

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

**Offered By**

1 AMEND House Bill No. 282, Pages 5-10 Section 571.030, Lines 1-186, by deleting said  
2 lines and inserting in lieu thereof the following:

3  
4 "571.030. 1. A person commits the offense of unlawful use of weapons, except as otherwise  
5 provided by sections 571.101 to 571.121, if he or she knowingly:

6 (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any  
7 other weapon readily capable of lethal use into any area where firearms are restricted under section  
8 571.107; or

9 (2) Sets a spring gun; or

10 (3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or  
11 motor vehicle as defined in section 302.010, or any building or structure used for the assembling of  
12 people; or

13 (4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal  
14 use in an angry or threatening manner; or

15 (5) Has a firearm or projectile weapon readily capable of lethal use on his or her person,  
16 while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in  
17 either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting  
18 in self-defense; or

19 (6) Discharges a firearm within one hundred yards of any occupied schoolhouse,  
20 courthouse, or church building; or

21 (7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across  
22 a public highway or discharges or shoots a firearm into any outbuilding; or

23 (8) Carries a firearm or any other weapon readily capable of lethal use into any church or  
24 place where people have assembled for worship, or into any election precinct on any election day, or  
25 into any building owned or occupied by any agency of the federal government, state government, or  
26 political subdivision thereof; or

27 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010,  
28 discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or  
29 habitable structure, unless the person was lawfully acting in self-defense; or

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1 (10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of  
2 lethal use into any school, onto any school bus, or onto the premises of any function or activity  
3 sponsored or sanctioned by school officials or the district school board; or

4 (11) Possesses a firearm while also knowingly in possession of a controlled substance that is  
5 sufficient for a felony violation of section 579.015; or

6 (12) Carries upon or about his or her person a firearm if the person is under twenty-one  
7 years of age.

8 2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the  
9 persons described in this subsection, regardless of whether such uses are reasonably associated with  
10 or are necessary to the fulfillment of such person's official duties except as otherwise provided in  
11 this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section shall not apply  
12 to or affect any of the following persons, when such uses are reasonably associated with or are  
13 necessary to the fulfillment of such person's official duties, except as otherwise provided in this  
14 subsection:

15 (1) All state, county and municipal peace officers who have completed the training required  
16 by the police officer standards and training commission pursuant to sections 590.030 to 590.050 and  
17 who possess the duty and power of arrest for violation of the general criminal laws of the state or for  
18 violation of ordinances of counties or municipalities of the state, whether such officers are on or off  
19 duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or  
20 all qualified retired peace officers, as defined in subsection 12 of this section, and who carry the  
21 identification defined in subsection 13 of this section, or any person summoned by such officers to  
22 assist in making arrests or preserving the peace while actually engaged in assisting such officer;

23 (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other  
24 institutions for the detention of persons accused or convicted of crime;

25 (3) Members of the United States Armed Forces or National Guard while performing their  
26 official duty;

27 (4) Those persons vested by Article V, Section 1 of the Constitution of Missouri with the  
28 judicial power of the state and those persons vested by Article III of the Constitution of the United  
29 States with the judicial power of the United States, the members of the federal judiciary;

30 (5) Any person whose bona fide duty is to execute process, civil or criminal;

31 (6) Any federal probation officer or federal flight deck officer as defined under the federal  
32 flight deck officer program, 49 U.S.C. Section 44921, regardless of whether such officers are on  
33 duty, or within the law enforcement agency's jurisdiction;

34 (7) Any state probation or parole officer, including supervisors and members of the parole  
35 board;

36 (8) Any corporate security advisor meeting the definition and fulfilling the requirements of  
37 the regulations established by the department of public safety under section 590.750;

38 (9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

1 (10) Any municipal or county prosecuting attorney or assistant prosecuting attorney; circuit  
2 attorney or assistant circuit attorney; municipal, associate, or circuit judge; or any person appointed  
3 by a court to be a special prosecutor who has completed the firearms safety training course required  
4 under subsection 2 of section 571.111;

5 (11) Any member of a fire department or fire protection district who is employed on a full-  
6 time basis as a fire investigator and who has a valid concealed carry endorsement issued prior to  
7 August 28, 2013, or a valid concealed carry permit under section 571.111 when such uses are  
8 reasonably associated with or are necessary to the fulfillment of such person's official duties; and

9 (12) Upon the written approval of the governing body of a fire department or fire protection  
10 district, any paid fire department or fire protection district member who is employed on a full-time  
11 basis and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid  
12 concealed carry permit, when such uses are reasonably associated with or are necessary to the  
13 fulfillment of such person's official duties.

