

FIRST REGULAR SESSION

SENATE BILL NO. 75

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CURLS.

Pre-filed December 1, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0127S.011

AN ACT

To repeal section 571.101, RSMo, and to enact in lieu thereof two new sections relating to the carrying of a concealed weapon, with an existing penalty provision.

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

Section A. Section 571.101, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 571.101 and 571.170, to read as
3 follows:

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

19 7 of this section on or after August 28, 2013.

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

23 (1) Is at least nineteen years of age, is a citizen or permanent resident of
24 the United States and either:

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

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

28 (2) Is at least nineteen years of age, or is at least eighteen years of age
29 and a member of the United States Armed Forces or honorably discharged from
30 the United States Armed Forces, and is a citizen of the United States and either:

31 (a) Has assumed residency in this state;

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

33 (c) The spouse of such member of the military stationed in Missouri and
34 nineteen years of age;

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

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

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

54 (6) Has not been discharged under dishonorable conditions from the

55 United States Armed Forces;

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

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

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

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

69 (11) Is not the respondent of a valid full order of protection which is still
70 in effect **or a valid ex parte order of protection made pursuant to section**
71 **455.035, which is still in effect;**

72 (12) Is not otherwise prohibited from possessing a firearm under section
73 571.070 or 18 U.S.C. Section 922(g).

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

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

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

84 (3) An affirmation that the applicant is at least nineteen years of age or
85 is eighteen years of age or older and a member of the United States Armed Forces
86 or honorably discharged from the United States Armed Forces;

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

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

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

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

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

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

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

119 (10) An affirmation that the applicant, to the applicant's best knowledge
120 and belief, is not the respondent of a valid full order of protection which is still
121 in effect **or a valid ex parte order of protection made pursuant to section**
122 **455.035, which is still in effect;**

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

126 (12) A government-issued photo identification. This photograph shall not

127 be included on the permit and shall only be used to verify the person's identity
128 for permit renewal, or for the issuance of a new permit due to change of address,
129 or for a lost or destroyed permit.

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

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

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

142 5. (1) Before an application for a concealed carry permit is approved, the
143 sheriff shall make only such inquiries as he or she deems necessary into the
144 accuracy of the statements made in the application. The sheriff may require that
145 the applicant display a Missouri driver's license or nondriver's license or military
146 identification and orders showing the person being stationed in Missouri. In
147 order to determine the applicant's suitability for a concealed carry permit, the
148 applicant shall be fingerprinted. No other biometric data shall be collected from
149 the applicant. The sheriff shall conduct an inquiry of the National Instant
150 Criminal Background Check System within three working days after submission
151 of the properly completed application for a concealed carry permit. If no
152 disqualifying record is identified by these checks at the state level, the
153 fingerprints shall be forwarded to the Federal Bureau of Investigation for a
154 national criminal history record check. Upon receipt of the completed report from
155 the National Instant Criminal Background Check System and the response from
156 the Federal Bureau of Investigation national criminal history record check, the
157 sheriff shall examine the results and, if no disqualifying information is identified,
158 shall issue a concealed carry permit within three working days.

159 (2) In the event the report from the National Instant Criminal
160 Background Check System and the response from the Federal Bureau of
161 Investigation national criminal history record check prescribed by subdivision (1)
162 of this subsection are not completed within forty-five calendar days and no

163 disqualifying information concerning the applicant has otherwise come to the
164 sheriff's attention, the sheriff shall issue a provisional permit, clearly designated
165 on the certificate as such, which the applicant shall sign in the presence of the
166 sheriff or the sheriff's designee. This permit, when carried with a valid Missouri
167 driver's or nondriver's license or a valid military identification, shall permit the
168 applicant to exercise the same rights in accordance with the same conditions as
169 pertain to a concealed carry permit issued under this section, provided that it
170 shall not serve as an alternative to an national instant criminal background
171 check required by 18 U.S.C. Section 922(t). The provisional permit shall remain
172 valid until such time as the sheriff either issues or denies the certificate of
173 qualification under subsection 6 or 7 of this section. The sheriff shall revoke a
174 provisional permit issued under this subsection within twenty-four hours of
175 receipt of any report that identifies a disqualifying record, and shall notify the
176 concealed carry permit system established under subsection 5 of section
177 650.350. The revocation of a provisional permit issued under this section shall
178 be proscribed in a manner consistent to the denial and review of an application
179 under subsection 6 of this section.

