

SECOND REGULAR SESSION

HOUSE BILL NO. 1642

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COLEMAN (32).

4192H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 571.101, RSMo, and to enact in lieu thereof one new section relating to concealed carry permits.

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

Section A. Section 571.101, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 571.101, to read as follows:

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

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.

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 years of age, is a citizen or permanent resident of the United
21 States and either:

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

23 (b) Is a member of the Armed Forces stationed in Missouri, or the spouse of such
24 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) Has not been convicted of, pled guilty to or entered a plea of nolo contendere to
38 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) Is not a fugitive from justice or currently charged in an information or indictment
44 with the commission of a crime punishable by imprisonment for a term exceeding one year
45 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) Has not been discharged under dishonorable conditions from the United States
49 Armed Forces;

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

53 (8) Is not adjudged mentally incompetent at the time of application or for five years
54 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) Submits a completed application for a permit as described in subsection 3 of this
58 section;

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

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

62 (12) Is not otherwise prohibited from possessing a firearm under section 571.070 or
63 18 U.S.C. Section 922(g).

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

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

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

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

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

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

88 (6) An affirmation that the applicant is not a fugitive from justice or currently charged
89 in an information or indictment with the commission of a crime punishable by imprisonment

90 for a term exceeding one year under the laws of any state or of the United States other than a
91 crime classified as a misdemeanor under the laws of any state and punishable by a term of
92 imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm
93 silencer or gas gun;

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

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

102 (9) An affirmation that the applicant has received firearms safety training that meets
103 the standards of applicant firearms safety training defined in subsection 1 or 2 of section
104 571.111;

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

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

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

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

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

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

123 5. (1) Before an application for a concealed carry permit is approved, the sheriff shall
124 make only such inquiries as he or she deems necessary into the accuracy of the statements
125 made in the application. The sheriff may require that the applicant display a Missouri driver's
126 license or nondriver's license or military identification and orders showing the person being

127 stationed in Missouri. In order to determine the applicant's suitability for a concealed carry
128 permit, the applicant shall be fingerprinted. No other biometric data shall be collected from
129 the applicant. The sheriff shall conduct an inquiry of the National Instant Criminal
130 Background Check System within three working days after submission of the properly
131 completed application for a concealed carry permit. If no disqualifying record is identified by
132 these checks at the state level, the fingerprints shall be forwarded to the Federal Bureau of
133 Investigation for a national criminal history record check. Upon receipt of the completed
134 report from the National Instant Criminal Background Check System and the response from
135 the Federal Bureau of Investigation national criminal history record check, the sheriff shall
136 examine the results and, if no disqualifying information is identified, shall issue a concealed
137 carry permit within three working days.

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

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

164 reconsider his or her decision and inform the applicant within thirty days of the result of the
165 reconsideration. The applicant shall further be informed in writing of the right to appeal the
166 denial pursuant to subsections 2, 3, 4, and 5 of section 571.114. After two additional reviews
167 and denials by the sheriff, the person submitting the application shall appeal the denial
168 pursuant to subsections 2, 3, 4, and 5 of section 571.114.

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

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

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

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

177 (3) The date of issuance; and

178 (4) The expiration date.

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

184 9. (1) The sheriff shall keep a record of all applications for a concealed carry permit
185 or a provisional permit and his or her action thereon. Any record of an application that is
186 incomplete or denied for any reason shall be kept for a period not to exceed one year. Any
187 record of an application that was approved shall be kept for a period of one year after the
188 expiration and nonrenewal of the permit.

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

201 suspend or revoke a permit, cancel an expired permit, or cancel a permit upon receipt of a
202 certified death certificate for the permit holder. Any person who violates the provisions of
203 this subdivision by disclosing protected information shall be guilty of a class A misdemeanor.

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

211 11. For processing an application for a concealed carry permit pursuant to sections
212 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed
213 one hundred dollars which shall be paid to the treasury of the county to the credit of the
214 sheriff's revolving fund. This fee shall include the cost to reimburse the Missouri state
215 highway patrol for the costs of fingerprinting and criminal background checks. An additional
216 fee shall be added to each credit card, debit card, or other electronic transaction equal to the
217 charge paid by the state or the applicant for the use of the credit card, debit card, or other
218 electronic payment method by the applicant.

219 12. For processing a renewal for a concealed carry permit pursuant to sections
220 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed
221 fifty dollars which shall be paid to the treasury of the county to the credit of the sheriff's
222 revolving fund.

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

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

231 **15. Notwithstanding the residency and fee authorizations provisions of this**
232 **chapter, a sheriff may process a concealed carry permit for any Missouri resident if the**
233 **applicant demonstrates a substantial delay in processing permit applications in the**
234 **applicant's county of residence. The requirements and fees for residents of other**
235 **counties shall be identical to the requirements and fees for county residents, except that**
236 **the sheriff may charge postage for mailing the completed permit materials to the**
237 **applicant's county of residence. Both the sheriff in the applicant's county of residence**

238 **and the sheriff in the county where the applicant receives his or her permit shall**
239 **maintain records as required under this chapter.**

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