14 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the  
15 actor is transporting such weapons in a nonfunctioning state or in an unloaded state when  
16 ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision  
17 (1) of subsection 1 of this section does not apply to any person [~~nineteen~~] twenty-one years of age or  
18 older, or eighteen years of age or older and a member of the United States Armed Forces[;] or  
19 honorably discharged from the United States Armed Forces, transporting a concealable firearm in  
20 the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise  
21 lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile  
22 weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which  
23 the actor has possession, authority or control, or is traveling in a continuous journey peaceably  
24 through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is  
25 otherwise lawfully possessed by a person while traversing school premises for the purposes of  
26 transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a  
27 school-sanctioned firearm-related event or club event. Subdivision (12) of subsection 1 of this  
28 section does not apply to any person who is in the lawful pursuit of game; who is acting in his or her  
29 capacity as a member of the United States Armed Forces or a law enforcement agency; who is in his  
30 or her dwelling unit or upon premises over which the person has possession, authority, or control;  
31 who is traveling in a continuous journey peaceably through this state; or who is eighteen years of  
32 age or older and a member of the United States Armed Forces or honorably discharged from the  
33 United States Armed Forces.

34 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any person  
35 who has a valid concealed carry permit issued pursuant to sections 571.101 to 571.121, a valid  
36 concealed carry endorsement issued before August 28, 2013, or a valid permit or endorsement to  
37 carry concealed firearms issued by another state or political subdivision of another state.

38 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall  
39 not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

1           6. Notwithstanding any provision of this section to the contrary, the state shall not prohibit  
2 any state employee from having a firearm in the employee's vehicle on the state's property provided  
3 that the vehicle is locked and the firearm is not visible. This subsection shall only apply to the state  
4 as an employer when the state employee's vehicle is on property owned or leased by the state and  
5 the state employee is conducting activities within the scope of his or her employment. For the  
6 purposes of this subsection, "state employee" means an employee of the executive, legislative, or  
7 judicial branch of the government of the state of Missouri.

8           7. Nothing in this section shall make it unlawful for a student to actually participate in  
9 school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored  
10 or club-sponsored firearm-related events, provided the student does not carry a firearm or other  
11 weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of  
12 any other function or activity sponsored or sanctioned by school officials or the district school  
13 board.

14           8. A person who commits the crime of unlawful use of weapons under:

15           (1) Subdivision (2), (3), (4), or (11) of subsection 1 of this section shall be guilty of a class E  
16 felony;

17           (2) Subdivision (1), (6), (7), or (8) of subsection 1 of this section shall be guilty of a class B  
18 misdemeanor, except when a concealed weapon is carried onto any private property whose owner  
19 has posted the premises as being off-limits to concealed firearms by means of one or more signs  
20 displayed in a conspicuous place of a minimum size of eleven inches by fourteen inches with the  
21 writing thereon in letters of not less than one inch, in which case the penalties of subsection 2 of  
22 section 571.107 shall apply;

23           (3) Subdivision (5) ~~or~~, (10), or (12) of subsection 1 of this section shall be guilty of a class  
24 A misdemeanor if the firearm is unloaded and a class E felony if the firearm is loaded;

25           (4) Subdivision (9) of subsection 1 of this section shall be guilty of a class B felony, except  
26 that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to  
27 another person, it is a class A felony.