180 6. The sheriff may refuse to approve an application for a concealed carry
181 permit if he or she determines that any of the requirements specified in
182 subsection 2 of this section have not been met, or if he or she has a substantial
183 and demonstrable reason to believe that the applicant has rendered a false
184 statement regarding any of the provisions of sections 571.101 to 571.121. If the
185 applicant is found to be ineligible, the sheriff is required to deny the application,
186 and notify the applicant in writing, stating the grounds for denial and informing
187 the applicant of the right to submit, within thirty days, any additional
188 documentation relating to the grounds of the denial. Upon receiving any
189 additional documentation, the sheriff shall reconsider his or her decision and
190 inform the applicant within thirty days of the result of the reconsideration. The
191 applicant shall further be informed in writing of the right to appeal the denial
192 pursuant to subsections 2, 3, 4, and 5 of section 571.114. After two additional
193 reviews and denials by the sheriff, the person submitting the application shall
194 appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114.

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

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

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

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

203 (3) The date of issuance; and

204 (4) The expiration date.

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

209 9. (1) The sheriff shall keep a record of all applications for a concealed
210 carry permit or a provisional permit and his or her action thereon. Any record
211 of an application that is incomplete or denied for any reason shall be kept for a
212 period not to exceed one year. Any record of an application that was approved
213 shall be kept for a period of one year after the expiration and nonrenewal of the
214 permit.

215 (2) The sheriff shall report the issuance of a concealed carry permit or
216 provisional permit to the concealed carry permit system. All information on any
217 such permit that is protected information on any driver's or nondriver's license
218 shall have the same personal protection for purposes of sections 571.101 to
219 571.121. An applicant's status as a holder of a concealed carry permit,
220 provisional permit, or a concealed carry endorsement issued prior to August 28,
221 2013, shall not be public information and shall be considered personal protected
222 information. Information retained in the concealed carry permit system under
223 this subsection shall not be distributed to any federal, state, or private entities
224 and shall only be made available for a single entry query of an individual in the
225 event the individual is a subject of interest in an active criminal investigation or
226 is arrested for a crime. A sheriff may access the concealed carry permit system
227 for administrative purposes to issue a permit, verify the accuracy of permit holder
228 information, change the name or address of a permit holder, suspend or revoke
229 a permit, cancel an expired permit, or cancel a permit upon receipt of a certified
230 death certificate for the permit holder. Any person who violates the provisions
231 of this subdivision by disclosing protected information shall be guilty of a class
232 A misdemeanor.

233 10. Information regarding any holder of a concealed carry permit, or a
234 concealed carry endorsement issued prior to August 28, 2013, is a closed record.

235 No bulk download or batch data shall be distributed to any federal, state, or
236 private entity, except to MoSMART or a designee thereof. Any state agency that
237 has retained any documents or records, including fingerprint records provided by
238 an applicant for a concealed carry endorsement prior to August 28, 2013, shall
239 destroy such documents or records, upon successful issuance of a permit.

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

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

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

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

**571.170. The governing body of any county, city, town, or village
2 may enact one or more ordinances to require that any person carrying
3 a concealed weapon within the boundaries of such county, city, town,
4 or village shall have a valid concealed carry endorsement issued prior
5 to August 28, 2013, a valid concealed carry permit under section
6 571.101, or an extended or lifetime permit issued under section
7 571.205. Any penalty for violation for such an ordinance shall be
8 consistent with authority granted to such county, city, town, or village
9 under state law.**