

SECOND REGULAR SESSION

SENATE BILL NO. 908

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR HUDSON.

5815S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 21.750, 571.030, 571.101, 571.117, 571.205, and 571.225, RSMo, and to enact in lieu thereof six new sections relating to firearms, with penalty provisions.

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

Section A. Sections 21.750, 571.030, 571.101, 571.117,
2 571.205, and 571.225, RSMo, are repealed and six new sections
3 enacted in lieu thereof, to be known as sections 21.750,
4 571.030, 571.101, 571.117, 571.205, and 571.225, to read as
5 follows:

21.750. 1. The general assembly hereby occupies and
2 preempts the entire field of legislation touching in any way
3 firearms, components, ammunition and supplies to the
4 complete exclusion of any order, ordinance or regulation by
5 any political subdivision of this state. Any existing or
6 future orders, ordinances or regulations in this field are
7 hereby and shall be null and void except as provided in
8 subsection 3 of this section.

9 2. No county, city, town, village, municipality, or
10 other political subdivision of this state shall adopt any
11 order, ordinance or regulation concerning in any way the
12 sale, purchase, purchase delay, transfer, ownership, use,
13 keeping, possession, bearing, transportation, licensing,
14 permit, registration, taxation other than sales and
15 compensating use taxes or other controls on firearms,

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 components, ammunition, and supplies except as provided in
17 subsection 3 of this section.

18 3. [(1) Except as provided in subdivision (2) of this
19 subsection,] Nothing contained in this section shall
20 prohibit any ordinance of any political subdivision which
21 conforms exactly with any of the provisions of sections
22 571.010 to 571.070, with appropriate penalty provisions, [or
23 which regulates the open carrying of firearms readily
24 capable of lethal use] or the discharge of firearms within a
25 jurisdiction, provided such ordinance complies with the
26 provisions of section 252.243. No ordinance shall be
27 construed to preclude the use of a firearm in the defense of
28 person or property, subject to the provisions of chapter 563.

29 [(2) In any jurisdiction in which the open carrying of
30 firearms is prohibited by ordinance, the open carrying of
31 firearms shall not be prohibited in accordance with the
32 following:

33 (a) Any person with a valid concealed carry
34 endorsement or permit who is open carrying a firearm shall
35 be required to have a valid concealed carry endorsement or
36 permit from this state, or a permit from another state that
37 is recognized by this state, in his or her possession at all
38 times;

39 (b) Any person open carrying a firearm in such
40 jurisdiction shall display his or her concealed carry
41 endorsement or permit upon demand of a law enforcement
42 officer;

43 (c) In the absence of any reasonable and articulable
44 suspicion of criminal activity, no person carrying a
45 concealed or unconcealed firearm shall be disarmed or
46 physically restrained by a law enforcement officer unless
47 under arrest; and

48 (d) Any person who violates this subdivision shall be
49 subject to the penalty provided in section 571.121.]

50 4. The lawful design, marketing, manufacture,
51 distribution, or sale of firearms or ammunition to the
52 public is not an abnormally dangerous activity and does not
53 constitute a public or private nuisance.

54 5. No county, city, town, village or any other
55 political subdivision nor the state shall bring suit or have
56 any right to recover against any firearms or ammunition
57 manufacturer, trade association or dealer for damages,
58 abatement or injunctive relief resulting from or relating to
59 the lawful design, manufacture, marketing, distribution, or
60 sale of firearms or ammunition to the public. This
61 subsection shall apply to any suit pending as of October 12,
62 2003, as well as any suit which may be brought in the
63 future. Provided, however, that nothing in this section
64 shall restrict the rights of individual citizens to recover
65 for injury or death caused by the negligent or defective
66 design or manufacture of firearms or ammunition.

67 6. Nothing in this section shall prevent the state, a
68 county, city, town, village or any other political
69 subdivision from bringing an action against a firearms or
70 ammunition manufacturer or dealer for breach of contract or
71 warranty as to firearms or ammunition purchased by the state
72 or such political subdivision.

