff shall issue a provisional
133 permit, clearly designated on the certificate as such, which the applicant shall sign in the
134 presence of the sheriff or the sheriff's designee. This permit, when carried with a valid Missouri
135 driver's or nondriver's license or a valid military identification, shall permit the applicant to
136 exercise the same rights in accordance with the same conditions as pertain to a concealed carry
137 permit issued under this section, provided that it shall not serve as an alternative to an national
138 instant criminal background check required by 18 U.S.C. 922(t). The provisional permit shall
139 remain valid until such time as the sheriff either issues or denies the certificate of qualification
140 under subsection 6 or 7. The sheriff shall revoke a provisional permit issued under this
141 subsection within twenty-four hours of receipt of any background check that identifies a
142 disqualifying record, and shall notify the Missouri uniform law enforcement system. The

143 revocation of a provisional permit issued under this section shall be proscribed in a manner
144 consistent to the denial and review of an application under subsection 6 of this section.

145 6. The sheriff may refuse to approve an application for a concealed carry permit if he or
146 she determines that any of the requirements specified in subsection 2 of this section have not
147 been met, or if he or she has a substantial and demonstrable reason to believe that the applicant
148 has rendered a false statement regarding any of the provisions of sections 571.101 to 571.121.
149 If the applicant is found to be ineligible, the sheriff is required to deny the application, and notify
150 the applicant in writing, stating the grounds for denial and informing the applicant of the right
151 to submit, within thirty days, any additional documentation relating to the grounds of the denial.
152 Upon receiving any additional documentation, the sheriff shall reconsider his or her decision and
153 inform the applicant within thirty days of the result of the reconsideration. The applicant shall
154 further be informed in writing of the right to appeal the denial pursuant to subsections 2, 3, 4,
155 and 5 of section 571.114. After two additional reviews and denials by the sheriff, the person
156 submitting the application shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of section
157 571.114.

158 7. If the application is approved, the sheriff shall issue a concealed carry permit to the
159 applicant within a period not to exceed three working days after his or her approval of the
160 application. The applicant shall sign the concealed carry permit in the presence of the sheriff or
161 his or her designee and shall within seven days of receipt of the certificate of qualification take
162 the certificate of qualification to the department of revenue. Upon verification of the certificate
163 of qualification and completion of a driver's license or nondriver's license application pursuant
164 to chapter 302, the director of revenue shall issue a new driver's license or nondriver's license
165 with an endorsement which identifies that the applicant has received a certificate of qualification
166 to carry concealed weapons issued pursuant to sections 571.101 to 571.121 if the applicant is
167 otherwise qualified to receive such driver's license or nondriver's license. Notwithstanding any
168 other provision of chapter 302, a nondriver's license with a concealed carry endorsement shall
169 expire three years from the date the certificate of qualification was issued pursuant to this
170 section.

171 8. The concealed carry permit shall specify only the following information:

172 (1) Name, address, date of birth, gender, height, weight, color of hair, color of eyes, and
173 signature of the permit holder;

174 (2) The signature of the sheriff issuing the permit;

175 (3) The date of issuance; and

176 (4) The expiration date.

177

178 The permit shall be no larger than two inches wide by three and one-fourth inches long and shall
179 be of a uniform style prescribed by the department of public safety. The permit shall also be
180 assigned a Missouri uniform law enforcement system county code and shall be stored in
181 sequential number.

182 9. (1) The sheriff shall keep a record of all applications for a concealed carry permit or
183 a provisional permit and his or her action thereon. Any record of an application that is
184 incomplete or denied for any reason shall be kept for a period not to exceed one year. Any
185 record of an application that was approved shall be kept for a period of one year after the
186 expiration and nonrenewal of the permit. Beginning August 28, 2013, the department of revenue
187 shall not keep any record of an application for a concealed carry permit. Any information
188 collected by the department of revenue related to an application for a concealed carry
189 endorsement prior to August 28, 2013, shall be given to the members of MoSMART, created
190 under section 650.350, for the dissemination of the information to the sheriff of any county or
191 city not within a county in which the applicant resides to keep in accordance with the provisions
192 of this subsection.

193 (2) The sheriff shall report the issuance of a concealed carry permit or provisional permit
194 to the Missouri uniform law enforcement system. All information on any such permit that is
195 protected information on any driver's or nondriver's license shall have the same personal
196 protection for purposes of sections 571.101 to 571.121. An applicant's status as a holder of a
197 concealed carry permit, provisional permit, or a concealed carry endorsement issued prior to
198 August 28, 2013, shall not be public information and shall be considered personal protected
199 information. Information retained under this subsection shall not be batch processed for query
200 and shall only be made available for a single entry query of an individual in the event the
201 individual is a subject of interest in an active criminal investigation or is arrested for a crime.
202 Any person who violates the provisions of this subsection by disclosing protected information
203 shall be guilty of a class A misdemeanor.

