

FIRST REGULAR SESSION

HOUSE BILL NO. 1160

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CHIPMAN.

0954H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 571.104, RSMo, and to enact in lieu thereof one new section relating to concealed carry permits.

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

Section A. Section 571.104, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 571.104, to read as follows:

571.104. 1. A concealed carry endorsement issued prior to August 28, 2013, shall be suspended or revoked if the concealed carry endorsement holder becomes ineligible for such endorsement under the criteria established in subdivisions (3), (4), (5), (8), and (11) of subsection 2 of section 571.101 or upon the issuance of a valid full order of protection. The following procedures shall be followed:

(1) When a valid full order of protection, or any arrest warrant, discharge, or commitment for the reasons listed in subdivision (3), (4), (5), (8), or (11) of subsection 2 of section 571.101, is issued against a person holding a concealed carry endorsement issued prior to August 28, 2013, upon notification of said order, warrant, discharge or commitment or upon an order of a court of competent jurisdiction in a criminal proceeding, a commitment proceeding or a full order of protection proceeding ruling that a person holding a concealed carry endorsement presents a risk of harm to themselves or others, then upon notification of such order, the holder of the concealed carry endorsement shall surrender the driver's license or nondriver's license containing the concealed carry endorsement to the court, officer, or other official serving the order, warrant, discharge, or commitment. The official to whom the driver's license or nondriver's license containing the concealed carry endorsement is surrendered shall issue a receipt to the licensee for the license upon a form, approved by the director of revenue,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 that serves as a driver's license or a nondriver's license and clearly states the concealed carry
19 endorsement has been suspended. The official shall then transmit the driver's license or a
20 nondriver's license containing the concealed carry endorsement to the circuit court of the county
21 issuing the order, warrant, discharge, or commitment. The concealed carry endorsement issued
22 prior to August 28, 2013, shall be suspended until the order is terminated or until the arrest
23 results in a dismissal of all charges. The official to whom the endorsement is surrendered shall
24 administratively suspend the endorsement in the concealed carry permit system established under
25 subsection 5 of section 650.350 until such time as the order is terminated or until the charges are
26 dismissed. Upon dismissal, the court holding the driver's license or nondriver's license
27 containing the concealed carry endorsement shall return such license to the individual, and the
28 official to whom the endorsement was surrendered shall administratively return the endorsement
29 to good standing within the concealed carry permit system.

30 (2) Any conviction, discharge, or commitment specified in sections 571.101 to 571.121
31 shall result in a revocation. Upon conviction, the court shall forward a notice of conviction or
32 action and the driver's license or nondriver's license with the concealed carry endorsement to
33 the department of revenue. The department of revenue shall notify the sheriff of the county
34 which issued the certificate of qualification for a concealed carry endorsement. The sheriff who
35 issued the certificate of qualification prior to August 28, 2013, shall report the change in status
36 of the endorsement to the concealed carry permit system established under subsection 5 of
37 section 650.350. The director of revenue shall immediately remove the endorsement issued prior
38 to August 28, 2013, from the individual's driving record within three days of the receipt of the
39 notice from the court. The director of revenue shall notify the licensee that he or she must apply
40 for a new license pursuant to chapter 302 which does not contain such endorsement. This
41 requirement does not affect the driving privileges of the licensee. The notice issued by the
42 department of revenue shall be mailed to the last known address shown on the individual's
43 driving record. The notice is deemed received three days after mailing.

44 2. A concealed carry permit issued pursuant to sections 571.101 to 571.121 after August
45 28, 2013, shall be suspended or revoked if the concealed carry permit holder becomes ineligible
46 for such permit or endorsement under the criteria established in subdivisions (3), (4), (5), (8), and
47 (11) of subsection 2 of section 571.101 or upon the issuance of a valid full order of protection.
48 The following procedures shall be followed:

49 (1) When a valid full order of protection or any arrest warrant, discharge, or commitment
50 for the reasons listed in subdivision (3), (4), (5), (8), or (11) of subsection 2 of section 571.101
51 is issued against a person holding a concealed carry permit, upon notification of said order,
52 warrant, discharge, or commitment or upon an order of a court of competent jurisdiction in a
53 criminal proceeding, a commitment proceeding, or a full order of protection proceeding ruling