73 7. Any political subdivision who knowingly violates
74 the provisions of this section or otherwise knowingly
75 deprives a citizen of Missouri of the rights or privileges
76 ensured by Amendment II of the Constitution of the United
77 States or Article I, Section 23 of the Constitution of
78 Missouri shall be liable to the injured party in an action
79 at law, suit in equity, or other proper proceeding for

80 redress, and subject to a civil penalty of fifty thousand
81 dollars per occurrence. Any person injured under this
82 section shall have standing to pursue an action for
83 injunctive relief in the circuit court of the county in
84 which the action allegedly occurred or in the circuit court
85 of Cole County with respect to the actions of such
86 individual. The court shall hold a hearing on the motion
87 for temporary restraining order and preliminary injunction
88 within thirty days of service of the petition.

89 8. In such actions, the court may award the prevailing
90 party, other than the state of Missouri or any political
91 subdivision of the state, reasonable attorney's fees and
92 costs.

93 9. Sovereign immunity shall not be an affirmative
94 defense in any action pursuant to this section.

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

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

8 (2) Sets a spring gun; or

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

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

16 (5) Has a firearm or projectile weapon readily capable
17 of lethal use on his or her person, while he or she is

18 intoxicated, and handles or otherwise uses such firearm or
19 projectile weapon in either a negligent or unlawful manner
20 or discharges such firearm or projectile weapon unless
21 acting in self-defense; or

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

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

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

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

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

43 (11) Possesses a firearm while also knowingly in
44 possession of a controlled substance that is sufficient for
45 a felony violation of section 579.015.

46 2. Subdivisions (1), (8), and (10) of subsection 1 of
47 this section shall not apply to the persons described in
48 this subsection, regardless of whether such uses are
49 reasonably associated with or are necessary to the

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

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

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

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

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

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

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

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

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

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

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

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

109 (12) Upon the written approval of the governing body
110 of a fire department or fire protection district, any paid
111 fire department or fire protection district member who is
112 employed on a full-time basis and who has a valid concealed

113 carry endorsement issued prior to August 28, 2013, or a
114 valid concealed carry permit, when such uses are reasonably
115 associated with or are necessary to the fulfillment of such
116 person's official duties.

117 3. Subdivisions (1), (5), (8), and (10) of subsection
118 1 of this section do not apply when the actor is
119 transporting such weapons in a nonfunctioning state or in an
120 unloaded state when ammunition is not readily accessible or
121 when such weapons are not readily accessible. Subdivision
122 (1) of subsection 1 of this section does not apply to any
123 person [nineteen] **eighteen** years of age or older [or
124 eighteen years of age or older and a member of the United
125 States Armed Forces, or honorably discharged from the United
126 States Armed Forces,] transporting a concealable firearm in
127 the passenger compartment of a motor vehicle, so long as
128 such concealable firearm is otherwise lawfully possessed,
129 nor when the actor is also in possession of an exposed
130 firearm or projectile weapon for the lawful pursuit of game,
131 or is in his or her dwelling unit or upon premises over
132 which the actor has possession, authority or control, or is
133 traveling in a continuous journey peaceably through this
134 state. Subdivision (10) of subsection 1 of this section
135 does not apply if the firearm is otherwise lawfully
136 possessed by a person while traversing school premises for
137 the purposes of transporting a student to or from school, or
138 possessed by an adult for the purposes of facilitation of a
139 school-sanctioned firearm-related event or club event.

140 4. Subdivisions (1), (8), and (10) of subsection 1 of
141 this section shall not apply to any person who has a valid
142 concealed carry permit issued pursuant to sections 571.101
143 to 571.121, a valid concealed carry endorsement issued
144 before August 28, 2013, or a valid permit or endorsement to

145 carry concealed firearms issued by another state or
146 political subdivision of another state.

