

SECOND REGULAR SESSION

HOUSE BILL NO. 2176

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PERKINS.

5453H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 21.750, 563.016, 563.031, 563.041, 563.074, 571.101, 571.104, 571.117, 571.205, and 571.225, RSMo, and to enact in lieu thereof eleven new sections relating to public safety, with penalty provisions.

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

Section A. Sections 21.750, 563.016, 563.031, 563.041, 563.074, 571.101, 571.104, 2 571.117, 571.205, and 571.225, RSMo, are repealed and eleven new sections enacted in lieu 3 thereof, to be known as sections 1.486, 21.750, 563.031, 563.041, 563.074, 563.085, 571.101, 4 571.104, 571.117, 571.205, and 571.225, to read as follows:

1.486. 1. This section shall be known and may be cited as the "Anti-Red Flag 2 Gun Seizure Act".

2. As used in this section, "red flag law" means:

4 (1) Any gun control law, order, or measure that directs the temporary or 5 permanent seizure of any firearm, firearm accessory, or ammunition of an individual, 6 except persons lawfully in custody or persons who have been released after the 7 execution of a bail bond after having been charged with a dangerous felony, as defined 8 in section 556.061; or

9 (2) Any federal statute, federal rule, federal executive order, or federal judicial 10 order or finding, or any state statute, state rule, state executive order, or state judicial 11 order or finding, that:

12 (a) Prohibits a Missouri citizen from owning, possessing, transporting, 13 transferring, or receiving any firearm, firearm accessory, or ammunition, except 14 persons lawfully in custody or persons who have been released after the execution of a

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.

15 **bail bond after having been charged with a dangerous felony, as defined in section**
16 **556.061; or**

17 **(b) Orders the removal or requires the surrender of any firearm, firearm**
18 **accessory, or ammunition of an individual, except persons lawfully in custody or persons**
19 **who have been released after the execution of a bail bond after having been charged**
20 **with a dangerous felony, as defined in section 556.061.**

21 **3. Any federal order of protection, other judicial order issued by a federal court,**
22 **or federal executive order that is a red flag law or otherwise directs the confiscation of**
23 **any firearm, firearm accessory, or ammunition from any law-abiding citizen within the**
24 **borders of this state shall not be enforced in this state by any state agency, political**
25 **subdivision, or state or local law enforcement agency.**

26 **4. No state agency, political subdivision, or state or local law enforcement agency**
27 **shall receive any federal moneys for the purpose of enforcing any federal statute, federal**
28 **rule, federal executive order, or federal judicial order or findings, or for the purpose of**
29 **enforcing any state statute, state rule, state executive order, or state judicial order or**
30 **findings, that would have the effect of enforcing a red flag law against a Missouri citizen.**

31 **5. No state entity or employee thereof, political subdivision or employee thereof,**
32 **or other entity or person shall have the authority to enforce or attempt to enforce a red**
33 **flag law regardless of the red flag law's origin or the authority of the issuing entity. This**
34 **subsection shall not apply to any agent of the federal government enforcing a federal**
35 **law or federal order.**

36 **6. Nothing in this section shall be construed to prevent a firearm, firearm**
37 **accessory, or ammunition from being seized as evidence by law enforcement in the**
38 **course of an investigation.**

39 **7. (1) A political subdivision or state or local law enforcement agency that**
40 **employs a law enforcement officer who knowingly acts to violate this section and enforce**
41 **a red flag law under the color of any state or federal statute, rule, executive order, or**
42 **judicial order or finding shall be liable to the party against whom the red flag law was**
43 **enforced in an action at law, suit in equity, or other proper proceeding for redress and**
44 **shall be subject to a civil penalty of fifty thousand dollars per occurrence.**

45 **(2) Any person injured under this section shall have standing to pursue an action**
46 **for injunctive relief in the circuit court of the county in which the action allegedly**
47 **occurred or in the circuit court of Cole County.**

48 **(3) The court shall hold a hearing on any motion for a temporary restraining**
49 **order or preliminary injunction within thirty days of service of a petition for the same.**

50 **(4) In an action brought under this section by a party against whom the red flag**
51 **law was enforced, a court may order injunctive or other equitable relief, recovery of**

52 **damages, other legal remedies, and payment of reasonable attorney's fees, costs, and**
53 **expenses of the party. The relief and remedies set forth in this section shall not be**
54 **deemed exclusive and shall be in addition to any other relief or remedies permitted by**
55 **law. The court may award the prevailing party, if not the state of Missouri or a political**
56 **subdivision thereof, reasonable attorney's fees and costs.**

57 **(5) Sovereign immunity shall not be an affirmative defense to any action brought**
58 **under this section.**

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
3 complete exclusion of any order, ordinance or regulation by any political subdivision of this
4 state. Any existing or future orders, ordinances or regulations in this field are hereby and
5 shall be null and void except as provided in subsection 3 of this section.

6 2. No county, city, town, village, municipality, or other political subdivision of this
7 state shall adopt any order, ordinance or regulation concerning in any way the sale, purchase,
8 purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation,
9 licensing, permit, registration, taxation other than sales and compensating use taxes or other
10 controls on firearms, components, ammunition, and supplies except as provided in subsection
11 3 of this section.

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

19 ~~[(2) In any jurisdiction in which the open carrying of firearms is prohibited by~~
20 ~~ordinance, the open carrying of firearms shall not be prohibited in accordance with the~~
21 ~~following:~~

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

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

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

31 ~~(d) Any person who violates this subdivision shall be subject to the penalty provided~~
32 ~~in section 571.121.]~~

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

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

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

48 **7. (1) Any county, city, town, village, municipality, or other political subdivision**
49 **of this state that enacts an ordinance that regulates firearms in violation of this section**
50 **shall be liable to the injured party in an action at law, suit in equity, or other proper**
51 **proceeding for redress and subject to a civil penalty of fifty thousand dollars. Any**
52 **person who believes that a jurisdiction in which he or she resides has taken action that**
53 **would violate the provisions of this section shall have standing to pursue an action under**
54 **this subdivision.**

55 **(2) Any person who believes that a jurisdiction in which he or she resides or**
56 **conducts business has taken action that would violate the provisions of this section shall**
57 **have standing to pursue an action for injunctive relief in the circuit court of the county**
58 **in which the action allegedly occurred or in the circuit court of Cole County with respect**
59 **to the action of the jurisdiction. The court shall hold a hearing on the motion for a**
60 **temporary restraining order and preliminary injunction within thirty days of the**
61 **service of the petition.**

62 **(3) In any action under this subsection, the court may award the prevailing**
63 **party, other than the state of Missouri or any political subdivision of the state,**
64 **reasonable attorney's fees and costs.**

