

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 301, Page 16, Section 571.030, Line 31,
2 by inserting after the number "579.015" the following:

3
4 "; or
5 (12) Carries upon or about his or her person a firearm if the person is under twenty-one
6 years of age"; and

7
8 Further amend said bill and section, Page 17, Line 50, by inserting after the words "of the" the
9 words "United States"; and

10
11 Further amend said bill and section, Page 18, Line 83, by deleting the word "nineteen" and inserting
12 in lieu thereof the words "[~~nineteen~~] twenty-one"; and

13
14 Further amend said bill, page, and section, Line 84, by deleting the first instance of the word "older"
15 and inserting in lieu thereof the word "older₂"; and

16
17 Further amend said bill, page, and section, Line 85, by deleting the first instance of the word
18 "Forces," and inserting in lieu thereof the word "Forces₅"; and

19
20 Further amend said bill, page, and section, Line 94, by inserting at the end of said line the following:

21
22 "Subdivision (12) of subsection 1 of this section does not apply to any person who is in the
23 lawful pursuit of game; who is acting in his or her capacity as a member of the United States Armed
24 Forces or a law enforcement agency; who is in his or her dwelling unit or upon premises over which
25 the person has possession, authority, or control; who is traveling in a continuous journey peaceably
26 through this state; or who is eighteen years of age or older and a member of the United States
27 Armed Forces or honorably discharged from the United States Armed Forces."; and

28
29 Further amend said bill and section, Page 19, Line 129, by deleting the phrase "Subdivision (5) or
30 (10)" and inserting in lieu thereof the phrase "Subdivision (5) [~~or~~]₂ (10), or (12)"; and

31
32 Further amend said bill, Page 21, Section 571.070, Line 19, by inserting after said section and line
33 the following:

34
35 "571.101. 1. All applicants for concealed carry permits issued pursuant to subsection 7 of
36 this section must satisfy the requirements of sections 571.101 to 571.121. If the said applicant can

Action Taken _____ Date _____

1 show qualification as provided by sections 571.101 to 571.121, the county or city sheriff shall issue
 2 a concealed carry permit authorizing the carrying of a concealed firearm on or about the applicant's
 3 person or within a vehicle. A concealed carry permit shall be valid from the date of issuance or
 4 renewal until five years from the last day of the month in which the permit was issued or renewed.
 5 The concealed carry permit is valid throughout this state. Although the permit is considered valid in
 6 the state, a person who fails to renew his or her permit within five years from the date of issuance or
 7 renewal shall not be eligible for an exception to a National Instant Criminal Background Check
 8 under federal regulations currently codified under 27 CFR 478.102(d), relating to the transfer, sale,
 9 or delivery of firearms from licensed dealers. A concealed carry endorsement issued prior to August
 10 28, 2013, shall continue from the date of issuance or renewal until three years from the last day of
 11 the month in which the endorsement was issued or renewed to authorize the carrying of a concealed
 12 firearm on or about the applicant's person or within a vehicle in the same manner as a concealed
 13 carry permit issued under subsection 7 of this section on or after August 28, 2013.

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

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

18 (a) Has assumed residency in this state; or

19 (b) Is a member of the United States Armed Forces stationed in Missouri[;] or the spouse of
 20 such member of the military;

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

24 (a) Has assumed residency in this state; or

25 (b) Is a member of the United States Armed Forces stationed in Missouri[;] or

26 [(~~e~~)] the spouse of such member of the military [~~stationed in Missouri and nineteen years of~~
 27 ~~age~~];

28 (3) Has not pled guilty to or entered a plea of nolo contendere or been convicted of a crime
 29 punishable by imprisonment for a term exceeding one year under the laws of any state or of the
 30 United States other than a crime classified as a misdemeanor under the laws of any state and
 31 punishable by a term of imprisonment of two years or less that does not involve an explosive
 32 weapon, firearm, firearm silencer or gas gun;