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

151 6. Notwithstanding any provision of this section to
152 the contrary, the state shall not prohibit any state
153 employee from having a firearm in the employee's vehicle on
154 the state's property provided that the vehicle is locked and
155 the firearm is not visible. This subsection shall only
156 apply to the state as an employer when the state employee's
157 vehicle is on property owned or leased by the state and the
158 state employee is conducting activities within the scope of
159 his or her employment. For the purposes of this subsection,
160 "state employee" means an employee of the executive,
161 legislative, or judicial branch of the government of the
162 state of Missouri.

163 7. (1) Subdivision (10) of subsection 1 of this
164 section shall not apply to a person who is a school officer
165 commissioned by the district school board under section
166 162.215 or who is a school protection officer, as described
167 under section 160.665.

168 (2) Nothing in this section shall make it unlawful for
169 a student to actually participate in school-sanctioned gun
170 safety courses, student military or ROTC courses, or other
171 school-sponsored or club-sponsored firearm-related events,
172 provided the student does not carry a firearm or other
173 weapon readily capable of lethal use into any school, onto
174 any school bus, or onto the premises of any other function
175 or activity sponsored or sanctioned by school officials or
176 the district school board.

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

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

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

190 (3) Subdivision (5) or (10) of subsection 1 of this
191 section shall be guilty of a class A misdemeanor if the
192 firearm is unloaded and a class E felony if the firearm is
193 loaded;

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

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

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

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

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

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

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

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

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

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

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

(3) Before such retirement, was regularly employed as a peace officer for an aggregate of fifteen years or more, or retired from service with such agency, after completing

any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

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

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

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

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

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

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

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

(3) A certification issued by the state in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the state to meet the standards established by the state for training and qualification for

272 active peace officers to carry a firearm of the same type as
273 the concealed firearm.

571.101. 1. All applicants for concealed carry
2 permits issued pursuant to subsection 7 of this section must
3 satisfy the requirements of sections 571.101 to 571.121. If
4 the said applicant can show qualification as provided by
5 sections 571.101 to 571.121, the county or city sheriff
6 shall issue a concealed carry permit authorizing the
7 carrying of a concealed firearm on or about the applicant's
8 person or within a vehicle. A concealed carry permit shall
9 be valid from the date of issuance or renewal until five
10 years from the last day of the month in which the permit was
11 issued or renewed. The concealed carry permit is valid
12 throughout this state. Although the permit is considered
13 valid in the state, a person who fails to renew his or her
14 permit within five years from the date of issuance or
15 renewal shall not be eligible for an exception to a National
16 Instant Criminal Background Check under federal regulations
17 currently codified under 27 CFR 478.102(d), relating to the
18 transfer, sale, or delivery of firearms from licensed
19 dealers. A concealed carry endorsement issued prior to
20 August 28, 2013, shall continue from the date of issuance or
21 renewal until three years from the last day of the month in
22 which the endorsement was issued or renewed to authorize the
23 carrying of a concealed firearm on or about the applicant's
24 person or within a vehicle in the same manner as a concealed
25 carry permit issued under subsection 7 of this section on or
26 after August 28, 2013.

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

31 (1) Is at least ~~[nineteen]~~ **eighteen** years of age, is a
32 citizen or permanent resident of the United States and
33 either:

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

35 (b) Is a member of the Armed Forces stationed in
36 Missouri, or the spouse of such member of the military;

37 (2) ~~[Is at least nineteen years of age, or is at least~~
38 ~~eighteen years of age and a member of the United States~~
39 ~~Armed Forces or honorably discharged from the United States~~
40 ~~Armed Forces, and is a citizen of the United States and~~
41 ~~either:~~

42 (a) Has assumed residency in this state;

43 (b) Is a member of the Armed Forces stationed in
44 Missouri; or

45 (c) The spouse of such member of the military
46 stationed in Missouri and nineteen years of age;

