

FIRST REGULAR SESSION

HOUSE BILL NO. 880

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DEATON.

1944H.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Section A. Section 571.101, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 571.101, to read as follows: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 issued
18 by the sheriff or his or her designee of the county or city in which the applicant resides, if the
19 applicant:

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

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

23 (b) Is a member of the **United States** Armed Forces stationed in Missouri[,] or the
24 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 of~~
26 ~~the United States Armed Forces or honorably discharged from the United States Armed Forces,~~
27 ~~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 years~~
31 ~~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 or~~
34 ~~of the United States other than a crime classified as a misdemeanor under the laws of any state~~
35 ~~and punishable by a term of imprisonment of two years or less that does not involve an explosive~~
36 ~~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 been
40 convicted of two or more misdemeanor offenses involving driving while under the influence of
41 intoxicating liquor or drugs or the possession or abuse of a controlled substance within a
42 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 one
45 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 years
47 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 States
49 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 others;

53 ~~[(8)]~~ (7) 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 section
55 632.005, or a similar institution located in another state following a hearing at which the
56 defendant was represented by counsel or a representative;

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

59 ~~[(10)]~~ (9) 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)]~~ (10) Is not the respondent of a valid full order of protection which is still in effect;

62 **and**

63 ~~[(12)]~~ (11) Is not otherwise prohibited from possessing a firearm under section 571.070
64 or 18 U.S.C. Section 922(g).

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

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

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

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

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

82 (5) An affirmation that the applicant has not been convicted of, pled guilty to, or entered
83 a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence
84 within a five-year period immediately preceding application for a permit or if the applicant has
85 not been convicted of two or more misdemeanor offenses involving driving while under the
86 influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance
87 within a five-year period immediately preceding application for a 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 for
90 a term exceeding one year under the laws of any state or of the United States other than a crime
91 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 health
98 facility, as defined in section 632.005, or a similar institution located in another state, except that
99 a person whose release or discharge from a facility in this state pursuant to chapter 632, or a
100 similar discharge from a facility in another state, occurred more than five years ago without
101 subsequent recommitment may apply;

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

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

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

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

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

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

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

121 5. (1) Before an application for a concealed carry permit is approved, the sheriff shall
122 make only such inquiries as he or she deems necessary into the accuracy of the statements made
123 in the application. The sheriff may require that the applicant display a Missouri driver's license

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

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

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

160 inform the applicant within thirty days of the result of the reconsideration. The applicant shall
161 further be informed in writing of the right to appeal the denial pursuant to subsections 2, 3, 4,
162 and 5 of section 571.114. After two additional reviews and denials by the sheriff, the person
163 submitting the application shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of section
164 571.114.

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

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

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

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

173 (3) The date of issuance; and

174 (4) The expiration date.

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

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

196 information, change the name or address of a permit holder, suspend or revoke a permit, cancel
197 an expired permit, or cancel a permit upon receipt of a certified death certificate for the permit
198 holder. Any person who violates the provisions of this subdivision by disclosing protected
199 information shall be guilty of a class A misdemeanor.

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

206 11. For processing an application for a concealed carry permit pursuant to sections
207 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed one
208 hundred dollars which shall be paid to the treasury of the county to the credit of the sheriff's
209 revolving fund. This fee shall include the cost to reimburse the Missouri state highway patrol
210 for the costs of fingerprinting and criminal background checks. An additional fee shall be added
211 to each credit card, debit card, or other electronic transaction equal to the charge paid by the state
212 or the applicant for the use of the credit card, debit card, or other electronic payment method by
213 the applicant.

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

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

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

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