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (4) An affirmation that the applicant has not pled guilty to or been convicted of a crime
24 punishable by imprisonment for a term exceeding one year under the laws of any state or of the
25 United States other than a crime classified as a misdemeanor under the laws of any state and
26 punishable by a term of imprisonment of two years or less that does not involve an explosive
27 weapon, firearm, firearm silencer, or gas gun;

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

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

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

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

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

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

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

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

8 4. An application for a concealed carry permit shall be made to the sheriff of the county or
9 any city not within a county in which the applicant resides. An application shall be filed in writing,
10 signed under oath and under the penalties of perjury, and shall state whether the applicant complies
11 with each of the requirements specified in subsection 2 of this section. In addition to the completed
12 application, the applicant for a concealed carry permit must also submit the following:

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

16 (2) A nonrefundable permit fee as provided by subsection 11 or 12 of this section.

17 5. (1) Before an application for a concealed carry permit is approved, the sheriff shall make
18 only such inquiries as he or she deems necessary into the accuracy of the statements made in the
19 application. The sheriff may require that the applicant display a Missouri driver's license or
20 nondriver's license or military identification and orders showing the person being stationed in
21 Missouri. In order to determine the applicant's suitability for a concealed carry permit, the applicant
22 shall be fingerprinted. No other biometric data shall be collected from the applicant. The sheriff
23 shall conduct an inquiry of the National Instant Criminal Background Check System within three
24 working days after submission of the properly completed application for a concealed carry permit.
25 If no disqualifying record is identified by these checks at the state level, the fingerprints shall be
26 forwarded to the Federal Bureau of Investigation for a national criminal history record check. Upon
27 receipt of the completed report from the National Instant Criminal Background Check System and
28 the response from the Federal Bureau of Investigation national criminal history record check, the
29 sheriff shall examine the results and, if no disqualifying information is identified, shall issue a
30 concealed carry permit within three working days.

31 (2) In the event the report from the National Instant Criminal Background Check System
32 and the response from the Federal Bureau of Investigation national criminal history record check
33 prescribed by subdivision (1) of this subsection are not completed within forty-five calendar days
34 and no disqualifying information concerning the applicant has otherwise come to the sheriff's
35 attention, the sheriff shall issue a provisional permit, clearly designated on the certificate as such,
36 which the applicant shall sign in the presence of the sheriff or the sheriff's designee. This permit,
37 when carried with a valid Missouri driver's or nondriver's license or a valid military identification,
38 shall permit the applicant to exercise the same rights in accordance with the same conditions as
39 pertain to a concealed carry permit issued under this section, provided that it shall not serve as an
40 alternative to an national instant criminal background check required by 18 U.S.C. Section 922(t).
41 The provisional permit shall remain valid until such time as the sheriff either issues or denies the
42 certificate of qualification under subsection 6 or 7 of this section. The sheriff shall revoke a
43 provisional permit issued under this subsection within twenty-four hours of receipt of any report that
44 identifies a disqualifying record, and shall notify the concealed carry permit system established
45 under subsection 5 of section 650.350. The revocation of a provisional permit issued under this
46 section shall be proscribed in a manner consistent to the denial and review of an application under
47 subsection 6 of this section.

48 6. The sheriff may refuse to approve an application for a concealed carry permit if he or she
49 determines that any of the requirements specified in subsection 2 of this section have not been met,

1 or if he or she has a substantial and demonstrable reason to believe that the applicant has rendered a
2 false statement regarding any of the provisions of sections 571.101 to 571.121. If the applicant is
3 found to be ineligible, the sheriff is required to deny the application, and notify the applicant in
4 writing, stating the grounds for denial and informing the applicant of the right to submit, within
5 thirty days, any additional documentation relating to the grounds of the denial. Upon receiving any
6 additional documentation, the sheriff shall reconsider his or her decision and inform the applicant
7 within thirty days of the result of the reconsideration. The applicant shall further be informed in
8 writing of the right to appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114.
9 After two additional reviews and denials by the sheriff, the person submitting the application shall
10 appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114.