47 (3)] Has not pled guilty to or entered a plea of nolo
48 contendere or been convicted of a crime punishable by
49 imprisonment for a term exceeding one year under the laws of
50 any state or of the United States other than a crime
51 classified as a misdemeanor under the laws of any state and
52 punishable by a term of imprisonment of two years or less
53 that does not involve an explosive weapon, firearm, firearm
54 silencer or gas gun;

55 ~~[(4)]~~ (3) Has not been convicted of, pled guilty to or
56 entered a plea of nolo contendere to one or more misdemeanor
57 offenses involving crimes of violence within a five-year
58 period immediately preceding application for a concealed
59 carry permit or if the applicant has not been convicted of
60 two or more misdemeanor offenses involving driving while
61 under the influence of intoxicating liquor or drugs or the
62 possession or abuse of a controlled substance within a five-

year period immediately preceding application for a concealed carry permit;

[(5)] (4) Is not 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;

[(6)] (5) Has not been discharged under dishonorable conditions from the United States Armed Forces;

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

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

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

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

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

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

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

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

104 (2) An affirmation that the applicant has assumed
105 residency in Missouri or is a member of the Armed Forces
106 stationed in Missouri or the spouse of such a member of the
107 Armed Forces and is a citizen or permanent resident of the
108 United States;

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

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

121 (5) An affirmation that the applicant has not been
122 convicted of, pled guilty to, or entered a plea of nolo
123 contendere to one or more misdemeanor offenses involving
124 crimes of violence within a five-year period immediately
125 preceding application for a permit or if the applicant has
126 not 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 permit;

(6) An affirmation that the applicant is not 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 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 two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

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

(8) An affirmation that the applicant is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, 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, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply;

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

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

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

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

167 4. An application for a concealed carry permit shall
168 be made to the sheriff of the county or any city not within
169 a county in which the applicant resides. An application
170 shall be filed in writing, signed under oath and under the
171 penalties of perjury, and shall state whether the applicant
172 complies with each of the requirements specified in
173 subsection 2 of this section. In addition to the completed
174 application, the applicant for a concealed carry permit must
175 also submit the following:

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

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

182 5. (1) Before an application for a concealed carry
183 permit is approved, the sheriff shall make only such
184 inquiries as he or she deems necessary into the accuracy of
185 the statements made in the application. The sheriff may
186 require that the applicant display a Missouri driver's
187 license or nondriver's license or military identification
188 and orders showing the person being stationed in Missouri.
189 In order to determine the applicant's suitability for a
190 concealed carry permit, the applicant shall be

191 fingerprinted. No other biometric data shall be collected
192 from the applicant. The sheriff shall conduct an inquiry of
193 the National Instant Criminal Background Check System within
194 three working days after submission of the properly
195 completed application for a concealed carry permit. If no
196 disqualifying record is identified by these checks at the
197 state level, the fingerprints shall be forwarded to the
198 Federal Bureau of Investigation for a national criminal
199 history record check. Upon receipt of the completed report
200 from the National Instant Criminal Background Check System
201 and the response from the Federal Bureau of Investigation
202 national criminal history record check, the sheriff shall
203 examine the results and, if no disqualifying information is
204 identified, shall issue a concealed carry permit within
205 three working days.

206 (2) In the event the report from the National Instant
207 Criminal Background Check System and the response from the
208 Federal Bureau of Investigation national criminal history
209 record check prescribed by subdivision (1) of this
210 subsection are not completed within forty-five calendar days
211 and no disqualifying information concerning the applicant
212 has otherwise come to the sheriff's attention, the sheriff
213 shall issue a provisional permit, clearly designated on the
214 certificate as such, which the applicant shall sign in the
215 presence of the sheriff or the sheriff's designee. This
216 permit, when carried with a valid Missouri driver's or
217 nondriver's license or a valid military identification,
218 shall permit the applicant to exercise the same rights in
219 accordance with the same conditions as pertain to a
220 concealed carry permit issued under this section, provided
221 that it shall not serve as an alternative to an national
222 instant criminal background check required by 18 U.S.C.