54 that a person holding a concealed carry permit presents a risk of harm to themselves or others,
55 then upon notification of such order, the holder of the concealed carry permit shall surrender the
56 permit to the court, officer, or other official serving the order, warrant, discharge, or
57 commitment. The permit shall be suspended until the order is terminated or until the arrest
58 results in a dismissal of all charges. The official to whom the permit is surrendered shall
59 administratively suspend the permit in the concealed carry permit system until the order is
60 terminated or the charges are dismissed. Upon dismissal, the court holding the permit shall
61 return such permit to the individual and the official to whom the permit was surrendered shall
62 administratively return the permit to good standing within the concealed carry permit system;

63 (2) Any conviction, discharge, or commitment specified in sections 571.101 to 571.121
64 shall result in a revocation. Upon conviction, the court shall forward a notice of conviction or
65 action and the permit to the issuing county sheriff. The sheriff who issued the concealed carry
66 permit shall report the change in status of the concealed carry permit to the concealed carry
67 permit system.

68 3. A concealed carry permit shall be renewed for a qualified applicant upon receipt of
69 the properly completed renewal application and the required renewal fee by the sheriff of the
70 county of the applicant's residence. The renewal application shall contain the same required
71 information as set forth in subsection 3 of section 571.101, except that in lieu of the fingerprint
72 requirement of subsection 5 of section 571.101 and the firearms safety training, the applicant
73 need only display his or her current concealed carry permit. A name-based inquiry of the
74 National Instant Criminal Background Check System shall be completed for each renewal
75 application. The sheriff shall review the results of the report from the National Instant Criminal
76 Background Check System, and when the sheriff has determined the applicant has successfully
77 completed all renewal requirements and is not disqualified under any provision of section
78 571.101, the sheriff shall issue a new concealed carry permit which contains the date such permit
79 was renewed. The process for renewing a concealed carry endorsement issued prior to August
80 28, 2013, shall be the same as the process for renewing a permit, except that in lieu of the
81 fingerprint requirement of subsection 5 of section 571.101 and the firearms safety training, the
82 applicant need only display his or her current driver's license or nondriver's license containing
83 an endorsement. Upon successful completion of all renewal requirements, the sheriff shall issue
84 a new concealed carry permit as provided under this subsection.

85 4. A person who has been issued a concealed carry permit, or a certificate of
86 qualification for a concealed carry endorsement prior to August 28, 2013, who fails to file a
87 renewal application for a concealed carry permit on or before its expiration date must pay an
88 additional late fee of ten dollars per month for each month it is expired for up to six months.
89 After six months, the sheriff who issued the expired concealed carry permit or certificate of

90 qualification shall notify the concealed carry permit system that such permit is expired and
91 cancelled. If the person has a concealed carry endorsement issued prior to August 28, 2013, the
92 sheriff who issued the certificate of qualification for the endorsement shall notify the director of
93 revenue that such certificate is expired regardless of whether the endorsement holder has applied
94 for a concealed carry permit under subsection 3 of this section. The director of revenue shall
95 immediately remove such endorsement from the individual's driving record and notify the
96 individual that his or her driver's license or nondriver's license has expired. The notice shall be
97 conducted in the same manner as described in subsection 1 of this section. Any person who has
98 been issued a concealed carry permit pursuant to sections 571.101 to 571.121, or a concealed
99 carry endorsement issued prior to August 28, 2013, who fails to renew his or her application
100 within the six-month period must reapply for a new concealed carry permit and pay the fee for
101 a new application.

102 5. Any person issued a concealed carry permit pursuant to sections 571.101 to 571.121,
103 or a concealed carry endorsement issued prior to August 28, 2013, shall notify the sheriff of the
104 new jurisdiction of the permit or endorsement holder's change of residence within thirty days
105 after the changing of a permanent residence to a location outside the county of permit issuance.
106 The permit or endorsement holder shall furnish proof to the sheriff in the new jurisdiction that
107 the permit or endorsement holder has changed his or her residence. The sheriff in the new
108 jurisdiction shall notify the sheriff in the old jurisdiction of the permit holder's change of address
109 and the sheriff in the old jurisdiction shall transfer any information on file for the permit holder
110 to the sheriff in the new jurisdiction within thirty days. The sheriff of the new jurisdiction may
111 charge a processing fee of not more than ten dollars for any costs associated with notification of
112 a change in residence. The sheriff shall report the residence change to the concealed carry permit
113 system, take possession and destroy the old permit, and then issue a new permit to the permit
114 holder. The new address shall be accessible by the concealed carry permit system within three
115 days of receipt of the information. If the person has a concealed carry endorsement issued prior
116 to August 28, 2013, the endorsement holder shall also furnish proof to the department of revenue
117 of his or her residence change. In such cases, the change of residence shall be made by the
118 department of revenue onto the individual's driving record.

