

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 282, Page 6, Section 571.030, Line 32, by deleting the number "579.015."
2 and inserting in lieu thereof the following:

3
4 "579.015; or
5 (12) Carries upon or about his or her person a firearm if the person is under twenty-one
6 years of age."; and

7
8 Further amend said bill and section, Page 8, Line 88, by deleting the word "nineteen" and inserting
9 in lieu thereof the words "~~[nineteen]~~ twenty-one"; and

10
11 Further amend said bill, page, and section, Line 99, by inserting after the word "event." the
12 following:

13
14 "Subdivision (12) of subsection 1 of this section does not apply to any person who is in the lawful
15 pursuit of game; who is acting in his or her capacity as a member of the United States Armed Forces
16 or a law enforcement agency; who is in his or her dwelling unit or upon premises over which the
17 person has possession, authority, or control; who is traveling in a continuous journey peaceably
18 through this state; or who is eighteen years of age or older and a member of the United States
19 Armed Forces or honorably discharged from the United States Armed Forces."; and

20
21 Further amend said bill and section, Page 9, Line 131, by deleting the phrase "or (10)" and inserting
22 in lieu thereof the phrase "~~[or]~~, (10), or (12)"; and

23
24 Further amend said bill, Page 11, Section 571.101, Lines 20-21, by deleting said lines and inserting
25 in lieu thereof the following:

26
27 "(1) Is a permanent resident of the United States, is at least ~~[nineteen]~~ twenty-one years of
28 age, ~~[is a citizen or permanent resident of the United States]~~ and either:"; and

29
30 Further amend said bill, page, and section, Lines 25-32, by deleting said lines and inserting in lieu
31 thereof the following:

32
33 "(2) Is a citizen of the United States, is at least ~~[nineteen]~~ twenty-one years of age~~;~~ or ~~[is]~~
34 at least eighteen years of age and a member of the United States Armed Forces or honorably
35 discharged from the United States Armed Forces, ~~[and is a citizen of the United States]~~ and either:

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

Action Taken _____ Date _____

1 (b) Is a member of the United States Armed Forces stationed in Missouri[;] or
2 [(e)] the spouse of such member of the military [~~stationed in Missouri and nineteen years of~~
3 ~~age~~];

4 (3) Has not pled guilty to or entered a plea of nolo contendere or been convicted of"; and
5

6 Further amend said bill, page, and section, Lines 37-38, by deleting said lines and inserting in lieu
7 thereof the following:

8
9 "(4) Has not been convicted of, pled guilty to or entered a plea of nolo contendere to one or
10 more misdemeanor offenses involving crimes of violence within a five-"; and
11

12 Further amend said bill and section, Page 12, by renumbering all subsequent subdivisions
13 accordingly; and
14

15 Further amend said bill, page, and section, Lines 77-79, by deleting said lines and inserting in lieu
16 thereof the following:
17

18 "(3) An affirmation that the applicant is at least [~~nineteen~~] twenty-one years of age or is
19 eighteen years of age or older and a member of the United States Armed Forces or honorably
20 discharged from the United States Armed Forces"; and
21

22 Further amend said bill and section, Page 13, Line 80, by deleting the words "[~~pled guilty to or~~]"
23 and inserting in lieu thereof the words "pled guilty to or"; and
24

25 Further amend said bill, page, and section, Lines 85-86, by deleting the phrase "[~~pled guilty to, or~~
26 ~~entered a plea of nolo contendere to~~]" and inserting in lieu thereof the phrase ", pled guilty to, or
27 entered a plea of nolo contendere to"; and
28

29 Further amend said bill, Page 24, Section 571.111, Line 117, by inserting after all of said section and
30 line the following:
31

32 "571.117. 1. Any person who has knowledge that another person, who was issued a
33 concealed carry permit pursuant to sections 571.101 to 571.121, or concealed carry endorsement
34 prior to August 28, 2013, never was or no longer is eligible for such permit or endorsement under
35 the criteria established in sections 571.101 to 571.121 may file a petition with the clerk of the small
36 claims court to revoke that person's concealed carry permit or endorsement. The petition shall be in
37 a form substantially similar to the petition for revocation of concealed carry permit or endorsement
38 provided in this section. Appeal forms shall be provided by the clerk of the small claims court free
39 of charge to any person:

SMALL CLAIMS COURT

In the Circuit Court of _____, Missouri

_____, PLAINTIFF

)

vs.