204 10. Information regarding any holder of a concealed carry permit, or a concealed carry
205 endorsement issued prior to August 28, 2013, is a closed record. No bulk download or batch data
206 shall be performed or distributed to any federal, state, or private entity, except to MoSMART as
207 provided under subsection 9 of this section. Any state agency that has retained any documents
208 or records, including fingerprint records provided by an applicant for a concealed carry
209 endorsement prior to August 28, 2013, shall destroy such documents or records, upon successful
210 issuance of a permit.

211 11. For processing an application for a concealed carry permit pursuant to sections
212 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed one

213 hundred dollars which shall be paid to the treasury of the county to the credit of the sheriff's
214 revolving fund.

215 12. For processing a renewal for a concealed carry permit pursuant to sections 571.101
216 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed fifty dollars
217 which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

218 13. For the purposes of sections 571.101 to 571.121, the term "sheriff" shall include the
219 sheriff of any county or city not within a county or his or her designee and in counties of the first
220 classification the sheriff may designate the chief of police of any city, town, or municipality
221 within such county.

222 14. For the purposes of this chapter, "concealed carry permit" shall include any
223 concealed carry endorsement issued by the department of revenue before January 1, 2014, and
224 any concealed carry document issued by any sheriff or under the authority of any sheriff after
225 December 31, 2013.

571.107. 1. A concealed carry permit issued pursuant to sections 571.101 to 571.121,
2 a valid concealed carry endorsement issued prior to August 28, 2013, or a concealed carry
3 endorsement or permit issued by another state or political subdivision of another state shall
4 authorize the person in whose name the permit or endorsement is issued to carry concealed
5 firearms on or about his or her person or vehicle throughout the state. No concealed carry permit
6 issued pursuant to sections 571.101 to 571.121, valid concealed carry endorsement issued prior
7 to August 28, 2013, or a concealed carry endorsement or permit issued by another state or
8 political subdivision of another state shall authorize any person to carry 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 permit or
38 endorsement from carrying a concealed firearm at a meeting of the body which he or she is a
39 member. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so
40 long as the firearm is not removed from the vehicle or brandished while the vehicle is on the
41 premises. Nothing in this subdivision shall preclude a member of the general assembly, a
42 full-time employee of the general assembly employed under Section 17, Article III, Constitution
43 of 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 permit or
45 endorsement, from carrying a concealed firearm in the state capitol building or at a meeting
46 whether of the full body of a house of the general assembly or a committee thereof, that is held
47 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 permit or endorsement holders in that portion of a building owned, leased or controlled by that
51 unit of government. Any portion of a building in which the carrying of concealed firearms is
52 prohibited or limited shall be clearly identified by signs posted at the entrance to the restricted
53 area. The statute, rule or ordinance shall exempt any building used for public housing by private
54 persons, highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled
55 by that unit of government from any restriction on the carrying or possession of a firearm. The
56 statute, rule or ordinance shall not specify any criminal penalty for its violation but may specify
57 that persons violating the statute, rule or ordinance may be denied entrance to the building,
58 ordered to leave the building and if employees of the unit of government, be subjected to

59 disciplinary measures for violation of the provisions of the statute, rule or ordinance. The
60 provisions of this 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 permit or endorsement to
71 possess any 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, **unless the person with the concealed carry endorsement or permit is**
80 **a teacher or administrator of an elementary or secondary school who has been designated**
81 **by his or her school district as a school protection officer and is carrying a firearm in a**
82 **school within that district, in which case no consent is required.** Possession of a firearm in
83 a vehicle on the premises of any higher education institution or elementary or secondary school
84 facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or
85 brandished while the vehicle is on the premises;

86 (11) Any portion of a building used as a child care facility without the consent of the
87 manager. Nothing in this subdivision shall prevent the operator of a child care facility in a
88 family home from owning or possessing a firearm or a concealed carry permit or endorsement;

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

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

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

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

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

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

122 2. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17) of
123 subsection 1 of this section by any individual who holds a concealed carry permit issued pursuant
124 to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to August 28,
125 2013, shall not be a criminal act but may subject the person to denial to the premises or removal
126 from the premises. If such person refuses to leave the premises and a peace officer is summoned,
127 such person may be issued a citation for an amount not to exceed one hundred dollars for the first
128 offense. If a second citation for a similar violation occurs within a six-month period, such person
129 shall be fined an amount not to exceed two hundred dollars and his or her permit, and, if