65 **(4) Sovereign immunity shall not be an affirmative defense in any action under**
66 **this subsection.**

563.031. 1. A person may, subject to the provisions of subsection 2 of this section,
2 use physical force upon another person when and to the extent he or she reasonably believes
3 such force to be necessary to defend himself or herself or a third person from what he or she
4 reasonably believes to be the use or imminent use of unlawful force by such other person,
5 unless:

6 (1) The actor was the initial aggressor; except that in such case his or her use of force
7 is nevertheless justifiable provided:

8 (a) He or she has withdrawn from the encounter and effectively communicated such
9 withdrawal to such other person but the latter persists in continuing the incident by the use or
10 threatened use of unlawful force; or

11 (b) He or she is a law enforcement officer and as such is an aggressor pursuant to
12 section 563.046; or

13 (c) The aggressor is justified under some other provision of this chapter or other
14 provision of law;

15 (2) Under the circumstances as the actor reasonably believes them to be, the person
16 whom he or she seeks to protect would not be justified in using such protective force;

17 (3) The actor was attempting to commit, committing, or escaping after the
18 commission of a forcible felony.

19 2. A person shall not use deadly force upon another person under the circumstances
20 specified in subsection 1 of this section unless:

21 (1) He or she reasonably believes that such deadly force is necessary to protect
22 himself, or herself or her unborn child, or another against death, serious physical injury, or
23 any forcible felony;

24 (2) Such force is used against a person who unlawfully enters, remains after
25 unlawfully entering, or attempts to unlawfully enter a dwelling, residence, or vehicle lawfully
26 occupied by such person; or

27 (3) Such force is used against a person who unlawfully enters, remains after
28 unlawfully entering, or attempts to unlawfully enter private property that is owned or leased
29 by an individual, or is occupied by an individual who has been given specific authority by the
30 property owner to occupy the property, claiming a justification of using protective force under
31 this section.

32 3. A person does not have a duty to retreat:

33 (1) From a dwelling, residence, or vehicle where the person is not unlawfully entering
34 or unlawfully remaining;

35 (2) From private property that is owned or leased by such individual; or

36 (3) If the person is in any other location such person has the right to be.

37 4. The justification afforded by this section extends to the use of physical restraint as
38 protective force provided that the actor takes all reasonable measures to terminate the restraint
39 as soon as it is reasonable to do so.

40 5. ~~[The defendant shall have the burden of injecting the issue of justification under~~
41 ~~this section. If a defendant asserts that his or her use of force is described under subdivision~~
42 ~~(2) of subsection 2 of this section, the burden shall then be on the state to prove beyond a~~
43 ~~reasonable doubt that the defendant did not reasonably believe that the use of such force was~~
44 ~~necessary to defend against what he or she reasonably believed was the use or imminent use~~
45 ~~of unlawful force]~~ **There shall be a presumption of reasonableness under this section that**
46 **the defendant believed such force was necessary to defend himself or herself or a third**
47 **person from what he or she believed to be the use or imminent use of unlawful force by**
48 **another person.**

563.041. 1. A person may, subject to the limitations of subsection 2, use physical
2 force upon another person when and to the extent that he or she reasonably believes it
3 necessary to prevent what he or she reasonably believes to be the commission or attempted
4 commission by such person of stealing, property damage or tampering in any degree.

5 2. A person may use deadly force under circumstances described in subsection 1 only
6 when such use of deadly force is authorized under other sections of this chapter.

7 3. The justification afforded by this section extends to the use of physical restraint as
8 protective force provided that the actor takes all reasonable measures to terminate the restraint
9 as soon as it is reasonable to do so.

10 4. An armed nuclear security guard may use the following levels of physical force
11 against another person at a nuclear power plant or within a structure or fenced yard of a
12 nuclear power plant if the armed nuclear security guard reasonably believes that such force is
13 necessary:

14 (1) An armed nuclear security guard may use physical force, as he or she reasonably
15 believes is immediately necessary, up to and including deadly physical force to:

16 (a) Prevent an action that would constitute murder in the first or second degree under
17 section 565.020 or 565.021;

18 (b) Prevent an action that would constitute voluntary manslaughter under section
19 565.023;

20 (c) Prevent an action that would constitute assault in the first or second degree under
21 section 565.050 or 565.052; or

22 (d) Defend himself, herself, or a third person from the use or imminent use of deadly
23 physical force;

24 (2) An armed nuclear security guard may use physical force, as he or she reasonably
25 believes is immediately necessary, up to but not including deadly physical force to prevent an
26 action that would constitute:

27 (a) Assault in the third or fourth degree under section 565.054 or 565.056;

28 (b) Kidnapping in the first, second, or third degree under section 565.110, 565.120, or
29 565.130;

30 (c) Burglary in the first or second degree under section 569.160 or 569.170;

31 (d) Arson in the first, second, or third degree under section 569.040, 569.050, or
32 569.053;

33 (e) Property damage in the first degree under section 569.100;

34 (f) Robbery in the first or second degree under section 570.023 or 570.025;

35 (g) Armed criminal action under section 571.015; or

36 (h) Trespass in the first degree under section 569.140;

37 (3) An armed nuclear security guard is justified in threatening to use physical force or
38 deadly physical force if and to the extent a reasonable armed nuclear security guard believes it
39 necessary to protect himself, herself, or others against another person's potential use of
40 physical force or deadly physical force.

41 5. ~~[Notwithstanding any provisions of section 563.016 to the contrary,]~~ An armed
42 nuclear security guard, employer of an armed nuclear security guard, or owner of a nuclear
43 power plant shall not be subject to civil liability for conduct of an armed nuclear security
44 guard that is permitted by this section.

45 6. The defendant shall have the burden of injecting the issue of justification under this
46 section.

563.074. 1. ~~[Notwithstanding the provisions of section 563.016,]~~ A person who uses
2 force as described in sections 563.031, 563.041, 563.046, 563.051, 563.056, and 563.061 is
3 justified in using such force and such fact shall be an absolute defense to criminal prosecution
4 or civil liability.

5 2. The court shall award attorney's fees, court costs, and all reasonable expenses
6 incurred by the defendant in defense of any civil action brought by a plaintiff if the court finds
7 that the defendant has an absolute defense as provided in subsection 1 of this section.