Case Number _____

_____, DEFENDANT,

Carry Permit or Endorsement Holder

_____, DEFENDANT,

Sheriff of Issuance

PETITION FOR REVOCATION OF A
CONCEALED CARRY PERMIT OR CONCEALED CARRY ENDORSEMENT

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

(CHECK BELOW EACH REASON THAT APPLIES TO THIS DEFENDANT)

- Defendant is not at least [~~nineteen~~] twenty-one 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.
- Defendant is not a citizen or permanent resident of the United States.
- 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.
- Defendant has pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding two years 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 or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.
- Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a concealed carry permit issued pursuant to sections 571.101 to 571.121, RSMo, or a concealed carry endorsement issued prior to August 28, 2013, or if the applicant has been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a concealed carry permit issued pursuant to sections 571.101

to 571.121, RSMo, or a concealed carry endorsement issued prior to August 28, 2013.

- Defendant is a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state 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 two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.
- Defendant has been discharged under dishonorable conditions from the United States Armed Forces.
- Defendant is reasonably believed by the sheriff to be a danger to self or others based on previous, documented pattern.
- Defendant is adjudged mentally incompetent at the time of application or for five years prior to application, or has been committed to a mental health facility, as defined in section 632.005, RSMo, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, RSMo, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply.
- Defendant failed to submit a completed application for a concealed carry permit issued pursuant to sections 571.101 to 571.121, RSMo, or a concealed carry endorsement issued prior to August 28, 2013.
- Defendant failed to submit to or failed to clear the required background check. (Note: This does not apply if the defendant has submitted to a background check and been issued a provisional permit pursuant to subdivision (2) of subsection 5 of section 571.101, and the results of the background check are still pending.)
- Defendant failed to submit an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsection 1 of section 571.111, RSMo.
- Defendant is otherwise disqualified from possessing a firearm pursuant to 18 U.S.C. Section 922(g) or section 571.070, RSMo, because (specify reason):

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

_____, PLAINTIFF

- 1 2. If at the hearing the plaintiff shows that the defendant was not eligible for the concealed
- 2 carry permit issued pursuant to sections 571.101 to 571.121, or a concealed carry endorsement
- 3 issued prior to August 28, 2013, at the time of issuance or renewal or is no longer eligible for a

1 concealed carry permit or the concealed carry endorsement, the court shall issue an appropriate
 2 order to cause the revocation of the concealed carry permit and, if applicable, the concealed carry
 3 endorsement. Costs shall not be assessed against the sheriff.

4 3. The finder of fact, in any action brought against a permit or endorsement holder pursuant
 5 to subsection 1 of this section, shall make findings of fact and the court shall make conclusions of
 6 law addressing the issues at dispute. If it is determined that the plaintiff in such an action acted
 7 without justification or with malice or primarily with an intent to harass the permit or endorsement
 8 holder or that there was no reasonable basis to bring the action, the court shall order the plaintiff to
 9 pay the defendant/respondent all reasonable costs incurred in defending the action including, but not
 10 limited to, attorney's fees, deposition costs, and lost wages. Once the court determines that the
 11 plaintiff is liable to the defendant/respondent for costs and fees, the extent and type of fees and costs
 12 to be awarded should be liberally calculated in defendant/respondent's favor. Notwithstanding any
 13 other provision of law, reasonable attorney's fees shall be presumed to be at least one hundred fifty
 14 dollars per hour.

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

18 5. The office of the county sheriff or any employee or agent of the county sheriff shall not
 19 be liable for damages in any civil action arising from alleged wrongful or improper granting,
 20 renewing, or failure to revoke a concealed carry permit issued pursuant to sections 571.101 to
 21 571.121, or a certificate of qualification for a concealed carry endorsement issued prior to August
 22 28, 2013, so long as the sheriff acted in good faith."; and

23
 24 Further amend said bill, Page 25, Section 571.205, Lines 22-27, by deleting said lines and inserting
 25 in lieu thereof the following:

26
 27 "(1) Is at least [~~nineteen~~] twenty-one years of age, is a citizen or permanent resident of the
 28 United States, and has assumed residency in this state, or the applicant is at least eighteen years of
 29 age and a member of the United States Armed Forces or honorably discharged from the United
 30 States Armed Forces, [~~and~~] is a citizen of the United States, and has assumed residency in this state;

31 (2) Has not pled guilty to or entered a plea of nolo contendere or been convicted of a"; and

32
 33 Further amend said bill, page, and section, Line 32, by deleting the phrase "[~~, pled guilty to or~~
 34 ~~entered a plea of nolo contendere to~~]" and inserting in lieu thereof the phrase ", pled guilty to or
 35 entered a plea of nolo contendere to"; and

36
 37 Further amend said bill and section, Page 26, Lines 69-71, by deleting said lines and inserting in lieu
 38 thereof the following:

39
 40 "(3) An affirmation that the applicant is at least [~~nineteen~~] twenty-one years of age or is
 41 eighteen years of age or older and a member of the United States Armed Forces or honorably
 42 discharged from the United States Armed Forces;"; and