119 6. Any person issued a concealed carry permit pursuant to sections 571.101 to 571.121,
120 or a concealed carry endorsement issued prior to August 28, 2013, shall notify the sheriff or his
121 or her designee of the permit or endorsement holder's county or city of residence within seven
122 days after actual knowledge of the loss or destruction of his or her permit or driver's license or
123 nondriver's license containing a concealed carry endorsement. The permit or endorsement
124 holder shall furnish a statement to the sheriff that the permit or driver's license or nondriver's
125 license containing the concealed carry endorsement has been lost or destroyed. After notification

126 of the loss or destruction of a permit or driver's license or nondriver's license containing a
127 concealed carry endorsement, the sheriff may charge a processing fee of ten dollars for costs
128 associated with replacing a lost or destroyed permit or driver's license or nondriver's license
129 containing a concealed carry endorsement and shall reissue a new concealed carry permit within
130 three working days of being notified by the concealed carry permit or endorsement holder of its
131 loss or destruction. The new concealed carry permit shall contain the same personal information,
132 including expiration date, as the original concealed carry permit.

133 7. If a person issued a concealed carry permit, or endorsement issued prior to August 28,
134 2013, changes his or her name, the person to whom the permit or endorsement was issued shall
135 obtain a corrected or new concealed carry permit with a change of name from the sheriff who
136 issued the original concealed carry permit or the original certificate of qualification for an
137 endorsement upon the sheriff's verification of the name change. The sheriff may charge a
138 processing fee of not more than ten dollars for any costs associated with obtaining a corrected
139 or new concealed carry permit. The permit or endorsement holder shall furnish proof of the
140 name change to the sheriff within thirty days of changing his or her name and display his or her
141 concealed carry permit or current driver's license or nondriver's license containing a concealed
142 carry endorsement. The sheriff shall report the name change to the concealed carry permit
143 system, and the new name shall be accessible by the concealed carry permit system within three
144 days of receipt of the information.

145 8. The person with a concealed carry permit, or endorsement issued prior to August 28,
146 2013, shall notify the sheriff of a name or address change within thirty days of the change. A
147 concealed carry permit and, if applicable, endorsement shall be automatically invalid after one
148 hundred eighty days if the permit or endorsement holder has changed his or her name or changed
149 his or her residence and not notified the sheriff as required in subsections 5 and 7 of this section.
150 The sheriff shall assess a late penalty of ten dollars per month for each month, up to six months
151 and not to exceed sixty dollars, for the failure to notify the sheriff of the change of name or
152 address within thirty days.

153 9. **(1) As used in this subsection, the term "active military member" means any**
154 **person who is on active duty in the Armed Forces, on active state duty, on full-time**
155 **National Guard duty under Title 32 of the United States Code, or on active duty under**
156 **Title 10 of the United States Code with the National Guard or who is physically**
157 **incapacitated due to an injury incurred while in the services of the National Guard or**
158 **Armed Forces.**

159 **(2)** Notwithstanding any provision of this section to the contrary, if a concealed carry
160 permit, or endorsement issued prior to August 28, 2013, expires while the person issued the
161 permit or endorsement is ~~an~~ **an** active ~~[duty in the Armed Forces, on active state duty, full-time~~

162 ~~National Guard duty under Title 32, or active duty under Title 10 with the National Guard, or is~~
163 ~~physically incapacitated due to an injury incurred while in the services of the National Guard or~~
164 ~~Armed Forces]~~ **military member**, the permit shall be renewed if the person completes the
165 renewal requirements under subsection 3 of this section within two months of returning to
166 Missouri after discharge from such duty or recovery from such incapacitation. Once the
167 two-month period has expired, the provisions of subsection 4 of this section shall apply except
168 the penalties shall begin to accrue upon the expiration of the two-month period described in this
169 subsection rather than on the expiration date of the permit or endorsement.

170 **(3) Beginning August 28, 2019, an active military member may complete the**
171 **renewal of his or her endorsement or permit under subdivision (2) of this section by mail.**
172 **To renew an endorsement or permit by mail, an active military member shall mail to the**
173 **sheriff who issued his or her permit a renewal application, a copy of his or her current**
174 **concealed carry permit, a military identification acceptable for in-person renewal of**
175 **permits, and the renewal fee. The active military member may pick up the renewed permit**
176 **in person or may request the permit be mailed to a provided address by certified mail. The**
177 **sheriff may require the active military member to pay the postage and insurance costs**
178 **associated with mailing the permit, but the costs shall not exceed ten dollars.**

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