11 7. If the application is approved, the sheriff shall issue a concealed carry permit to the
12 applicant within a period not to exceed three working days after his or her approval of the
13 application. The applicant shall sign the concealed carry permit in the presence of the sheriff or his
14 or her designee.

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

- 16 (1) Name, address, date of birth, gender, height, weight, color of hair, color of eyes, and
17 signature of the permit holder;
18 (2) The signature of the sheriff issuing the permit;
19 (3) The date of issuance; and
20 (4) The expiration date.

21
22 The permit shall be no larger than two and one-eighth inches wide by three and three-eighths inches
23 long and shall be of a uniform style prescribed by the department of public safety. The permit shall
24 also be assigned a concealed carry permit system county code and shall be stored in sequential
25 number.

26 9. (1) The sheriff shall keep a record of all applications for a concealed carry permit or a
27 provisional permit and his or her action thereon. Any record of an application that is incomplete or
28 denied for any reason shall be kept for a period not to exceed one year. Any record of an application
29 that was approved shall be kept for a period of one year after the expiration and nonrenewal of the
30 permit.

31 (2) The sheriff shall report the issuance of a concealed carry permit or provisional permit to
32 the concealed carry permit system. All information on any such permit that is protected information
33 on any driver's or nondriver's license shall have the same personal protection for purposes of
34 sections 571.101 to 571.121. An applicant's status as a holder of a concealed carry permit,
35 provisional permit, or a concealed carry endorsement issued prior to August 28, 2013, shall not be
36 public information and shall be considered personal protected information. Information retained in
37 the concealed carry permit system under this subsection shall not be distributed to any federal, state,
38 or private entities and shall only be made available for a single entry query of an individual in the
39 event the individual is a subject of interest in an active criminal investigation or is arrested for a
40 crime. A sheriff may access the concealed carry permit system for administrative purposes to issue
41 a permit, verify the accuracy of permit holder information, change the name or address of a permit
42 holder, suspend or revoke a permit, cancel an expired permit, or cancel a permit upon receipt of a
43 certified death certificate for the permit holder. Any person who violates the provisions of this
44 subdivision by disclosing protected information shall be guilty of a class A misdemeanor.

45 10. Information regarding any holder of a concealed carry permit, or a concealed carry
46 endorsement issued prior to August 28, 2013, is a closed record. No bulk download or batch data
47 shall be distributed to any federal, state, or private entity, except to MoSMART or a designee
48 thereof. Any state agency that has retained any documents or records, including fingerprint records

1 provided by an applicant for a concealed carry endorsement prior to August 28, 2013, shall destroy
2 such documents or records, upon successful issuance of a permit.

3 11. For processing an application for a concealed carry permit pursuant to sections 571.101
4 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed one hundred
5 dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.
6 This fee shall include the cost to reimburse the Missouri state highway patrol for the costs of
7 fingerprinting and criminal background checks. An additional fee shall be added to each credit card,
8 debit card, or other electronic transaction equal to the charge paid by the state or the applicant for
9 the use of the credit card, debit card, or other electronic payment method by the applicant.

10 12. For processing a renewal for a concealed carry permit pursuant to sections 571.101 to
11 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed fifty dollars
12 which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

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

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

20 571.117. 1. Any person who has knowledge that another person, who was issued a
21 concealed carry permit pursuant to sections 571.101 to 571.121, or concealed carry endorsement
22 prior to August 28, 2013, never was or no longer is eligible for such permit or endorsement under
23 the criteria established in sections 571.101 to 571.121 may file a petition with the clerk of the small
24 claims court to revoke that person's concealed carry permit or endorsement. The petition shall be in
25 a form substantially similar to the petition for revocation of concealed carry permit or endorsement
26 provided in this section. Appeal forms shall be provided by the clerk of the small claims court free
27 of charge to any person:

SMALL CLAIMS COURT

In the Circuit Court of _____, Missouri

_____, PLAINTIFF

)

)

vs.