43

1 Further amend said bill, page, and section, Line 72, by deleting the words "[~~pled guilty to or~~]" and
2 inserting in lieu thereof the words "pled guilty to or"; and
3

4 Further amend said bill and section, Page 27, Lines 77-78, by deleting the phrase "[~~pled guilty to or~~
5 ~~entered a plea of nolo contendere to~~]" and inserting in lieu thereof the phrase ", pled guilty to or
6 entered a plea of nolo contendere to"; and
7

8 Further amend said bill and section, Page 30, Line 211, by inserting after all of said section and line
9 the following:
10

11 "571.225. 1. Any person who has knowledge that another person, who was issued a
12 Missouri lifetime or extended concealed carry permit under sections 571.205 to 571.230, never was
13 or no longer is eligible for such permit under the criteria established in sections 571.205 to 571.230
14 may file a petition with the clerk of the small claims court to revoke that person's Missouri lifetime
15 or extended concealed carry permit. The petition shall be in a form substantially similar to the
16 petition for revocation of a Missouri lifetime or extended concealed carry permit provided in this
17 section. ~~[Appeal]~~ Revocation petition forms shall be provided by the clerk of the small claims court
18 free of charge to any person:

SMALL CLAIMS COURT

In the Circuit Court of _____, Missouri

_____, PLAINTIFF

)

)

vs.

)

Case Number _____

)

)

_____, DEFENDANT,

Lifetime or Extended Carry Permit Holder

_____, DEFENDANT,

Sheriff of Issuance

PETITION FOR REVOCATION OF A

MISSOURI LIFETIME OR EXTENDED CONCEALED CARRY PERMIT

Plaintiff states to the court that the defendant, _____, has a Missouri lifetime or extended
concealed carry permit issued pursuant to sections 571.205 to 571.230, RSMo, and that the
defendant's Missouri lifetime or extended concealed carry permit should now be revoked

because the defendant either never was or no longer is eligible for such a permit pursuant to the provisions of sections 571.205 to 571.230, RSMo, specifically plaintiff states that defendant, _____, never was or no longer is eligible for such permit or endorsement for one or more of the following reasons:

(CHECK BELOW EACH REASON THAT APPLIES TO THIS DEFENDANT)

- Defendant is not at least [~~nineteen~~] twenty-one 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.
- Defendant is not a citizen or permanent resident of the United States.
- Defendant had not resided in this state prior to issuance of the permit or is not a current resident of this state.
- Defendant has pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding two years 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 or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.
- Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a Missouri lifetime or extended concealed carry permit issued pursuant to sections 571.205 to 571.230, RSMo, or the defendant has been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a concealed carry permit issued pursuant to sections 571.205 to 571.230, RSMo.
- Defendant is a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state 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 two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.
- Defendant has been discharged under dishonorable conditions from the United States Armed Forces.
- Defendant is reasonably believed by the sheriff to be a danger to self or others based on previous, documented pattern.
- Defendant is adjudged mentally incompetent at the time of application or for five years prior to application, or has been committed to a mental health facility, as defined in section 632.005, RSMo, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, RSMo, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply.

- Defendant failed to submit a completed application for a concealed carry permit issued pursuant to sections 571.205 to 571.230, RSMo.
- Defendant failed to submit to or failed to clear the required background check. (Note: This does not apply if the defendant has submitted to a background check and been issued a provisional permit pursuant to subdivision (2) of subsection 6 of section 571.205, RSMo, and the results of the background check are still pending.)
- Defendant failed to submit an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsections 1 and 2 of section 571.111, RSMo.
- Defendant is otherwise disqualified from possessing a firearm pursuant to 18 U.S.C. Section 922(g) or section 571.070, RSMo, because _____ (specify reason):

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

_____, PLAINTIFF

1 2. If at the hearing the plaintiff shows that the defendant was not eligible for the Missouri
2 lifetime or extended concealed carry permit issued under sections 571.205 to 571.230 at the time of
3 issuance or renewal or is no longer eligible for a Missouri lifetime or extended concealed carry
4 permit the court shall issue an appropriate order to cause the revocation of the Missouri lifetime or
5 extended concealed carry permit. Costs shall not be assessed against the sheriff.

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

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

19 5. The office of the county sheriff or any employee or agent of the county sheriff shall not
20 be liable for damages in any civil action arising from alleged wrongful or improper granting,
21 renewing, or failure to revoke a Missouri lifetime or extended concealed carry permit issued under
22 sections 571.205 to 571.230 so long as the sheriff acted in good faith." and
23

- 1 Further amend said bill by amending the title, enacting clause, and intersectional references
- 2 accordingly.