Section 922(t). The provisional permit shall remain valid until such time as the sheriff either issues or denies the certificate of qualification under subsection 6 or 7 of this section. The sheriff shall revoke a provisional permit issued under this subsection within twenty-four hours of receipt of any report that identifies a disqualifying record, and shall notify the concealed carry permit system established under subsection 5 of section 650.350. The revocation of a provisional permit issued under this section shall be proscribed in a manner consistent to the denial and review of an application under subsection 6 of this section.

6. The sheriff may refuse to approve an application for a concealed carry permit if he or she determines that any of the requirements specified in subsection 2 of this section have not been met, or if he or she has a substantial and demonstrable reason to believe that the applicant has rendered a false statement regarding any of the provisions of sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff is required to deny the application, and notify the applicant in writing, stating the grounds for denial and informing the applicant of the right to submit, within thirty days, any additional documentation relating to the grounds of the denial. Upon receiving any additional documentation, the sheriff shall reconsider his or her decision and inform the applicant within thirty days of the result of the reconsideration. The applicant shall further be informed in writing of the right to appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114. After two additional reviews and denials by the sheriff, the person submitting the application shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114.

255 7. If the application is approved, the sheriff shall
256 issue a concealed carry permit to the applicant within a
257 period not to exceed three working days after his or her
258 approval of the application. The applicant shall sign the
259 concealed carry permit in the presence of the sheriff or his
260 or her designee.

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

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

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

267 (3) The date of issuance; and

268 (4) The expiration date.

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

275 9. (1) The sheriff shall keep a record of all
276 applications for a concealed carry permit or a provisional
277 permit and his or her action thereon. Any record of an
278 application that is incomplete or denied for any reason
279 shall be kept for a period not to exceed one year. Any
280 record of an application that was approved shall be kept for
281 a period of one year after the expiration and nonrenewal of
282 the permit.

283 (2) The sheriff shall report the issuance of a
284 concealed carry permit or provisional permit to the
285 concealed carry permit system. All information on any such

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

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

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

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

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

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

571.117. 1. Any person who has knowledge that another person, who was issued a concealed carry permit pursuant to sections 571.101 to 571.121, or concealed carry endorsement

prior to August 28, 2013, never was or no longer is eligible for such permit or endorsement under the criteria established in sections 571.101 to 571.121 may file a petition with the clerk of the small claims court to revoke that person's concealed carry permit or endorsement. The petition shall be in a form substantially similar to the petition for revocation of concealed carry permit or endorsement provided in this section. Appeal forms shall be provided by the clerk of the small claims court free 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)

<input type="checkbox"/>	Defendant is not at least [nineteen] eighteen 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].
<input type="checkbox"/>	Defendant is not a citizen or permanent resident of the United States.
<input type="checkbox"/>	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.
<input type="checkbox"/>	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.