)

Case Number _____

)

_____, DEFENDANT,

Carry Permit or Endorsement Holder

_____, DEFENDANT,

Sheriff of Issuance

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 [~~nineteen~~] twenty-one 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 two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.
- Defendant has been discharged under dishonorable conditions from the United States Armed Forces.
- Defendant is reasonably believed by the sheriff to be a danger to self or others based on previous, documented pattern.
- Defendant is adjudged mentally incompetent at the time of application or for five years

prior to application, or has been committed to a mental health facility, as defined in section 632.005, RSMo, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, RSMo, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply.

- Defendant failed to submit a completed 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 failed to submit to or failed to clear the required background check. (Note: This does not apply if the defendant has submitted to a background check and been issued a provisional permit pursuant to subdivision (2) of subsection 5 of section 571.101, and the results of the background check are still pending.)
- Defendant failed to submit an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsection 1 of section 571.111, RSMo.
- Defendant is otherwise disqualified from possessing a firearm pursuant to 18 U.S.C. Section 922(g) or section 571.070, RSMo, because (specify reason):

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

_____, PLAINTIFF

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

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

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

1 5. The office of the county sheriff or any employee or agent of the county sheriff shall not
2 be liable for damages in any civil action arising from alleged wrongful or improper granting,
3 renewing, or failure to revoke a concealed carry permit issued pursuant to sections 571.101 to
4 571.121, or a certificate of qualification for a concealed carry endorsement issued prior to August
5 28, 2013, so long as the sheriff acted in good faith.

6 571.205. 1. Upon request and payment of the required fee, the sheriff shall issue a
7 concealed carry permit that is valid through the state of Missouri for the lifetime of the permit
8 holder to a Missouri resident who meets the requirements of sections 571.205 to 571.230, known as
9 a Missouri lifetime concealed carry permit. A person may also request, and the sheriff shall issue
10 upon payment of the required fee, a concealed carry permit that is valid through the state of
11 Missouri for a period of either ten years or twenty-five years from the date of issuance or renewal to
12 a Missouri resident who meets the requirements of sections 571.205 to 571.230. Such permit shall
13 be known as a Missouri extended concealed carry permit. A person issued a Missouri lifetime or
14 extended concealed carry permit shall be required to comply with the provisions of sections 571.205
15 to 571.230. If the applicant can show qualification as provided by sections 571.205 to 571.230, the
16 sheriff shall issue a Missouri lifetime or extended concealed carry permit authorizing the carrying of
17 a concealed firearm on or about the applicant's person or within a vehicle.

18 2. A Missouri lifetime or extended concealed carry permit shall be suspended if the permit
19 holder becomes a resident of another state. The permit may be reactivated upon reestablishment of
20 Missouri residency if the applicant meets the requirements of sections 571.205 to 571.230, and upon
21 successful completion of a name-based inquiry of the National Instant Background Check System.

22 3. A Missouri lifetime or extended concealed carry permit shall be issued by the sheriff or
23 his or her designee of the county or city in which the applicant resides, if the applicant:

24 (1) Is at least [~~nineteen~~] twenty-one years of age, is a citizen or permanent resident of the
25 United States, and has assumed residency in this state, or the applicant is at least eighteen years of
26 age and a member of the United States Armed Forces or honorably discharged from the United
27 States Armed Forces, [~~and~~] is a citizen of the United States, and has assumed residency in this state;

28 (2) Has not pled guilty to or entered a plea of nolo contendere or been convicted of a crime
29 punishable by imprisonment for a term exceeding one year under the laws of any state or of the
30 United States, other than a crime classified as a misdemeanor under the laws of any state and
31 punishable by a term of imprisonment of two years or less that does not involve an explosive
32 weapon, firearm, firearm silencer, or gas gun;

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

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

45 (5) Has not been discharged under dishonorable conditions from the United States Armed
46 Forces;

47 (6) Has not engaged in a pattern of behavior, documented in public or closed records, that
48 causes the sheriff to have a reasonable belief that the applicant presents a danger to himself or
49 herself or others;

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

5 (8) Submits a completed application for a permit as described in subsection 4 of this section;

6 (9) Submits an affidavit attesting that the applicant complies with the concealed carry safety
7 training requirement under subsections 1 and 2 of section 571.111;

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

9 (11) Is not otherwise prohibited from possessing a firearm under section 571.070 or 18
10 U.S.C. Section 922(g).