28           9. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

29           (1) For the first violation a person shall be sentenced to the maximum authorized term of  
30 imprisonment for a class B felony;

31           (2) For any violation by a prior offender as defined in section 558.016, a person shall be  
32 sentenced to the maximum authorized term of imprisonment for a class B felony without the  
33 possibility of parole, probation or conditional release for a term of ten years;

34           (3) For any violation by a persistent offender as defined in section 558.016, a person shall  
35 be sentenced to the maximum authorized term of imprisonment for a class B felony without the  
36 possibility of parole, probation, or conditional release;

37           (4) For any violation which results in injury or death to another person, a person shall be  
38 sentenced to an authorized disposition for a class A felony.

1           10. Any person knowingly aiding or abetting any other person in the violation of  
2 subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed  
3 by this section for violations by other persons.

4           11. Notwithstanding any other provision of law, no person who pleads guilty to or is found  
5 guilty of a felony violation of subsection 1 of this section shall receive a suspended imposition of  
6 sentence if such person has previously received a suspended imposition of sentence for any other  
7 firearms- or weapons-related felony offense.

8           12. As used in this section "qualified retired peace officer" means an individual who:

9           (1) Retired in good standing from service with a public agency as a peace officer, other than  
10 for reasons of mental instability;

11           (2) Before such retirement, was authorized by law to engage in or supervise the prevention,  
12 detection, investigation, or prosecution of, or the incarceration of any person for, any violation of  
13 law, and had statutory powers of arrest;

14           (3) Before such retirement, was regularly employed as a peace officer for an aggregate of  
15 fifteen years or more, or retired from service with such agency, after completing any applicable  
16 probationary period of such service, due to a service-connected disability, as determined by such  
17 agency;

18           (4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such a  
19 plan is available;

20           (5) During the most recent twelve-month period, has met, at the expense of the individual,  
21 the standards for training and qualification for active peace officers to carry firearms;

22           (6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or  
23 substance; and

24           (7) Is not prohibited by federal law from receiving a firearm.

25           13. The identification required by subdivision (1) of subsection 2 of this section is:

26           (1) A photographic identification issued by the agency from which the individual retired  
27 from service as a peace officer that indicates that the individual has, not less recently than one year  
28 before the date the individual is carrying the concealed firearm, been tested or otherwise found by  
29 the agency to meet the standards established by the agency for training and qualification for active  
30 peace officers to carry a firearm of the same type as the concealed firearm; or

31           (2) A photographic identification issued by the agency from which the individual retired  
32 from service as a peace officer; and

33           (3) A certification issued by the state in which the individual resides that indicates that the  
34 individual has, not less recently than one year before the date the individual is carrying the  
35 concealed firearm, been tested or otherwise found by the state to meet the standards established by  
36 the state for training and qualification for active peace officers to carry a firearm of the same type as  
37 the concealed firearm."; and

38  
39 Further amend said bill, Pages 10-17, Section 571.101, Lines 1-234, by deleting said lines and

1 inserting in lieu thereof the following:

2  
 3 "571.101. 1. All applicants for concealed carry permits issued pursuant to subsection 7 of  
 4 this section must satisfy the requirements of sections 571.101 to 571.121. If the said applicant can  
 5 show qualification as provided by sections 571.101 to 571.121, the county or city sheriff shall issue  
 6 a concealed carry permit authorizing the carrying of a concealed firearm on or about the applicant's  
 7 person or within a vehicle. A concealed carry permit shall be valid from the date of issuance or  
 8 renewal until five years from the last day of the month in which the permit was issued or renewed.  
 9 The concealed carry permit is valid throughout this state. Although the permit is considered valid in  
 10 the state, a person who 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 Background Check  
 12 under federal regulations currently codified under 27 CFR 478.102(d), relating to the transfer, sale,  
 13 or delivery of firearms from licensed dealers. A concealed carry endorsement issued prior to August  
 14 28, 2013, shall continue from the date of issuance or renewal until three years from the last day of  
 15 the month in which the endorsement was issued or renewed to authorize the carrying of a concealed  
 16 firearm on or about the applicant's person or within a vehicle in the same manner as a concealed  
 17 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  
 19 the sheriff or his or her designee of the county or city in which the applicant resides, if the applicant:

20 (1) Is a permanent resident of the United States, is at least ~~nineteen~~ twenty-one years of  
 21 age, ~~[is a citizen or permanent resident of the 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  
 24 such member of the military;