**563.085. 1. (1) A person who uses or threatens to use force under section
2 563.031 is justified in such conduct and is immune from criminal prosecution and civil
3 action for the use or threatened use of such force by the person against whom the force
4 was used or threatened, or such person's personal representative or heirs, unless:**

5 (a) **The person against whom force was used or threatened was a law
6 enforcement officer who was acting in the performance of his or her official duties and
7 the officer identified himself or herself in accordance with any applicable law or the**

8 **person using or threatening to use force knew or reasonably should have known that the**
9 **person was a law enforcement officer; and**

10 **(b) The force used or threatened occurred in a location readily accessible to the**
11 **public or a place of public accommodation.**

12 **(2) As used in this subsection, the term "criminal prosecution" includes**
13 **arresting, detaining in custody, and charging or prosecuting the defendant.**

14 **2. A law enforcement agency may use standard procedures for investigating the**
15 **use or threatened use of force as described in subsection 1 of this section, but the agency**
16 **shall not arrest the person for using or threatening to use force unless the agency**
17 **determines that there is probable cause that the force that was used or threatened was**
18 **unlawful.**

19 **3. In a criminal prosecution or civil action, once a prima facie claim of self-**
20 **defense immunity has been raised by the defendant at a pretrial immunity hearing, the**
21 **burden of proof by clear and convincing evidence is on the party seeking to overcome**
22 **the immunity provided in subsection 1 of this section.**

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

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

20 **(1) Is [~~at least nineteen~~] **eighteen** years of age **or older**, is a citizen or permanent**
21 **resident of the United States, and either:**

22 **(a) Has assumed residency in this state; or**

23 (b) Is a member of the Armed Forces **of the United States** stationed in Missouri~~[5]~~ or
24 the spouse of such member of the military;

25 (2) ~~[Is at least nineteen years of age, or is at least eighteen years of age and a member~~
26 ~~of the United States Armed Forces or honorably discharged from the United States Armed~~
27 ~~Forces, and is a citizen of the United States and either:~~

28 ~~(a) Has assumed residency in this state;~~

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

30 ~~(c) The spouse of such member of the military stationed in Missouri and nineteen~~
31 ~~years of age;~~

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

37 ~~[(4)]~~ **(3)** Has not been convicted of, pled guilty to or entered a plea of nolo contendere
38 to one or more misdemeanor offenses involving crimes of violence within a five-year period
39 immediately preceding application for a concealed carry permit or if the applicant has not
40 been convicted of two or more misdemeanor offenses involving driving while under the
41 influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance
42 within a five-year period immediately preceding application for a concealed carry permit;

43 ~~[(5)]~~ **(4)** Is not a fugitive from justice or currently charged in an information or
44 indictment with the commission of a crime punishable by imprisonment for a term exceeding
45 one year under the laws of any state of the United States other than a crime classified as a
46 misdemeanor under the laws of any state and punishable by a term of imprisonment of two
47 years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

48 ~~[(6)]~~ **(5)** Has not been discharged under dishonorable conditions from the United
49 States Armed Forces;

50 ~~[(7)]~~ **(6)** Has not engaged in a pattern of behavior, documented in public or closed
51 records, that causes the sheriff to have a reasonable belief that the applicant presents a danger
52 to himself **or herself** or others;

53 ~~[(8)]~~ **(7)** Is not adjudged mentally incompetent at the time of application or for five
54 years prior to application, or has not been committed to a mental health facility, as defined in
55 section 632.005, or a similar institution located in another state following a hearing at which
56 the defendant was represented by counsel or a representative;

57 ~~[(9)]~~ **(8)** Submits a completed application for a permit as described in subsection 3 of
58 this section;

59 ~~[(10)]~~ **(9)** Submits an affidavit attesting that the applicant complies with the
60 concealed carry safety training requirement pursuant to subsections 1 and 2 of section
61 571.111;

62 ~~[(11)]~~ **(10)** Is not the respondent of a valid full order of protection which is still in
63 effect; **and**

64 ~~[(12)]~~ **(11)** Is not otherwise prohibited from possessing a firearm under section
65 571.070 or 18 U.S.C. Section 922(g).

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

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

72 (2) An affirmation that the applicant has assumed residency in Missouri or is a
73 member of the Armed Forces **of the United States** stationed in Missouri or the spouse of
74 such a member of the Armed Forces **of the United States** and is a citizen or permanent
75 resident of the United States;

76 (3) An affirmation that the applicant is ~~[at least nineteen years of age or is]~~ eighteen
77 years of age or older ~~[and a member of the United States Armed Forces or honorably~~
78 ~~discharged from the United States Armed Forces];~~

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

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

91 (6) An affirmation that the applicant is not a fugitive from justice or currently charged
92 in an information or indictment with the commission of a crime punishable by imprisonment
93 for a term exceeding one year under the laws of any state or of the United States other than a
94 crime classified as a misdemeanor under the laws of any state and punishable by a term of

95 imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm
96 silencer or gas gun;

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

99 (8) An affirmation that the applicant is not adjudged mentally incompetent at the time
100 of application or for five years prior to application, or has not been committed to a mental
101 health facility, as defined in section 632.005, or a similar institution located in another state,
102 except that a person whose release or discharge from a facility in this state pursuant to chapter
103 632, or a similar discharge from a facility in another state, occurred more than five years ago
104 without subsequent recommitment may apply;

105 (9) An affirmation that the applicant has received firearms safety training that meets
106 the standards of applicant firearms safety training defined in subsection 1 or 2 of section
107 571.111;

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

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

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

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

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

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

126 5. (1) Before an application for a concealed carry permit is approved, the sheriff shall
127 make only such inquiries as he or she deems necessary into the accuracy of the statements
128 made in the application. The sheriff may require that the applicant display a Missouri driver's
129 license or nondriver's license or military identification and orders showing the person being
130 stationed in Missouri. In order to determine the applicant's suitability for a concealed carry
131 permit, the applicant shall be fingerprinted. No other biometric data shall be collected from

132 the applicant. The sheriff shall conduct an inquiry of the National Instant Criminal
133 Background Check System within three working days after submission of the properly
134 completed application for a concealed carry permit. If no disqualifying record is identified by
135 these checks at the state level, the fingerprints shall be forwarded to the Federal Bureau of
136 Investigation for a national criminal history record check. Upon receipt of the completed
137 report from the National Instant Criminal Background Check System and the response from
138 the Federal Bureau of Investigation national criminal history record check, the sheriff shall
139 examine the results and, if no disqualifying information is identified, shall issue a concealed
140 carry permit within three working days.