11 4. The application for a Missouri lifetime or extended concealed carry permit issued by the
12 sheriff of the county of the applicant's residence shall contain only the following information:

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

17 (2) An affirmation that the applicant has assumed residency in Missouri and is a citizen or
18 permanent resident of the United States;

19 (3) An affirmation that the applicant is at least ~~nineteen~~ twenty-one years of age or is
20 eighteen years of age or older and a member of the United States Armed Forces or honorably
21 discharged from the United States Armed Forces;

22 (4) An affirmation that the applicant has not pled guilty to or been convicted of a crime
23 punishable by imprisonment for a term exceeding one year under the laws of any state or of the
24 United States other than a crime classified as a misdemeanor under the laws of any state and
25 punishable by a term of imprisonment of two years or less that does not involve an explosive
26 weapon, firearm, firearm silencer, or gas gun;

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

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

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

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

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

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

1 (11) A conspicuous warning that false statements made by the applicant will result in
2 prosecution for perjury under the laws of the state of Missouri; and

3 (12) A government-issued photo identification. This photograph shall not be included on
4 the permit and shall only be used to verify the person's identity for the issuance of a new permit,
5 issuance of a new permit due to change of name or address, renewal of an extended permit, or for a
6 lost or destroyed permit, or reactivation under subsection 2 of this section.

7 5. An application for a Missouri lifetime or extended concealed carry permit shall be made
8 to the sheriff of the county in which the applicant resides. An application shall be filed in writing,
9 signed under oath and under the penalties of perjury, and shall state whether the applicant complies
10 with each of the requirements specified in subsection 3 of this section. In addition to the completed
11 application, the applicant for a Missouri lifetime or extended concealed carry permit shall also
12 submit the following:

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

16 (2) A nonrefundable permit fee as provided by subsection 12 of this section.

17 6. (1) Before an application for a Missouri lifetime or extended concealed carry permit is
18 approved, the sheriff shall make only such inquiries as he or she deems necessary into the accuracy
19 of the statements made in the application. The sheriff may require that the applicant display a
20 Missouri driver's license or nondriver's license or military identification. No biometric data shall be
21 collected from the applicant. The sheriff shall conduct an inquiry of the National Instant Criminal
22 Background Check System within three working days after submission of the properly completed
23 application for a Missouri lifetime or extended concealed carry permit. Upon receipt of the
24 completed report from the National Instant Criminal Background Check System, the sheriff shall
25 examine the results and, if no disqualifying information is identified, shall issue a Missouri lifetime
26 or extended concealed carry permit within three working days.

27 (2) In the event the report from the National Instant Criminal Background Check System
28 and the response from the Federal Bureau of Investigation national criminal history record check
29 prescribed by subdivision (1) of this subsection are not completed within forty-five calendar days
30 and no disqualifying information concerning the applicant has otherwise come to the sheriff's
31 attention, the sheriff shall issue a provisional permit, clearly designated on the certificate as such,
32 which the applicant shall sign in the presence of the sheriff or the sheriff's designee. This permit,
33 when carried with a valid Missouri driver's or nondriver's license, shall permit the applicant to
34 exercise the same rights in accordance with the same conditions as pertain to a Missouri lifetime or
35 extended concealed carry permit issued under this section, provided that it shall not serve as an
36 alternative to a national instant criminal background check required by 18 U.S.C. Section 922(t).
37 The provisional permit shall remain valid until such time as the sheriff either issues or denies the
38 permit under subsection 7 or 8 of this section. The sheriff shall revoke a provisional permit issued
39 under this subsection within twenty-four hours of receipt of any report that identifies a disqualifying
40 record, and shall notify the concealed carry permit system established under subsection 5 of section
41 650.350. The revocation of a provisional permit issued under this section shall be prescribed in a
42 manner consistent to the denial and review of an application under subsection 7 of this section.