130 applicable, endorsement to carry concealed firearms shall be suspended for a period of one year.
 131 If a third citation for a similar violation is issued within one year of the first citation, such person
 132 shall be fined an amount not to exceed five hundred dollars and shall have his or her concealed
 133 carry permit, and, if applicable, endorsement revoked and such person shall not be eligible for
 134 a concealed carry permit for a period of three years. Upon conviction of charges arising from
 135 a citation issued pursuant to this subsection, the court shall notify the sheriff of the county which
 136 issued the concealed carry permit, or, if the person is a holder of a concealed carry endorsement
 137 issued prior to August 28, 2013, the court shall notify the sheriff of the county which issued the
 138 certificate of qualification for a concealed carry endorsement and the department of revenue.
 139 The sheriff shall suspend or revoke the concealed carry permit or, if applicable, the certificate
 140 of qualification for a concealed carry endorsement. If the person holds an endorsement, the
 141 department of revenue shall issue a notice of such suspension or revocation of the concealed
 142 carry endorsement and take action to remove the concealed carry endorsement from the
 143 individual's driving record. The director of revenue shall notify the licensee that he or she must
 144 apply for a new license pursuant to chapter 302 which does not contain such endorsement. The
 145 notice issued by the department of revenue shall be mailed to the last known address shown on
 146 the individual's driving record. The notice is deemed received three days after mailing.

571.117. 1. Any person who has knowledge that another person, who was issued a
 2 concealed carry permit pursuant to sections 571.101 to 571.121, or concealed carry endorsement
 3 prior to August 28, 2013, never was or no longer is eligible for such permit or endorsement under
 4 the criteria established in sections 571.101 to 571.121 may file a petition with the clerk of the
 5 small claims court to revoke that person's concealed carry permit or endorsement. The petition
 6 shall be in a form substantially similar to the petition for revocation of concealed carry permit
 7 or endorsement provided in this section. Appeal forms shall be provided by the clerk of the
 8 small claims court free of charge to any person:

9 **SMALL CLAIMS COURT**

10 In the Circuit Court of, Missouri

11, PLAINTIFF

12)

13)

14 vs.) Case Number

15)

16, DEFENDANT,

17 Carry Permit or Endorsement Holder

18, DEFENDANT,

19 Sheriff of Issuance

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PETITION FOR REVOCATION
OF A CONCEALED CARRY PERMIT
OR CONCEALED CARRY ENDORSEMENT

Plaintiff states to the court that the defendant,, has a concealed carry permit issued pursuant to sections 571.101 to 571.121, RSMo, or a concealed carry endorsement issued prior to August 28, 2013, and that the defendant's concealed carry permit or concealed carry endorsement should now be revoked because the defendant either never was or no longer is eligible for such a permit or endorsement pursuant to the provisions of sections 571.101 to 571.121, RSMo, specifically plaintiff states that defendant,, never was or no longer is eligible for such permit or endorsement for one or more of the following reasons:

(CHECK BELOW EACH REASON
THAT APPLIES TO THIS DEFENDANT)

- Defendant is not at least [twenty-one] **nineteen** years of age or at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces.
- Defendant is not a citizen or permanent resident of the United States.
- Defendant had not resided in this state prior to issuance of the permit and does not qualify as a military member or spouse of a military member stationed in Missouri.
- Defendant has pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding two years under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.
- Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a concealed carry permit issued pursuant to sections 571.101 to 571.121, RSMo, or a concealed carry endorsement issued prior to August 28, 2013, or if the applicant has been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a concealed carry permit issued pursuant to sections 571.101 to 571.121, RSMo, or a concealed carry endorsement issued prior to August 28, 2013.
- Defendant is a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of

56 two years or less that does not involve an explosive weapon, firearm, firearm silencer,
57 or gas gun.

58 Defendant has been discharged under dishonorable conditions from the United States
59 Armed Forces.

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

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

68 Defendant failed to submit a completed application for a concealed carry permit issued
69 pursuant to sections 571.101 to 571.121, RSMo, or a concealed carry endorsement issued
70 prior to August 28, 2013.

71 Defendant failed to submit to or failed to clear the required background check. (Note:
72 This does not apply if the defendant has submitted to a background check and been
73 issued a provisional permit pursuant to subdivision (2) of subsection 5 of section
74 571.101, and the results of the background check are still pending.)

75 Defendant failed to submit an affidavit attesting that the applicant complies with the
76 concealed carry safety training requirement pursuant to subsection 1 of section 571.111,
77 RSMo.