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

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

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

32 (3) Has not pled guilty to or entered a plea of nolo contendere or been convicted of a crime  
 33 punishable by imprisonment for a term exceeding one year under the laws of any state or of the  
 34 United States other than a crime classified as a misdemeanor under the laws of any state and  
 35 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) Has not been convicted of, pled guilty to or entered a plea of nolo contendere to one or  
 38 more misdemeanor offenses involving crimes of violence within a five-year period immediately  
 39 preceding application for a concealed carry permit or if the applicant has not been convicted of two

1 or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or  
2 drugs or the possession or abuse of a controlled substance within a five-year period immediately  
3 preceding application for a concealed carry permit;

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

9 (6) Has not been discharged under dishonorable conditions from the United States Armed  
10 Forces;

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

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

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

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

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

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

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

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

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

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

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

1 punishable by a term of imprisonment of two years or less that does not involve an explosive  
2 weapon, firearm, firearm silencer, or gas gun;

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

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

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

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

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

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

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

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

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

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

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

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

15           (2) In the event the report from the National Instant Criminal Background Check System  
16 and the response from the Federal Bureau of Investigation national criminal history record check  
17 prescribed by subdivision (1) of this subsection are not completed within forty-five calendar days  
18 and no disqualifying information concerning the applicant has otherwise come to the sheriff's  
19 attention, the sheriff shall issue a provisional permit, clearly designated on the certificate as such,  
20 which the applicant shall sign in the presence of the sheriff or the sheriff's designee. This permit,  
21 when carried with a valid Missouri driver's or nondriver's license or a valid military identification,  
22 shall permit the applicant to exercise the same rights in accordance with the same conditions as  
23 pertain to a concealed carry permit issued under this section, provided that it shall not serve as an  
24 alternative to an national instant criminal background check required by 18 U.S.C. Section 922(t).  
25 The provisional permit shall remain valid until such time as the sheriff either issues or denies the  
26 certificate of qualification under subsection 6 or 7 of this section. The sheriff shall revoke a  
27 provisional permit issued under this subsection within twenty-four hours of receipt of any report that  
28 identifies a disqualifying record, and shall notify the concealed carry permit system established  
29 under subsection 5 of section 650.350. The revocation of a provisional permit issued under this  
30 section shall be proscribed in a manner consistent to the denial and review of an application under  
31 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,  
34 or if he or she has a substantial and demonstrable reason to believe that the applicant has rendered a  
35 false statement regarding any of the provisions of sections 571.101 to 571.121. If the applicant is  
36 found to be ineligible, the sheriff is required to deny the application, and notify the applicant in  
37 writing, stating the grounds for denial and informing the applicant of the right to submit, within  
38 thirty days, any additional documentation relating to the grounds of the denial. Upon receiving any  
39 additional documentation, the sheriff shall reconsider his or her decision and inform the applicant

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

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

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

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

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

13 (3) The date of issuance; and

14 (4) The expiration date.  
15

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

20 9. (1) The sheriff shall keep a record of all applications for a concealed carry permit or a  
21 provisional permit and his or her action thereon. Any record of an application that is incomplete or  
22 denied for any reason shall be kept for a period not to exceed one year. Any record of an application  
23 that was approved shall be kept for a period of one year after the expiration and nonrenewal of the  
24 permit.

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

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

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

14           12. For processing a renewal for a concealed carry permit pursuant to sections 571.101 to  
15 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed fifty dollars  
16 which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

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

21           14. For the purposes of this chapter, "concealed carry permit" shall include any concealed  
22 carry endorsement issued by the department of revenue before January 1, 2014, and any concealed  
23 carry document issued by any sheriff or under the authority of any sheriff after December 31,  
24 2013."; and

25  
26 Further amend said bill, Page 25, Section 571.111, Line 117, by inserting after said section and line  
27 the following:

28  
29           "571.117. 1. Any person who has knowledge that another person, who was issued a  
30 concealed carry permit pursuant to sections 571.101 to 571.121, or concealed carry endorsement  
31 prior to August 28, 2013, never was or no longer is eligible for such permit or endorsement under  
32 the criteria established in sections 571.101 to 571.121 may file a petition with the clerk of the small  
33 claims court to revoke that person's concealed carry permit or endorsement. The petition shall be in  
34 a form substantially similar to the petition for revocation of concealed carry permit or endorsement  
35 provided in this section. Appeal forms shall be provided by the clerk of the small claims court free  
36 of charge to any person:

SMALL CLAIMS COURT

In the Circuit Court of \_\_\_\_\_, Missouri

\_\_\_\_\_, PLAINTIFF

)

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vs.

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

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

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

21           5. The office of the county sheriff or any employee or agent of the county sheriff shall not  
22 be liable for damages in any civil action arising from alleged wrongful or improper granting,  
23 renewing, or failure to revoke a concealed carry permit issued pursuant to sections 571.101 to  
24 571.121, or a certificate of qualification for a concealed carry endorsement issued prior to August  
25 28, 2013, so long as the sheriff acted in good faith."; and

26  
27 Further amend said bill, Pages 25-30, Section 571.205, Lines 1-211, by deleting said lines and  
28 inserting in lieu thereof the following:

29  
30           "571.205. 1. Upon request and payment of the required fee, the sheriff shall issue a  
31 concealed carry permit that is valid through the state of Missouri for the lifetime of the permit  
32 holder to a Missouri resident who meets the requirements of sections 571.205 to 571.230, known as  
33 a Missouri lifetime concealed carry permit. A person may also request, and the sheriff shall issue  
34 upon payment of the required fee, a concealed carry permit that is valid through the state of  
35 Missouri for a period of either ten years or twenty-five years from the date of issuance or renewal to  
36 a Missouri resident who meets the requirements of sections 571.205 to 571.230. Such permit shall  
37 be known as a Missouri extended concealed carry permit. A person issued a Missouri lifetime or  
38 extended concealed carry permit shall be required to comply with the provisions of sections 571.205  
39 to 571.230. If the applicant can show qualification as provided by sections 571.205 to 571.230, the

1 sheriff shall issue a Missouri lifetime or extended concealed carry permit authorizing the carrying of  
2 a concealed firearm on or about the applicant's person or within a vehicle.

3 2. A Missouri lifetime or extended concealed carry permit shall be suspended if the permit  
4 holder becomes a resident of another state. The permit may be reactivated upon reestablishment of  
5 Missouri residency if the applicant meets the requirements of sections 571.205 to 571.230, and upon  
6 successful completion of a name-based inquiry of the National Instant Background Check System.

7 3. A Missouri lifetime or extended concealed carry permit shall be issued by the sheriff or  
8 his or her designee of the county or city in which the applicant resides, if the applicant:

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

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

18 (3) Has not been convicted of, pled guilty to or entered a plea of nolo contendere to one or  
19 more misdemeanor offenses involving crimes of violence within a five-year period immediately  
20 preceding application for a Missouri lifetime or extended concealed carry permit or if the applicant  
21 has not been convicted of two or more misdemeanor offenses involving driving while under the  
22 influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within  
23 a five-year period immediately preceding application for a Missouri lifetime or extended concealed  
24 carry permit;

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

30 (5) Has not been discharged under dishonorable conditions from the United States Armed  
31 Forces;

32 (6) Has not engaged in a pattern of behavior, documented in public or closed records, that  
33 causes the sheriff to have a reasonable belief that the applicant presents a danger to himself or  
34 herself or others;

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

39 (8) Submits a completed application for a permit as described in subsection 4 of this section;

1 (9) Submits an affidavit attesting that the applicant complies with the concealed carry safety  
2 training requirement under subsections 1 and 2 of section 571.111;

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

4 (11) Is not otherwise prohibited from possessing a firearm under section 571.070 or 18  
5 U.S.C. Section 922(g).