141 (2) In the event the report from the National Instant Criminal Background Check
142 System and the response from the Federal Bureau of Investigation national criminal history
143 record check prescribed by subdivision (1) of this subsection are not completed within forty-
144 five calendar days and no disqualifying information concerning the applicant has otherwise
145 come to the sheriff's attention, the sheriff shall issue a provisional permit, clearly designated
146 on the certificate as such, which the applicant shall sign in the presence of the sheriff or the
147 sheriff's designee. This permit, when carried with a valid Missouri driver's or nondriver's
148 license or a valid military identification, shall permit the applicant to exercise the same rights
149 in accordance with the same conditions as pertain to a concealed carry permit issued under
150 this section, provided that it shall not serve as an alternative to an national instant criminal
151 background check required by 18 U.S.C. Section 922(t). The provisional permit shall remain
152 valid until such time as the sheriff either issues or denies the certificate of qualification under
153 subsection 6 or 7 of this section. The sheriff shall revoke a provisional permit issued under
154 this subsection within twenty-four hours of receipt of any report that identifies a disqualifying
155 record, and shall notify the concealed carry permit system established under subsection 5 of
156 section 650.350. The revocation of a provisional permit issued under this section shall be
157 proscribed in a manner consistent to the denial and review of an application under subsection
158 6 of this section.

159 6. The sheriff may refuse to approve an application for a concealed carry permit if he
160 or she determines that any of the requirements specified in subsection 2 of this section have
161 not been met, or if he or she has a substantial and demonstrable reason to believe that the
162 applicant has rendered a false statement regarding any of the provisions of sections 571.101
163 to 571.121. If the applicant is found to be ineligible, the sheriff is required to deny the
164 application, and notify the applicant in writing, stating the grounds for denial and informing
165 the applicant of the right to submit, within thirty days, any additional documentation relating
166 to the grounds of the denial. Upon receiving any additional documentation, the sheriff shall
167 reconsider his or her decision and inform the applicant within thirty days of the result of the
168 reconsideration. The applicant shall further be informed in writing of the right to appeal the

169 denial pursuant to subsections 2, 3, 4, and 5 of section 571.114. After two additional reviews
170 and denials by the sheriff, the person submitting the application shall appeal the denial
171 pursuant to subsections 2, 3, 4, and 5 of section 571.114.

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

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

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

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

180 (3) The date of issuance; and

181 (4) The expiration date.

182

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

187 9. (1) The sheriff shall keep a record of all applications for a concealed carry permit
188 or a provisional permit and his or her action thereon. Any record of an application that is
189 incomplete or denied for any reason shall be kept for a period not to exceed one year. Any
190 record of an application that was approved shall be kept for a period of one year after the
191 expiration and nonrenewal of the permit.

192 (2) The sheriff shall report the issuance of a concealed carry permit or provisional
193 permit to the concealed carry permit system. All information on any such permit that is
194 protected information on any driver's or nondriver's license shall have the same personal
195 protection for purposes of sections 571.101 to 571.121. An applicant's status as a holder of a
196 concealed carry permit, provisional permit, or a concealed carry endorsement issued prior to
197 August 28, 2013, shall not be public information and shall be considered personal protected
198 information. Information retained in the concealed carry permit system under this subsection
199 shall not be distributed to any federal, state, or private entities and shall only be made
200 available for a single entry query of an individual in the event the individual is a subject of
201 interest in an active criminal investigation or is arrested for a crime. A sheriff may access the
202 concealed carry permit system for administrative purposes to issue a permit, verify the
203 accuracy of permit holder information, change the name or address of a permit holder,
204 suspend or revoke a permit, cancel an expired permit, or cancel a permit upon receipt of a

205 certified death certificate for the permit holder. Any person who violates the provisions of
206 this subdivision by disclosing protected information shall be guilty of a class A misdemeanor.

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

214 11. For processing an application for a concealed carry permit pursuant to sections
215 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed
216 one hundred dollars which shall be paid to the treasury of the county to the credit of the
217 sheriff's revolving fund. This fee shall include the cost to reimburse the Missouri state
218 highway patrol for the costs of fingerprinting and criminal background checks. An additional
219 fee shall be added to each credit card, debit card, or other electronic transaction equal to the
220 charge paid by the state or the applicant for the use of the credit card, debit card, or other
221 electronic payment method by the applicant.

222 12. For processing a renewal for a concealed carry permit pursuant to sections
223 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed
224 fifty dollars which shall be paid to the treasury of the county to the credit of the sheriff's
225 revolving fund.

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

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

571.104. 1. A concealed carry endorsement issued prior to August 28, 2013, shall be
2 suspended or revoked if the concealed carry endorsement holder becomes ineligible for such
3 endorsement under the criteria established in subdivisions **(2)**, (3), (4), [~~(5)~~, ~~(8)~~, and ~~(11)~~] **(7)**,
4 **and (10)** of subsection 2 of section 571.101 or upon the issuance of a valid full order of
5 protection. The following procedures shall be followed:

6 (1) When a valid full order of protection, or any arrest warrant, discharge, or
7 commitment for the reasons listed in subdivision **(2)**, (3), (4), [~~(5)~~, ~~(8)~~, or ~~(11)~~] **(7)**, **or (10)** of
8 subsection 2 of section 571.101, is issued against a person holding a concealed carry

9 endorsement issued prior to August 28, 2013, upon notification of said order, warrant,
10 discharge or commitment or upon an order of a court of competent jurisdiction in a criminal
11 proceeding, a commitment proceeding or a full order of protection proceeding ruling that a
12 person holding a concealed carry endorsement presents a risk of harm to themselves or others,
13 then upon notification of such order, the holder of the concealed carry endorsement shall
14 surrender the driver's license or nondriver's license containing the concealed carry
15 endorsement to the court, officer, or other official serving the order, warrant, discharge, or
16 commitment. The official to whom the driver's license or nondriver's license containing the
17 concealed carry endorsement is surrendered shall issue a receipt to the licensee for the license
18 upon a form, approved by the director of revenue, that serves as a driver's license or a
19 nondriver's license and clearly states the concealed carry endorsement has been suspended.
20 The official shall then transmit the driver's license or a nondriver's license containing the
21 concealed carry endorsement to the circuit court of the county issuing the order, warrant,
22 discharge, or commitment. The concealed carry endorsement issued prior to August 28,
23 2013, shall be suspended until the order is terminated or until the arrest results in a dismissal
24 of all charges. The official to whom the endorsement is surrendered shall administratively
25 suspend the endorsement in the concealed carry permit system established under subsection 5
26 of section 650.350 until such time as the order is terminated or until the charges are
27 dismissed. Upon dismissal, the court holding the driver's license or nondriver's license
28 containing the concealed carry endorsement shall return such license to the individual, and the
29 official to whom the endorsement was surrendered shall administratively return the
30 endorsement to good standing within the concealed carry permit system[-]; **and**

31 (2) Any conviction, discharge, or commitment specified in sections 571.101 to
32 571.121 shall result in a revocation. Upon conviction, the court shall forward a notice of
33 conviction or action and the driver's license or nondriver's license with the concealed carry
34 endorsement to the department of revenue. The department of revenue shall notify the sheriff
35 of the county which issued the certificate of qualification for a concealed carry endorsement.
36 The sheriff who issued the certificate of qualification prior to August 28, 2013, shall report
37 the change in status of the endorsement to the concealed carry permit system established
38 under subsection 5 of section 650.350. The director of revenue shall immediately remove the
39 endorsement issued prior to August 28, 2013, from the individual's driving record within
40 three days of the receipt of the notice from the court. The director of revenue shall notify the
41 licensee that he or she must apply for a new license pursuant to chapter 302 which does not
42 contain such endorsement. This requirement does not affect the driving privileges of the
43 licensee. The notice issued by the department of revenue shall be mailed to the last known
44 address shown on the individual's driving record. The notice is deemed received three days
45 after mailing.