43 7. The sheriff may refuse to approve an application for a Missouri lifetime or extended
44 concealed carry permit if he or she determines that any of the requirements specified in subsection 3
45 of this section have not been met, or if he or she has a substantial and demonstrable reason to
46 believe that the applicant has rendered a false statement regarding any of the provisions of sections
47 571.205 to 571.230. If the applicant is found to be ineligible, the sheriff is required to deny the
48 application, and notify the applicant in writing, stating the grounds for denial and informing the
49 applicant of the right to submit, within thirty days, any additional documentation relating to the

1 grounds of the denial. Upon receiving any additional documentation, the sheriff shall reconsider his
2 or her decision and inform the applicant within thirty days of the result of the reconsideration. The
3 applicant shall further be informed in writing of the right to appeal the denial under section 571.220.
4 After two additional reviews and denials by the sheriff, the person submitting the application shall
5 appeal the denial under section 571.220.

6 8. If the application is approved, the sheriff shall issue a Missouri lifetime or extended
7 concealed carry permit to the applicant within a period not to exceed three working days after his or
8 her approval of the application. The applicant shall sign the Missouri lifetime or extended
9 concealed carry permit in the presence of the sheriff or his or her designee.

10 9. The Missouri lifetime or extended concealed carry permit shall specify only the following
11 information:

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

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

15 (3) The date of issuance;

16 (4) A clear statement indicating that the permit is only valid within the state of Missouri;
17 and

18 (5) If the permit is a Missouri extended concealed carry permit, the expiration date.

19
20 The permit shall be no larger than two and one-eighth inches wide by three and three-eighths inches
21 long and shall be of a uniform style prescribed by the department of public safety. The permit shall
22 also be assigned a concealed carry permit system county code and shall be stored in sequential
23 number.

24 10. (1) The sheriff shall keep a record of all applications for a Missouri lifetime or extended
25 concealed carry permit or a provisional permit and his or her action thereon. Any record of an
26 application that is incomplete or denied for any reason shall be kept for a period not to exceed one
27 year.

28 (2) The sheriff shall report the issuance of a Missouri lifetime or extended concealed carry
29 permit or provisional permit to the concealed carry permit system. All information on any such
30 permit that is protected information on any driver's or nondriver's license shall have the same
31 personal protection for purposes of sections 571.205 to 571.230. An applicant's status as a holder of
32 a Missouri lifetime or extended concealed carry permit or provisional permit shall not be public
33 information and shall be considered personal protected information. Information retained in the
34 concealed carry permit system under this subsection shall not be distributed to any federal, state, or
35 private entities and shall only be made available for a single entry query of an individual in the
36 event the individual is a subject of interest in an active criminal investigation or is arrested for a
37 crime. A sheriff may access the concealed carry permit system for administrative purposes to issue
38 a permit, verify the accuracy of permit holder information, change the name or address of a permit
39 holder, suspend or revoke a permit, cancel an expired permit, or cancel a permit upon receipt of a
40 certified death certificate for the permit holder. Any person who violates the provisions of this
41 subdivision by disclosing protected information shall be guilty of a class A misdemeanor.

42 11. Information regarding any holder of a Missouri lifetime or extended concealed carry
43 permit is a closed record. No bulk download or batch data shall be distributed to any federal, state,
44 or private entity, except to MoSMART or a designee thereof.