78 Defendant is otherwise disqualified from possessing a firearm pursuant to 18 U.S.C.
79 922(g) because (specify reason):

80

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

85, PLAINTIFF

86 2. If at the hearing the plaintiff shows that the defendant was not eligible for the
87 concealed carry permit issued pursuant to sections 571.101 to 571.121, or a concealed carry
88 endorsement issued prior to August 28, 2013, at the time of issuance or renewal or is no longer
89 eligible for a concealed carry permit or the concealed carry endorsement, the court shall issue an
90 appropriate order to cause the revocation of the concealed carry permit and, if applicable, the
91 concealed carry endorsement. Costs shall not be assessed against the sheriff.

92 3. The finder of fact, in any action brought against a permit or endorsement holder
 93 pursuant to subsection 1 of this section, shall make findings of fact and the court shall make
 94 conclusions of law addressing the issues at dispute. If it is determined that the plaintiff in such
 95 an action acted without justification or with malice or primarily with an intent to harass the
 96 permit or endorsement holder or that there was no reasonable basis to bring the action, the court
 97 shall order the plaintiff to pay the defendant/respondent all reasonable costs incurred in
 98 defending the action including, but not limited to, attorney's fees, deposition costs, and lost
 99 wages. Once the court determines that the plaintiff is liable to the defendant/respondent for costs
 100 and fees, the extent and type of fees and costs to be awarded should be liberally calculated in
 101 defendant/respondent's favor. Notwithstanding any other provision of law, reasonable attorney's
 102 fees shall be presumed to be at least one hundred fifty dollars per hour.

103 4. Any person aggrieved by any final judgment rendered by a small claims court in a
 104 petition for revocation of a concealed carry permit or concealed carry endorsement may have a
 105 right to trial de novo as provided in sections 512.180 to 512.320.

106 5. The office of the county sheriff or any employee or agent of the county sheriff shall
 107 not be liable for damages in any civil action arising from alleged wrongful or improper granting,
 108 renewing, or failure to revoke a concealed carry permit issued pursuant to sections 571.101 to
 109 571.121, or a certificate of qualification for a concealed carry endorsement issued prior to August
 110 28, 2013, so long as the sheriff acted in good faith.

590.010. As used in this chapter, the following terms mean:

- 2 (1) "Commission", when not obviously referring to the POST commission, means a grant
 3 of authority to act as a peace officer;
- 4 (2) "Director", the director of the Missouri department of public safety or his or her
 5 designated agent or representative;
- 6 (3) "Peace officer", a law enforcement officer of the state or any political subdivision of
 7 the state with the power of arrest for a violation of the criminal code or declared or deemed to
 8 be a peace officer by state statute;
- 9 (4) "POST commission", the peace officer standards and training commission;
- 10 (5) "Reserve peace officer", a peace officer who regularly works less than thirty hours
 11 per week;
- 12 **(6) "School protection officer", an elementary or secondary school teacher or**
 13 **administrator who has been designated as a school protection officer by a school district.**

590.200. 1. The POST commission shall:

- 2 **(1) Establish minimum standards for the training of school protection officers;**
- 3 **(2) Set the minimum number of hours of training required for a school protection**
 4 **officer; and**

- 5 **(3) Set the curriculum for school protection officer training programs.**
6 **2. At a minimum this training shall include:**
7 **(1) Instruction specific to the prevention of incidents of violence in schools;**
8 **(2) The handling of emergency or violent crisis situations in school settings;**
9 **(3) A review of state criminal law;**
10 **(4) Training involving the use of defensive force; and**
11 **(5) Training involving the use of deadly force.**

590.207. Notwithstanding any other provision of law, any person designated as a school protection officer under the provisions of section 160.665 who allows any such firearm out of his or her personal control while that firearm is on school property as provided under subsection 2 of section 160.665 shall be guilty of a class B misdemeanor and may be subject to employment termination proceedings within the school district.

Section 1. If any provision of sections 1.320, 21.750, 160.665, 544.085, 544.086, 571.012, 571.030, 571.070, 571.101, 571.107, 571.117, 590.010, 590.200, or 590.207 of this act or the application thereof to anyone or to any circumstance is held invalid, the remainder of those sections and the application of such provisions to others or other circumstances shall not be affected thereby.

Section B. The enactment of section 1.320 of this act shall become effective on January 1, 2017, or upon the revisor of statutes receiving notification that at least four other states have enacted into law substantially similar language as contained in section 1.320 of this act, or upon passage of any new federal acts, or issuance of federal executive, administrative, or court orders which infringe upon or curtail the right to keep and bear arms by law-abiding Missouri citizens as defined in chapter 1.320, whichever event occurs earlier.

Section C. The enactment of section 544.085 of this act shall become effective on January 1, 2017, or upon the revisor of statutes receiving notification that at least four other states have enacted into law substantially similar language as contained in section 544.085 of this act, whichever event occurs earlier.

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