46 2. A concealed carry permit issued pursuant to sections 571.101 to 571.121 after
47 August 28, 2013, shall be suspended or revoked if the concealed carry permit holder becomes
48 ineligible for such permit or endorsement under the criteria established in subdivisions **(2)**,
49 **(3)**, **(4)**, [~~**(5)**~~, ~~**(8)**~~, and ~~**(11)**~~] **(7)**, **and (10)** of subsection 2 of section 571.101 or upon the
50 issuance of a valid full order of protection. The following procedures shall be followed:

51 (1) When a valid full order of protection or any arrest warrant, discharge, or
52 commitment for the reasons listed in subdivision **(2)**, **(3)**, **(4)**, [~~**(5)**~~, ~~**(8)**~~, or ~~**(11)**~~] **(7)**, **or (10)** of
53 subsection 2 of section 571.101 is issued against a person holding a concealed carry permit,
54 upon notification of said order, warrant, discharge, or commitment or upon an order of a court
55 of competent jurisdiction in a criminal proceeding, a commitment proceeding, or a full order
56 of protection proceeding ruling that a person holding a concealed carry permit presents a risk
57 of harm to themselves or others, then upon notification of such order, the holder of the
58 concealed carry permit shall surrender the permit to the court, officer, or other official serving
59 the order, warrant, discharge, or commitment. The permit shall be suspended until the order
60 is terminated or until the arrest results in a dismissal of all charges. The official to whom the
61 permit is surrendered shall administratively suspend the permit in the concealed carry permit
62 system until the order is terminated or the charges are dismissed. Upon dismissal, the court
63 holding the permit shall return such permit to the individual and the official to whom the
64 permit was surrendered shall administratively return the permit to good standing within the
65 concealed carry permit system; **and**

66 (2) Any conviction, discharge, or commitment specified in sections 571.101 to
67 571.121 shall result in a revocation. Upon conviction, the court shall forward a notice of
68 conviction or action and the permit to the issuing county sheriff. The sheriff who issued the
69 concealed carry permit shall report the change in status of the concealed carry permit to the
70 concealed carry permit system.

71 3. A concealed carry permit shall be renewed for a qualified applicant upon receipt of
72 the properly completed renewal application and the required renewal fee by the sheriff of the
73 county of the applicant's residence. The renewal application shall contain the same required
74 information as set forth in subsection 3 of section 571.101, except that in lieu of the
75 fingerprint requirement of subsection 5 of section 571.101 and the firearms safety training,
76 the applicant need only display his or her current concealed carry permit. A name-based
77 inquiry of the National Instant Criminal Background Check System shall be completed for
78 each renewal application. The sheriff shall review the results of the report from the National
79 Instant Criminal Background Check System, and when the sheriff has determined the
80 applicant has successfully completed all renewal requirements and is not disqualified under
81 any provision of section 571.101, the sheriff shall issue a new concealed carry permit which
82 contains the date such permit was renewed. The process for renewing a concealed carry

83 endorsement issued prior to August 28, 2013, shall be the same as the process for renewing a
84 permit, except that in lieu of the fingerprint requirement of subsection 5 of section 571.101
85 and the firearms safety training, the applicant need only display his or her current driver's
86 license or nondriver's license containing an endorsement. Upon successful completion of all
87 renewal requirements, the sheriff shall issue a new concealed carry permit as provided under
88 this subsection.

89 4. A person who has been issued a concealed carry permit, or a certificate of
90 qualification for a concealed carry endorsement prior to August 28, 2013, who fails to file a
91 renewal application for a concealed carry permit on or before its expiration date must pay an
92 additional late fee of ten dollars per month for each month it is expired for up to six months.
93 After six months, the sheriff who issued the expired concealed carry permit or certificate of
94 qualification shall notify the concealed carry permit system that such permit is expired and
95 cancelled. If the person has a concealed carry endorsement issued prior to August 28, 2013,
96 the sheriff who issued the certificate of qualification for the endorsement shall notify the
97 director of revenue that such certificate is expired regardless of whether the endorsement
98 holder has applied for a concealed carry permit under subsection 3 of this section. The
99 director of revenue shall immediately remove such endorsement from the individual's driving
100 record and notify the individual that his or her driver's license or nondriver's license has
101 expired. The notice shall be conducted in the same manner as described in subsection 1 of
102 this section. Any person who has been issued a concealed carry permit pursuant to sections
103 571.101 to 571.121, or a concealed carry endorsement issued prior to August 28, 2013, who
104 fails to renew his or her application within the six-month period must reapply for a new
105 concealed carry permit and pay the fee for a new application.

106 5. Any person issued a concealed carry permit pursuant to sections 571.101 to
107 571.121, or a concealed carry endorsement issued prior to August 28, 2013, shall notify the
108 sheriff of the new jurisdiction of the permit or endorsement holder's change of residence
109 within thirty days after the changing of a permanent residence to a location outside the county
110 of permit issuance. The permit or endorsement holder shall furnish proof to the sheriff in the
111 new jurisdiction that the permit or endorsement holder has changed his or her residence. The
112 sheriff in the new jurisdiction shall notify the sheriff in the old jurisdiction of the permit
113 holder's change of address and the sheriff in the old jurisdiction shall transfer any information
114 on file for the permit holder to the sheriff in the new jurisdiction within thirty days. The
115 sheriff of the new jurisdiction may charge a processing fee of not more than ten dollars for
116 any costs associated with notification of a change in residence. The sheriff shall report the
117 residence change to the concealed carry permit system, take possession and destroy the old
118 permit, and then issue a new permit to the permit holder. The new address shall be accessible
119 by the concealed carry permit system within three days of receipt of the information. If the

120 person has a concealed carry endorsement issued prior to August 28, 2013, the endorsement
121 holder shall also furnish proof to the department of revenue of his or her residence change. In
122 such cases, the change of residence shall be made by the department of revenue onto the
123 individual's driving record.