6 4. The application for a Missouri lifetime or extended concealed carry permit issued by the  
7 sheriff of the county of the applicant's residence shall contain only the following information:

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

12 (2) An affirmation that the applicant has assumed residency in Missouri and is a citizen or  
13 permanent resident of the United States;

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

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

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

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

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

35 (8) An affirmation that the applicant is not adjudged mentally incompetent at the time of  
36 application or for five years prior to application, or has not been committed to a mental health  
37 facility, as defined in section 632.005, or a similar institution located in another state, except that a  
38 person whose release or discharge from a facility in this state under chapter 632, or a similar

1 discharge from a facility in another state, occurred more than five years ago without subsequent  
2 recommitment may apply;

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

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

7 (11) A conspicuous warning that false statements made by the applicant will result in  
8 prosecution for perjury under the laws of the state of Missouri; and

9 (12) A government-issued photo identification. This photograph shall not be included on  
10 the permit and shall only be used to verify the person's identity for the issuance of a new permit,  
11 issuance of a new permit due to change of name or address, renewal of an extended permit, or for a  
12 lost or destroyed permit, or reactivation under subsection 2 of this section.

13 5. An application for a Missouri lifetime or extended concealed carry permit shall be made  
14 to the sheriff of the county in which the applicant resides. An application shall be filed in writing,  
15 signed under oath and under the penalties of perjury, and shall state whether the applicant complies  
16 with each of the requirements specified in subsection 3 of this section. In addition to the completed  
17 application, the applicant for a Missouri lifetime or extended concealed carry permit shall also  
18 submit the following:

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

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

23 6. (1) Before an application for a Missouri lifetime or extended concealed carry permit is  
24 approved, the sheriff shall make only such inquiries as he or she deems necessary into the accuracy  
25 of the statements made in the application. The sheriff may require that the applicant display a  
26 Missouri driver's license or nondriver's license or military identification. No biometric data shall be  
27 collected from the applicant. The sheriff shall conduct an inquiry of the National Instant Criminal  
28 Background Check System within three working days after submission of the properly completed  
29 application for a Missouri lifetime or extended concealed carry permit. Upon receipt of the  
30 completed report from the National Instant Criminal Background Check System, the sheriff shall  
31 examine the results and, if no disqualifying information is identified, shall issue a Missouri lifetime  
32 or extended concealed carry permit within three working days.

33 (2) In the event the report from the National Instant Criminal Background Check System  
34 and the response from the Federal Bureau of Investigation national criminal history record check  
35 prescribed by subdivision (1) of this subsection are not completed within forty-five calendar days  
36 and no disqualifying information concerning the applicant has otherwise come to the sheriff's  
37 attention, the sheriff shall issue a provisional permit, clearly designated on the certificate as such,  
38 which the applicant shall sign in the presence of the sheriff or the sheriff's designee. This permit,  
39 when carried with a valid Missouri driver's or nondriver's license, shall permit the applicant to

1 exercise the same rights in accordance with the same conditions as pertain to a Missouri lifetime or  
2 extended concealed carry permit issued under this section, provided that it shall not serve as an  
3 alternative to a national instant criminal background check required by 18 U.S.C. Section 922(t).  
4 The provisional permit shall remain valid until such time as the sheriff either issues or denies the  
5 permit under subsection 7 or 8 of this section. The sheriff shall revoke a provisional permit issued  
6 under this subsection within twenty-four hours of receipt of any report that identifies a disqualifying  
7 record, and shall notify the concealed carry permit system established under subsection 5 of section  
8 650.350. The revocation of a provisional permit issued under this section shall be prescribed in a  
9 manner consistent to the denial and review of an application under subsection 7 of this section.

10 7. The sheriff may refuse to approve an application for a Missouri lifetime or extended  
11 concealed carry permit if he or she determines that any of the requirements specified in subsection 3  
12 of this section have not been met, or if he or she has a substantial and demonstrable reason to  
13 believe that the applicant has rendered a false statement regarding any of the provisions of sections  
14 571.205 to 571.230. If the applicant is found to be ineligible, the sheriff is required to deny the  
15 application, and notify the applicant in writing, stating the grounds for denial and informing the  
16 applicant of the right to submit, within thirty days, any additional documentation relating to the  
17 grounds of the denial. Upon receiving any additional documentation, the sheriff shall reconsider his  
18 or her decision and inform the applicant within thirty days of the result of the reconsideration. The  
19 applicant shall further be informed in writing of the right to appeal the denial under section 571.220.  
20 After two additional reviews and denials by the sheriff, the person submitting the application shall  
21 appeal the denial under section 571.220.