45 12. For processing an application, the sheriff in each county shall charge a nonrefundable
46 fee not to exceed:

47 (1) Two hundred dollars for a new Missouri extended concealed carry permit that is valid
48 for ten years from the date of issuance or renewal;

- 1 (2) Two hundred fifty dollars for a new Missouri extended concealed carry permit that is
- 2 valid for twenty-five years from the date of issuance or renewal;
- 3 (3) Fifty dollars for a renewal of a Missouri extended concealed carry permit;
- 4 (4) Five hundred dollars for a Missouri lifetime concealed carry permit,
- 5

6 which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

7 571.225. 1. Any person who has knowledge that another person, who was issued a Missouri
 8 lifetime or extended concealed carry permit under sections 571.205 to 571.230, never was or no
 9 longer is eligible for such permit under the criteria established in sections 571.205 to 571.230 may
 10 file a petition with the clerk of the small claims court to revoke that person's Missouri lifetime or
 11 extended concealed carry permit. The petition shall be in a form substantially similar to the petition
 12 for revocation of a Missouri lifetime or extended concealed carry permit provided in this section.
 13 ~~[Appeal]~~ Revocation petition forms shall be provided by the clerk of the small claims court free of
 14 charge to any person:

SMALL CLAIMS COURT

In the Circuit Court of _____, Missouri

_____, PLAINTIFF

)

)

vs.

)

Case Number _____

)

)

_____, DEFENDANT,

Lifetime or Extended Carry Permit Holder

_____, DEFENDANT,

Sheriff of Issuance

PETITION FOR REVOCATION OF A

MISSOURI LIFETIME OR EXTENDED CONCEALED CARRY PERMIT

Plaintiff states to the court that the defendant, _____, has a Missouri lifetime or extended
 concealed carry permit issued pursuant to sections 571.205 to 571.230, RSMo, and that the
 defendant's Missouri lifetime or extended concealed carry permit should now be revoked
 because the defendant either never was or no longer is eligible for such a permit pursuant to
 the provisions of sections 571.205 to 571.230, 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 [~~nineteen~~] twenty-one 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 or is not a current resident of this state.
- 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 Missouri lifetime or extended concealed carry permit issued pursuant to sections 571.205 to 571.230, RSMo, or the defendant 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 571.205 to 571.230, RSMo.
- 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 two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.
- Defendant has been discharged under dishonorable conditions from the United States Armed Forces.
- Defendant is reasonably believed by the sheriff to be a danger to self or others based on previous, documented pattern.
- Defendant is adjudged mentally incompetent at the time of application or for five years prior to application, or has been committed to a mental health facility, as defined in section 632.005, RSMo, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, RSMo, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply.
- Defendant failed to submit a completed application for a concealed carry permit issued pursuant to sections 571.205 to 571.230, RSMo.
- Defendant failed to submit to or failed to clear the required background check. (Note: This does not apply if the defendant has submitted to a background check and been issued a provisional permit pursuant to subdivision (2) of subsection 6 of section 571.205, RSMo, and the results of the background check are still pending.)

- Defendant failed to submit an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsections 1 and 2 of section 571.111, RSMo.
- Defendant is otherwise disqualified from possessing a firearm pursuant to 18 U.S.C. Section 922(g) or section 571.070, RSMo, because _____ (specify reason):

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

_____, PLAINTIFF

1 2. If at the hearing the plaintiff shows that the defendant was not eligible for the Missouri
 2 lifetime or extended concealed carry permit issued under sections 571.205 to 571.230 at the time of
 3 issuance or renewal or is no longer eligible for a Missouri lifetime or extended concealed carry
 4 permit the court shall issue an appropriate order to cause the revocation of the Missouri lifetime or
 5 extended concealed carry permit. Costs shall not be assessed against the sheriff.

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

16 4. Any person aggrieved by any final judgment rendered by a small claims court in a
 17 petition for revocation of a Missouri lifetime or extended concealed carry permit may have a right to
 18 trial de novo as provided in sections 512.180 to 512.320.

19 5. The office of the county sheriff or any employee or agent of the county sheriff shall not
 20 be liable for damages in any civil action arising from alleged wrongful or improper granting,
 21 renewing, or failure to revoke a Missouri lifetime or extended concealed carry permit issued under
 22 sections 571.205 to 571.230 so long as the sheriff acted in good faith."; and
 23

24 Further amend said bill by amending the title, enacting clause, and intersectional references
 25 accordingly.