124 6. Any person issued a concealed carry permit pursuant to sections 571.101 to
125 571.121, or a concealed carry endorsement issued prior to August 28, 2013, shall notify the
126 sheriff or his or her designee of the permit or endorsement holder's county or city of residence
127 within seven days after actual knowledge of the loss or destruction of his or her permit or
128 driver's license or nondriver's license containing a concealed carry endorsement. The permit
129 or endorsement holder shall furnish a statement to the sheriff that the permit or driver's license
130 or nondriver's license containing the concealed carry endorsement has been lost or destroyed.
131 After notification of the loss or destruction of a permit or driver's license or nondriver's
132 license containing a concealed carry endorsement, the sheriff may charge a processing fee of
133 ten dollars for costs associated with replacing a lost or destroyed permit or driver's license or
134 nondriver's license containing a concealed carry endorsement and shall reissue a new
135 concealed carry permit within three working days of being notified by the concealed carry
136 permit or endorsement holder of its loss or destruction. The new concealed carry permit shall
137 contain the same personal information, including expiration date, as the original concealed
138 carry permit.

139 7. If a person issued a concealed carry permit, or endorsement issued prior to August
140 28, 2013, changes his or her name, the person to whom the permit or endorsement was issued
141 shall obtain a corrected or new concealed carry permit with a change of name from the sheriff
142 who issued the original concealed carry permit or the original certificate of qualification for
143 an endorsement upon the sheriff's verification of the name change. The sheriff may charge a
144 processing fee of not more than ten dollars for any costs associated with obtaining a corrected
145 or new concealed carry permit. The permit or endorsement holder shall furnish proof of the
146 name change to the sheriff within thirty days of changing his or her name and display his or
147 her concealed carry permit or current driver's license or nondriver's license containing a
148 concealed carry endorsement. The sheriff shall report the name change to the concealed carry
149 permit system, and the new name shall be accessible by the concealed carry permit system
150 within three days of receipt of the information.

151 8. The person with a concealed carry permit, or endorsement issued prior to August
152 28, 2013, shall notify the sheriff of a name or address change within thirty days of the change.
153 A concealed carry permit and, if applicable, endorsement shall be automatically invalid after
154 one hundred eighty days if the permit or endorsement holder has changed his or her name or
155 changed his or her residence and not notified the sheriff as required in subsections 5 and 7 of
156 this section. The sheriff shall assess a late penalty of ten dollars per month for each month, up

157 to six months and not to exceed sixty dollars, for the failure to notify the sheriff of the change
158 of name or address within thirty days.

159 9. (1) As used in this subsection, the term "active military member" means any
160 person who is on active duty in the United States Armed Forces, on active state duty, on full-
161 time National Guard duty under Title 32 of the United States Code.

162 (2) Notwithstanding any provision of this section to the contrary, if a concealed carry
163 permit, or endorsement issued prior to August 28, 2013, expires while the person issued the
164 permit or endorsement is an active military member, the permit shall be renewed if the person
165 completes the renewal requirements under subsection 3 of this section within two months of
166 returning to Missouri after discharge from such duty or recovery from such incapacitation.
167 Once the two-month period has expired, the provisions of subsection 4 of this section shall
168 apply except the penalties shall begin to accrue upon the expiration of the two-month period
169 described in this subsection rather than on the expiration date of the permit or endorsement.

170 (3) Beginning August 28, 2020, an active military member may complete the renewal
171 of his or her endorsement or permit under subdivision (2) of this subsection by mail. To
172 renew an endorsement or permit by mail, an active military member shall mail to the sheriff
173 who issued his or her permit a renewal application, a copy of his or her current concealed
174 carry permit, a military identification acceptable for in-person renewal of permits, and the
175 renewal fee. The active military member may pick up the renewed permit in person or may
176 request the permit be mailed to a provided address by certified mail. The sheriff may require
177 the active military member to pay the postage and insurance costs associated with mailing the
178 permit, but the costs shall not exceed ten dollars.

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

10 SMALL CLAIMS COURT
11 In the Circuit Court of _____, Missouri
12 _____, PLAINTIFF
13)
14)
15 vs.) Case Number _____

16)
 17 _____, DEFENDANT,
 18 Carry Permit or Endorsement Holder
 19 _____, DEFENDANT,
 20 Sheriff of Issuance

21 PETITION FOR REVOCATION OF A
 22 CONCEALED CARRY PERMIT OR CONCEALED CARRY
 23 ENDORSEMENT

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

34 (CHECK BELOW EACH REASON THAT APPLIES TO THIS
 35 DEFENDANT)

- | | |
|--|---|
| 36
37
38 | <input type="checkbox"/> Defendant is not at least [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]. |
| 39
40 | <input type="checkbox"/> Defendant is not a citizen or permanent resident of the United States. |
| 41
42
43 | <input type="checkbox"/> 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. |
| 44
45
46
47
48
49
50 | <input type="checkbox"/> Defendant has pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding [two years] 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 [one year] two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun. |

- 51 Defendant has been convicted of, pled guilty to or entered a plea of
 52 nolo contendere to one or more misdemeanor offenses involving
 53 crimes of violence within a five-year period immediately
 54 preceding application for a concealed carry permit issued pursuant
 55 to sections 571.101 to 571.121, RSMo, or a concealed carry
 56 endorsement issued prior to August 28, 2013, or if the applicant
 57 has been convicted of two or more misdemeanor offenses
 58 involving driving while under the influence of intoxicating liquor
 59 or drugs or the possession or abuse of a controlled substance within
 60 a five-year period immediately preceding application for a
 61 concealed carry permit issued pursuant to sections 571.101 to
 62 571.121, RSMo, or a concealed carry endorsement issued prior to
 63 August 28, 2013.
- 64 Defendant is a fugitive from justice or currently charged in an
 65 information or indictment with the commission of a crime
 66 punishable by imprisonment for a term exceeding one year under
 67 the laws of any state of the United States other than a crime
 68 classified as a misdemeanor under the laws of any state and
 69 punishable by a term of imprisonment of two years or less that
 70 does not involve an explosive weapon, firearm, firearm silencer, or
 71 gas gun.
- 72 Defendant has been discharged under dishonorable conditions
 73 from the United States Armed Forces.
- 74 Defendant is reasonably believed by the sheriff to be a danger to
 75 self or others based on previous, documented pattern.
- 76 Defendant is adjudged mentally incompetent at the time of
 77 application or for five years prior to application, or has been
 78 committed to a mental health facility, as defined in section
 79 632.005, RSMo, or a similar institution located in another state,
 80 except that a person whose release or discharge from a facility in
 81 this state pursuant to chapter 632, RSMo, or a similar discharge
 82 from a facility in another state, occurred more than five years ago
 83 without subsequent recommitment may apply.
- 84 Defendant failed to submit a completed application for a concealed
 85 carry permit issued pursuant to sections 571.101 to 571.121,