65	<input type="checkbox"/>	Defendant has been convicted of, pled guilty
66		to or entered a plea of nolo contendere to
67		one or more misdemeanor offenses involving
68		crimes of violence within a five-year period
69		immediately preceding application for a
70		concealed carry permit issued pursuant to
71		sections 571.101 to 571.121, RSMo, or a
72		concealed carry endorsement issued prior to
73		August 28, 2013, or if the applicant has been
74		convicted of two or more misdemeanor offenses
75		involving driving while under the influence
76		of intoxicating liquor or drugs or the
77		possession or abuse of a controlled substance
78		within a five-year period immediately
79		preceding application for a concealed carry
80		permit issued pursuant to sections 571.101 to
81		571.121, RSMo, or a concealed carry
82		endorsement issued prior to August 28, 2013.
83	<input type="checkbox"/>	Defendant is a fugitive from justice or
84		currently charged in an information or
85		indictment with the commission of a crime
86		punishable by imprisonment for a term
87		exceeding one year under the laws of any
88		state of the United States other than a crime
89		classified as a misdemeanor under the laws of
90		any state and punishable by a term of
91		imprisonment of two years or less that does
92		not involve an explosive weapon, firearm,
93		firearm silencer, or gas gun.
94	<input type="checkbox"/>	Defendant has been discharged under
95		dishonorable conditions from the United
96		States Armed Forces.
97	<input type="checkbox"/>	Defendant is reasonably believed by the
98		sheriff to be a danger to self or others
99		based on previous, documented pattern.
100	<input type="checkbox"/>	Defendant is adjudged mentally incompetent at
101		the time of application or for five years

102		prior to application, or has been committed
103		to a mental health facility, as defined in
104		section 632.005, RSMo, or a similar
105		institution located in another state, except
106		that a person whose release or discharge from
107		a facility in this state pursuant to chapter
108		632, RSMo, or a similar discharge from a
109		facility in another state, occurred more than
110		five years ago without subsequent
111		recommitment may apply.
112	<input type="checkbox"/>	Defendant failed to submit a completed
113		application for a concealed carry permit
114		issued pursuant to sections 571.101 to
115		571.121, RSMo, or a concealed carry
116		endorsement issued prior to August 28, 2013.
117	<input type="checkbox"/>	Defendant failed to submit to or failed to
118		clear the required background check. (Note:
119		This does not apply if the defendant has
120		submitted to a background check and been
121		issued a provisional permit pursuant to
122		subdivision (2) of subsection 5 of section
123		571.101, and the results of the background
124		check are still pending.)
125	<input type="checkbox"/>	Defendant failed to submit an affidavit
126		attesting that the applicant complies with
127		the concealed carry safety training
128		requirement pursuant to subsection 1 of
129		section 571.111, RSMo.
130	<input type="checkbox"/>	Defendant is otherwise disqualified from
131		possessing a firearm pursuant to 18 U.S.C.
132		Section 922(g) or section 571.070, RSMo,
133		because (specify reason):

134 The plaintiff subject to penalty for perjury
135 states that the information contained in this
136 petition is true and correct to the best of the

137 plaintiff's knowledge, is reasonably based upon
138 the petitioner's personal knowledge and is not
139 primarily intended to harass the
140 defendant/respondent named herein.

141 _____ , PLAINTIFF

142 2. If at the hearing the plaintiff shows that the
143 defendant was not eligible for the concealed carry permit
144 issued pursuant to sections 571.101 to 571.121, or a
145 concealed carry endorsement issued prior to August 28, 2013,
146 at the time of issuance or renewal or is no longer eligible
147 for a concealed carry permit or the concealed carry
148 endorsement, the court shall issue an appropriate order to
149 cause the revocation of the concealed carry permit and, if
150 applicable, the concealed carry endorsement. Costs shall
151 not be assessed against the sheriff.

152 3. The finder of fact, in any action brought against a
153 permit or endorsement holder pursuant to subsection 1 of
154 this section, shall make findings of fact and the court
155 shall make conclusions of law addressing the issues at
156 dispute. If it is determined that the plaintiff in such an
157 action acted without justification or with malice or
158 primarily with an intent to harass the permit or endorsement
159 holder or that there was no reasonable basis to bring the
160 action, the court shall order the plaintiff to pay the
161 defendant/respondent all reasonable costs incurred in
162 defending the action including, but not limited to,
163 attorney's fees, deposition costs, and lost wages. Once the
164 court determines that the plaintiff is liable to the
165 defendant/respondent for costs and fees, the extent and type
166 of fees and costs to be awarded should be liberally
167 calculated in defendant/respondent's favor. Notwithstanding

168 any other provision of law, reasonable attorney's fees shall
169 be presumed to be at least one hundred fifty dollars per
170 hour.

