

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for House Bill No. 1462, Page 17, Section 571.030, Line 28, by  
2 inserting after all of said section and line the following:  
3

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

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

20 (1) Is ~~[at least nineteen]~~ eighteen years of age or older, 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 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 of the United~~  
26 ~~States Armed Forces or honorably discharged from the United States Armed Forces, and is a citizen of the~~  
27 ~~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 of age;~~

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

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

6           ~~(4)~~ (3) Has not been convicted of, pled guilty to or entered a plea of nolo contendere to one or more  
7 misdemeanor offenses involving crimes of violence within a five-year period immediately preceding  
8 application for a concealed carry permit or if the applicant has not been convicted of two or more  
9 misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the  
10 possession or abuse of a controlled substance within a five-year period immediately preceding application for  
11 a concealed carry permit;

12           ~~(5)~~ (4) Is not a fugitive from justice or currently charged in an information or indictment with the  
13 commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state  
14 of the United States other than a crime classified as a misdemeanor under the laws of any state and  
15 punishable by a term of imprisonment of two years or less that does not involve an explosive weapon,  
16 firearm, firearm silencer, or gas gun;

17           ~~(6)~~ (5) Has not been discharged under dishonorable conditions from the United States Armed  
18 Forces;

19           ~~(7)~~ (6) Has not engaged in a pattern of behavior, documented in public or closed records, that  
20 causes the sheriff to have a reasonable belief that the applicant presents a danger to himself or others;

21           ~~(8)~~ (7) Is not adjudged mentally incompetent at the time of application or for five years prior to  
22 application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar  
23 institution located in another state following a hearing at which the defendant was represented by counsel or a  
24 representative;

25           ~~(9)~~ (8) Submits a completed application for a permit as described in subsection 3 of this section;

26           ~~(10)~~ (9) Submits an affidavit attesting that the applicant complies with the concealed carry safety  
27 training requirement pursuant to subsections 1 and 2 of section 571.111;

28           ~~(11)~~ (10) Is not the respondent of a valid full order of protection which is still in effect; and

29           ~~(12)~~ (11) Is not otherwise prohibited from possessing a firearm under section 571.070 or 18 U.S.C.  
30 Section 922(g).

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

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

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

39           (3) An affirmation that the applicant is ~~[at least nineteen years of age or is]~~ eighteen years of age or

1 ~~older [and a member of the United States Armed Forces or honorably discharged from the United States~~  
2 ~~Armed Forces];~~

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

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

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

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

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

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

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

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

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

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

39 (1) A photocopy of a firearms safety training certificate of completion or other evidence of

1 completion of a firearms safety training course that meets the standards established in subsection 1 or 2 of  
2 section 571.111; and

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

4 5. (1) Before an application for a concealed carry permit is approved, the sheriff shall make only  
5 such inquiries as he or she deems necessary into the accuracy of the statements made in the application. The  
6 sheriff may require that the applicant display a Missouri driver's license or nondriver's license or military  
7 identification and orders showing the person being stationed in Missouri. In order to determine the  
8 applicant's suitability for a concealed carry permit, the applicant shall be fingerprinted. No other biometric  
9 data shall be collected from the applicant. The sheriff shall conduct an inquiry of the National Instant  
10 Criminal Background Check System within three working days after submission of the properly completed  
11 application for a concealed carry permit. If no disqualifying record is identified by these checks at the state  
12 level, the fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal history  
13 record check. Upon receipt of the completed report from the National Instant Criminal Background Check  
14 System and the response from the Federal Bureau of Investigation national criminal history record check, the  
15 sheriff shall examine the results and, if no disqualifying information is identified, shall issue a concealed  
16 carry permit within three working days.

17 (2) In the event the report from the National Instant Criminal Background Check System and the  
18 response from the Federal Bureau of Investigation national criminal history record check prescribed by  
19 subdivision (1) of this subsection are not completed within forty-five calendar days and no disqualifying  
20 information concerning the applicant has otherwise come to the sheriff's attention, the sheriff shall issue a  
21 provisional permit, clearly designated on the certificate as such, which the applicant shall sign in the presence  
22 of the sheriff or the sheriff's designee. This permit, when carried with a valid Missouri driver's or nondriver's  
23 license or a valid military identification, shall permit the applicant to exercise the same rights in accordance  
24 with the same conditions as pertain to a concealed carry permit issued under this section, provided that it shall  
25 not serve as an alternative to an national instant criminal background check required by 18 U.S.C. Section  
26 922(t). The provisional permit shall remain valid until such time as the sheriff either issues or denies the  
27 certificate of qualification under subsection 6 or 7 of this section. The sheriff shall revoke a provisional  
28 permit issued under this subsection within twenty-four hours of receipt of any report that identifies a  
29 disqualifying record, and shall notify the concealed carry permit system established under subsection 5 of  
30 section 650.350. The revocation of a provisional permit issued under this section shall be proscribed in a  
31 manner consistent to the denial and review of an application under subsection 6 of this section.

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

1 shall further be informed in writing of the right to appeal the denial pursuant to subsections 2, 3, 4, and 5 of  
2 section 571.114. After two additional reviews and denials by the sheriff, the person submitting the  
3 application shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114.

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

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

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

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

11 (3) The date of issuance; and

12 (4) The expiration date.

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

16 9. (1) The sheriff shall keep a record of all applications for a concealed carry permit or a provisional  
17 permit and his or her action thereon. Any record of an application that is incomplete or denied for any reason  
18 shall be kept for a period not to exceed one year. Any record of an application that was approved shall be  
19 kept for a period of one year after the expiration and nonrenewal of the permit.

20 (2) The sheriff shall report the issuance of a concealed carry permit or provisional permit to the  
21 concealed carry permit system. All information on any such permit that is protected information on any  
22 driver's or nondriver's license shall have the same personal protection for purposes of sections 571.101 to  
23 571.121. An applicant's status as a holder of a concealed carry permit, provisional permit, or a concealed  
24 carry endorsement issued prior to August 28, 2013, shall not be public information and shall be considered  
25 personal protected information. Information retained in the concealed carry permit system under this  
26 subsection shall not be distributed to any federal, state, or private entities and shall only be made available for  
27 a single entry query of an individual in the event the individual is a subject of interest in an active criminal  
28 investigation or is arrested for a crime. A sheriff may access the concealed carry permit system for  
29 administrative purposes to issue a permit, verify the accuracy of permit holder information, change the name  
30 or address of a permit holder, suspend or revoke a permit, cancel an expired permit, or cancel a permit upon  
31 receipt of a certified death certificate for the permit holder. Any person who violates the provisions of this  
32 subdivision by disclosing protected information shall be guilty of a class A misdemeanor.

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

1           11. For processing an application for a concealed carry permit pursuant to sections 571.101 to  
2 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed one hundred dollars which  
3 shall be paid to the treasury of the county to the credit of the sheriff's revolving fund. This fee shall include  
4 the cost to reimburse the Missouri state highway patrol for the costs of fingerprinting and criminal  
5 background checks. An additional fee shall be added to each credit card, debit card, or other electronic  
6 transaction equal to the charge paid by the state or the applicant for the use of the credit card, debit card, or  
7 other electronic payment method by the applicant.

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

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

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

17  
18 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.