22 8. If the application is approved, the sheriff shall issue a Missouri lifetime or extended  
23 concealed carry permit to the applicant within a period not to exceed three working days after his or  
24 her approval of the application. The applicant shall sign the Missouri lifetime or extended  
25 concealed carry permit in the presence of the sheriff or his or her designee.

26 9. The Missouri lifetime or extended concealed carry permit shall specify only the following  
27 information:

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

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

31 (3) The date of issuance;

32 (4) A clear statement indicating that the permit is only valid within the state of Missouri;

33 and

34 (5) If the permit is a Missouri extended concealed carry permit, the expiration date.

35  
36 The permit shall be no larger than two and one-eighth inches wide by three and three-eighths inches  
37 long and shall be of a uniform style prescribed by the department of public safety. The permit shall  
38 also be assigned a concealed carry permit system county code and shall be stored in sequential  
39 number.

1           10. (1) The sheriff shall keep a record of all applications for a Missouri lifetime or extended  
2 concealed carry permit or a provisional permit and his or her action thereon. Any record of an  
3 application that is incomplete or denied for any reason shall be kept for a period not to exceed one  
4 year.

5           (2) The sheriff shall report the issuance of a Missouri lifetime or extended concealed carry  
6 permit or provisional permit to the concealed carry permit system. All information on any such  
7 permit that is protected information on any driver's or nondriver's license shall have the same  
8 personal protection for purposes of sections 571.205 to 571.230. An applicant's status as a holder of  
9 a Missouri lifetime or extended concealed carry permit or provisional permit shall not be public  
10 information and shall be considered personal protected information. Information retained in the  
11 concealed carry permit system under this subsection shall not be distributed to any federal, state, or  
12 private entities and shall only be made available for a single entry query of an individual in the  
13 event the individual is a subject of interest in an active criminal investigation or is arrested for a  
14 crime. A sheriff may access the concealed carry permit system for administrative purposes to issue  
15 a permit, verify the accuracy of permit holder information, change the name or address of a permit  
16 holder, suspend or revoke a permit, cancel an expired permit, or cancel a permit upon receipt of a  
17 certified death certificate for the permit holder. Any person who violates the provisions of this  
18 subdivision by disclosing protected information shall be guilty of a class A misdemeanor.

19           11. Information regarding any holder of a Missouri lifetime or extended concealed carry  
20 permit is a closed record. No bulk download or batch data shall be distributed to any federal, state,  
21 or private entity, except to MoSMART or a designee thereof.

22           12. For processing an application, the sheriff in each county shall charge a nonrefundable  
23 fee not to exceed:

24           (1) Two hundred dollars for a new Missouri extended concealed carry permit that is valid  
25 for ten years from the date of issuance or renewal;

26           (2) Two hundred fifty dollars for a new Missouri extended concealed carry permit that is  
27 valid for twenty-five years from the date of issuance or renewal;

28           (3) Fifty dollars for a renewal of a Missouri extended concealed carry permit;

29           (4) Five hundred dollars for a Missouri lifetime concealed carry permit,  
30

31 which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

32           571.225. 1. Any person who has knowledge that another person, who was issued a Missouri  
33 lifetime or extended concealed carry permit under sections 571.205 to 571.230, never was or no  
34 longer is eligible for such permit under the criteria established in sections 571.205 to 571.230 may  
35 file a petition with the clerk of the small claims court to revoke that person's Missouri lifetime or  
36 extended concealed carry permit. The petition shall be in a form substantially similar to the petition  
37 for revocation of a Missouri lifetime or extended concealed carry permit provided in this section.  
38 ~~[Appeal]~~ Revocation petition forms shall be provided by the clerk of the small claims court free of  
39 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  
24 Further amend said bill by amending the title, enacting clause, and intersectional references  
25 accordingly.