171 4. Any person aggrieved by any final judgment rendered
172 by a small claims court in a petition for revocation of a
173 concealed carry permit or concealed carry endorsement may
174 have a right to trial de novo as provided in sections
175 512.180 to 512.320.

176 5. The office of the county sheriff or any employee or
177 agent of the county sheriff shall not be liable for damages
178 in any civil action arising from alleged wrongful or
179 improper granting, renewing, or failure to revoke a
180 concealed carry permit issued pursuant to sections 571.101
181 to 571.121, or a certificate of qualification for a
182 concealed carry endorsement issued prior to August 28, 2013,
183 so long as the sheriff acted in good faith.

571.205. 1. Upon request and payment of the required
2 fee, the sheriff shall issue a concealed carry permit that
3 is valid through the state of Missouri for the lifetime of
4 the permit holder to a Missouri resident who meets the
5 requirements of sections 571.205 to 571.230, known as a
6 Missouri lifetime concealed carry permit. A person may also
7 request, and the sheriff shall issue upon payment of the
8 required fee, a concealed carry permit that is valid through
9 the state of Missouri for a period of either ten years or
10 twenty-five years from the date of issuance or renewal to a
11 Missouri resident who meets the requirements of sections
12 571.205 to 571.230. Such permit shall be known as a
13 Missouri extended concealed carry permit. A person issued a
14 Missouri lifetime or extended concealed carry permit shall
15 be required to comply with the provisions of sections
16 571.205 to 571.230. If the applicant can show qualification

17 as provided by sections 571.205 to 571.230, the sheriff
18 shall issue a Missouri lifetime or extended concealed carry
19 permit authorizing the carrying of a concealed firearm on or
20 about the applicant's person or within a vehicle.

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

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

32 (1) Is at least [nineteen] **eighteen** years of age, is a
33 citizen or permanent resident of the United States, and has
34 assumed residency in this state[, or is at least eighteen
35 years of age and a member of the United States Armed Forces
36 or honorably discharged from the United States Armed Forces,
37 and is a citizen of the United States and has assumed
38 residency in this state];

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

47 (3) Has not been convicted of, pled guilty to or
48 entered a plea of nolo contendere to one or more misdemeanor
49 offenses involving crimes of violence within a five-year
50 period immediately preceding application for a Missouri
51 lifetime or extended concealed carry permit or if the
52 applicant has not been convicted of two or more misdemeanor
53 offenses involving driving while under the influence of
54 intoxicating liquor or drugs or the possession or abuse of a
55 controlled substance within a five-year period immediately
56 preceding application for a Missouri lifetime or extended
57 concealed carry permit;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

112 (5) An affirmation that the applicant has not been
113 convicted of, pled guilty to, or entered a plea of nolo
114 contendere to one or more misdemeanor offenses involving
115 crimes of violence within a five-year period immediately
116 preceding application for a permit or that the applicant has
117 not been convicted of two or more misdemeanor offenses
118 involving driving while under the influence of intoxicating
119 liquor or drugs or the possession or abuse of a controlled
120 substance within a five-year period immediately preceding
121 application for a permit;

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

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

134 (8) An affirmation that the applicant is not adjudged
135 mentally incompetent at the time of application or for five
136 years prior to application, or has not been committed to a
137 mental health facility, as defined in section 632.005, or a
138 similar institution located in another state, except that a
139 person whose release or discharge from a facility in this

state under chapter 632, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply;

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

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

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

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

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

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

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

176 6. (1) Before an application for a Missouri lifetime
177 or extended concealed carry permit is approved, the sheriff
178 shall make only such inquiries as he or she deems necessary
179 into the accuracy of the statements made in the
180 application. The sheriff may require that the applicant
181 display a Missouri driver's license or nondriver's license
182 or military identification. No biometric data shall be
183 collected from the applicant. The sheriff shall conduct an
184 inquiry of the National Instant Criminal Background Check
185 System within three working days after submission of the
186 properly completed application for a Missouri lifetime or
187 extended concealed carry permit. Upon receipt of the
188 completed report from the National Instant Criminal
189 Background Check System, the sheriff shall examine the
190 results and, if no disqualifying information is identified,
191 shall issue a Missouri lifetime or extended concealed carry
192 permit within three working days.