86	RSMo, or a concealed carry endorsement issued prior to August
87	28, 2013.
88	<input type="checkbox"/> Defendant failed to submit to or failed to clear the required
89	background check. (Note: This does not apply if the defendant has
90	submitted to a background check and been issued a provisional
91	permit pursuant to subdivision (2) of subsection 5 of section
92	571.101, and the results of the background check are still pending.)
93	<input type="checkbox"/> Defendant failed to submit an affidavit attesting that the applicant
94	complies with the concealed carry safety training requirement
95	pursuant to subsection 1 of section 571.111, RSMo.
96	<input type="checkbox"/> Defendant is otherwise disqualified from possessing a firearm
97	pursuant to 18 U.S.C. Section 922(g) or section 571.070, RSMo,
98	because (specify reason):

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

104 _____, PLAINTIFF

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

111 3. The finder of fact, in any action brought against a permit or endorsement holder
 112 pursuant to subsection 1 of this section, shall make findings of fact and the court shall make
 113 conclusions of law addressing the issues at dispute. If it is determined that the plaintiff in
 114 such an action acted without justification or with malice or primarily with an intent to harass
 115 the permit or endorsement holder or that there was no reasonable basis to bring the action, the
 116 court shall order the plaintiff to pay the defendant/respondent all reasonable costs incurred in
 117 defending the action including, but not limited to, attorney's fees, deposition costs, and lost
 118 wages. Once the court determines that the plaintiff is liable to the defendant/respondent for
 119 costs and fees, the extent and type of fees and costs to be awarded should be liberally

120 calculated in defendant/respondent's favor. Notwithstanding any other provision of law,
121 reasonable attorney's fees shall be presumed to be at least one hundred fifty dollars per hour.

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

125 5. The office of the county sheriff or any employee or agent of the county sheriff shall
126 not be liable for damages in any civil action arising from alleged wrongful or improper
127 granting, renewing, or failure to revoke a concealed carry permit issued pursuant to sections
128 571.101 to 571.121, or a certificate of qualification for a concealed carry endorsement issued
129 prior to August 28, 2013, so long as the sheriff acted in good faith.

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

14 2. A Missouri lifetime or extended concealed carry permit shall be suspended if the
15 permit holder becomes a resident of another state. The permit may be reactivated upon
16 reestablishment of Missouri residency if the applicant meets the requirements of sections
17 571.205 to 571.230, and upon successful completion of a name-based inquiry of the National
18 Instant Background Check System.

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

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

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

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

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

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

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

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

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

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

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

58 (11) Is not otherwise prohibited from possessing a firearm under section 571.070 or
59 18 U.S.C. Section 922(g).

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

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

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

69 (3) An affirmation that the applicant is ~~[at least nineteen years of age or is]~~ eighteen
70 years of age or older ~~[and a member of the United States Armed Forces or honorably~~
71 ~~discharged from the United States Armed Forces];~~

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

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

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

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

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

98 (9) An affirmation that the applicant has received firearms safety training that meets
99 the standards of applicant firearms safety training defined in subsection 1 or 2 of section
100 571.111;

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

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

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

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

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

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

120 6. (1) Before an application for a Missouri lifetime or extended concealed carry
121 permit is approved, the sheriff shall make only such inquiries as he or she deems necessary
122 into the accuracy of the statements made in the application. The sheriff may require that the
123 applicant display a Missouri driver's license or nondriver's license or military identification.
124 No biometric data shall be collected from the applicant. The sheriff shall conduct an inquiry
125 of the National Instant Criminal Background Check System within three working days after
126 submission of the properly completed application for a Missouri lifetime or extended
127 concealed carry permit. Upon receipt of the completed report from the National Instant
128 Criminal Background Check System, the sheriff shall examine the results and, if no
129 disqualifying information is identified, shall issue a Missouri lifetime or extended concealed
130 carry permit within three working days.

131 (2) In the event the report from the National Instant Criminal Background Check
132 System and the response from the Federal Bureau of Investigation national criminal history
133 record check prescribed by subdivision (1) of this subsection are not completed within forty-
134 five calendar days and no disqualifying information concerning the applicant has otherwise

135 come to the sheriff's attention, the sheriff shall issue a provisional permit, clearly designated
136 on the certificate as such, which the applicant shall sign in the presence of the sheriff or the
137 sheriff's designee. This permit, when carried with a valid Missouri driver's or nondriver's
138 license, shall permit the applicant to exercise the same rights in accordance with the same
139 conditions as pertain to a Missouri lifetime or extended concealed carry permit issued under
140 this section, provided that it shall not serve as an alternative to a national instant criminal
141 background check required by 18 U.S.C. Section 922(t). The provisional permit shall remain
142 valid until such time as the sheriff either issues or denies the permit under subsection 7 or 8 of
143 this section. The sheriff shall revoke a provisional permit issued under this subsection within
144 twenty-four hours of receipt of any report that identifies a disqualifying record, and shall
145 notify the concealed carry permit system established under subsection 5 of section 650.350.
146 The revocation of a provisional permit issued under this section shall be prescribed in a
147 manner consistent to the denial and review of an application under subsection 7 of this
148 section.

149 7. The sheriff may refuse to approve an application for a Missouri lifetime or
150 extended concealed carry permit if he or she determines that any of the requirements specified
151 in subsection 3 of this section have not been met, or if he or she has a substantial and
152 demonstrable reason to believe that the applicant has rendered a false statement regarding any
153 of the provisions of sections 571.205 to 571.230. If the applicant is found to be ineligible, the
154 sheriff is required to deny the application, and notify the applicant in writing, stating the
155 grounds for denial and informing the applicant of the right to submit, within thirty days, any
156 additional documentation relating to the grounds of the denial. Upon receiving any additional
157 documentation, the sheriff shall reconsider his or her decision and inform the applicant within
158 thirty days of the result of the reconsideration. The applicant shall further be informed in
159 writing of the right to appeal the denial under section 571.220. After two additional reviews
160 and denials by the sheriff, the person submitting the application shall appeal the denial under
161 section 571.220.

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

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

- 168 (1) Name, address, date of birth, gender, height, weight, color of hair, color of eyes,
169 and signature of the permit holder;
- 170 (2) The signature of the sheriff issuing the permit;
- 171 (3) The date of issuance;

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

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

175

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

180 10. (1) The sheriff shall keep a record of all applications for a Missouri lifetime or
181 extended concealed carry permit or a provisional permit and his or her action thereon. Any
182 record of an application that is incomplete or denied for any reason shall be kept for a period
183 not to exceed one year.

184 (2) The sheriff shall report the issuance of a Missouri lifetime or extended concealed
185 carry permit or provisional permit to the concealed carry permit system. All information on
186 any such permit that is protected information on any driver's or nondriver's license shall have
187 the same personal protection for purposes of sections 571.205 to 571.230. An applicant's
188 status as a holder of a Missouri lifetime or extended concealed carry permit or provisional
189 permit shall not be public information and shall be considered personal protected information.
190 Information retained in the concealed carry permit system under this subsection shall not be
191 distributed to any federal, state, or private entities and shall only be made available for a
192 single entry query of an individual in the event the individual is a subject of interest in an
193 active criminal investigation or is arrested for a crime. A sheriff may access the concealed
194 carry permit system for administrative purposes to issue a permit, verify the accuracy of
195 permit holder information, change the name or address of a permit holder, suspend or revoke
196 a permit, cancel an expired permit, or cancel a permit upon receipt of a certified death
197 certificate for the permit holder. Any person who violates the provisions of this subdivision
198 by disclosing protected information shall be guilty of a class A misdemeanor.

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

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

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

206 (2) Two hundred fifty dollars for a new Missouri extended concealed carry permit
207 that is valid for twenty-five years from the date of issuance or renewal;

208 (3) Fifty dollars for a renewal of a Missouri extended concealed carry permit;

209 (4) Five hundred dollars for a Missouri lifetime concealed carry permit,
210
211 which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

571.225. 1. Any person who has knowledge that another person, who was issued a
2 Missouri lifetime or extended concealed carry permit under sections 571.205 to 571.230,
3 never was or no longer is eligible for such permit under the criteria established in sections
4 571.205 to 571.230 may file a petition with the clerk of the small claims court to revoke that
5 person's Missouri lifetime or extended concealed carry permit. The petition shall be in a form
6 substantially similar to the petition for revocation of a Missouri lifetime or extended
7 concealed carry permit provided in this section. ~~[Appeal]~~ **Revocation petition** forms shall be
8 provided by the clerk of the 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)

17 _____, DEFENDANT,

18 Lifetime or Extended Carry Permit Holder

19 _____, DEFENDANT,

20 Sheriff of Issuance

21 PETITION FOR REVOCATION OF A
22 MISSOURI LIFETIME OR EXTENDED CONCEALED CARRY
23 PERMIT

24 Plaintiff states to the court that the defendant, _____, has a Missouri
25 lifetime or extended concealed carry permit issued pursuant to sections
26 571.205 to 571.230, RSMo, and that the defendant's Missouri lifetime
27 or extended concealed carry permit should now be revoked because the
28 defendant either never was or no longer is eligible for such a permit
29 pursuant to the provisions of sections 571.205 to 571.230, RSMo,
30 specifically plaintiff states that defendant, _____, never was or no
31 longer is eligible for such permit or endorsement for one or more of the
32 following reasons:

33 (CHECK BELOW EACH REASON THAT APPLIES TO THIS
34 DEFENDANT)

- 35 Defendant is not at least [~~nineteen years of age or at least~~] eighteen
36 years of age [~~and a member of the United States Armed Forces or~~
37 ~~honorably discharged from the United States Armed Forces~~].

- 38 Defendant is not a citizen or permanent resident of the United
39 States.

- 40 Defendant had not resided in this state prior to issuance of the
41 permit or is not a current resident of this state.

- 42 Defendant has pled guilty to or been convicted of a crime
43 punishable by imprisonment for a term exceeding [~~two years~~] **one**
44 **year** under the laws of any state or of the United States other than a
45 crime classified as a misdemeanor under the laws of any state and
46 punishable by a term of imprisonment of [~~one year~~] **two years** or
47 less that does not involve an explosive weapon, firearm, firearm
48 silencer, or gas gun.

- 49 Defendant has been convicted of, pled guilty to or entered a plea of
50 nolo contendere to one or more misdemeanor offenses involving
51 crimes of violence within a five-year period immediately
52 preceding application for a Missouri lifetime or extended
53 concealed carry permit issued pursuant to sections 571.205 to
54 571.230, RSMo, or the defendant has been convicted of two or
55 more misdemeanor offenses involving driving while under the
56 influence of intoxicating liquor or drugs or the possession or abuse
57 of a controlled substance within a five-year period immediately
58 preceding application for a concealed carry permit issued pursuant
59 to sections 571.205 to 571.230, RSMo.

- 60 Defendant is a fugitive from justice or currently charged in an
61 information or indictment with the commission of a crime
62 punishable by imprisonment for a term exceeding one year under
63 the laws of any state of the United States other than a crime
64 classified as a misdemeanor under the laws of any state and
65 punishable by a term of imprisonment of two years or less that
66 does not involve an explosive weapon, firearm, firearm silencer, or
67 gas gun.

- 68 Defendant has been discharged under dishonorable conditions
69 from the United States Armed Forces.

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

- 72 Defendant is adjudged mentally incompetent at the time of
73 application or for five years prior to application, or has been
74 committed to a mental health facility, as defined in section
75 632.005, RSMo, or a similar institution located in another state,
76 except that a person whose release or discharge from a facility in
77 this state pursuant to chapter 632, RSMo, or a similar discharge
78 from a facility in another state, occurred more than five years ago
79 without subsequent recommitment may apply.

- 80 Defendant failed to submit a completed application for a concealed
81 carry permit issued pursuant to sections 571.205 to 571.230,
82 RSMo.

- 83 Defendant failed to submit to or failed to clear the required
84 background check. (Note: This does not apply if the defendant has
85 submitted to a background check and been issued a provisional
86 permit pursuant to subdivision (2) of subsection 6 of section
87 571.205, RSMo, and the results of the background check are still
88 pending.)

- 89 Defendant failed to submit an affidavit attesting that the applicant
90 complies with the concealed carry safety training requirement
91 pursuant to subsections 1 and 2 of section 571.111, RSMo.

- 92 Defendant is otherwise disqualified from possessing a firearm
93 pursuant to 18 U.S.C. Section 922(g) or section 571.070, RSMo,
94 because _____ (specify reason):

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

100 _____, PLAINTIFF

101 2. If at the hearing the plaintiff shows that the defendant was not eligible for the
102 Missouri lifetime or extended concealed carry permit issued under sections 571.205 to
103 571.230 at the time of issuance or renewal or is no longer eligible for a Missouri lifetime or
104 extended concealed carry permit the court shall issue an appropriate order to cause the

105 revocation of the Missouri lifetime or extended concealed carry permit. Costs shall not be
106 assessed against the sheriff.

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

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

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

2 ~~[563.016. The fact that conduct is justified under this chapter does not~~
3 ~~abolish or impair any remedy for such conduct which is available in any civil~~
 ~~actions.]~~

✓