193 (2) In the event the report from the National Instant
194 Criminal Background Check System and the response from the
195 Federal Bureau of Investigation national criminal history
196 record check prescribed by subdivision (1) of this
197 subsection are not completed within forty-five calendar days
198 and no disqualifying information concerning the applicant
199 has otherwise come to the sheriff's attention, the sheriff
200 shall issue a provisional permit, clearly designated on the

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

7. The sheriff may refuse to approve an application for a Missouri lifetime or extended concealed carry permit if he or she determines that any of the requirements specified in subsection 3 of this section have not been met, or if he or she has a substantial and demonstrable reason to believe that the applicant has rendered a false statement regarding any of the provisions of sections 571.205 to 571.230. If the applicant is found to be ineligible, the sheriff is required to deny the application, and notify the applicant in writing, stating the grounds for denial and informing the applicant of the right to submit, within

thirty days, any additional documentation relating to the grounds of the denial. Upon receiving any additional documentation, the sheriff shall reconsider his or her decision and inform the applicant within thirty days of the result of the reconsideration. The applicant shall further be informed in writing of the right to appeal the denial under section 571.220. After two additional reviews and denials by the sheriff, the person submitting the application shall appeal the denial under section 571.220.

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

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

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

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

(3) The date of issuance;

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

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

The permit shall be no larger than two and one-eighth inches wide by three and three-eighths inches long and shall be of a uniform style prescribed by the department of public safety. The permit shall also be assigned a concealed carry

263 permit system county code and shall be stored in sequential
264 number.

265 10. (1) The sheriff shall keep a record of all
266 applications for a Missouri lifetime or extended concealed
267 carry permit or a provisional permit and his or her action
268 thereon. Any record of an application that is incomplete or
269 denied for any reason shall be kept for a period not to
270 exceed one year.

271 (2) The sheriff shall report the issuance of a
272 Missouri lifetime or extended concealed carry permit or
273 provisional permit to the concealed carry permit system.
274 All information on any such permit that is protected
275 information on any driver's or nondriver's license shall
276 have the same personal protection for purposes of sections
277 571.205 to 571.230. An applicant's status as a holder of a
278 Missouri lifetime or extended concealed carry permit or
279 provisional permit shall not be public information and shall
280 be considered personal protected information. Information
281 retained in the concealed carry permit system under this
282 subsection shall not be distributed to any federal, state,
283 or private entities and shall only be made available for a
284 single entry query of an individual in the event the
285 individual is a subject of interest in an active criminal
286 investigation or is arrested for a crime. A sheriff may
287 access the concealed carry permit system for administrative
288 purposes to issue a permit, verify the accuracy of permit
289 holder information, change the name or address of a permit
290 holder, suspend or revoke a permit, cancel an expired
291 permit, or cancel a permit upon receipt of a certified death
292 certificate for the permit holder. Any person who violates

the provisions of this subdivision by disclosing protected information shall be guilty of a class A misdemeanor.

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

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

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

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

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

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

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

571.225. 1. Any person who has knowledge that another person, who was issued a Missouri lifetime or extended concealed carry permit under sections 571.205 to 571.230, never was or no longer is eligible for such permit under the criteria established in sections 571.205 to 571.230 may file a petition with the clerk of the small claims court to revoke that person's Missouri lifetime or extended concealed carry permit. The petition shall be in a form substantially similar to the petition for revocation of a Missouri lifetime or extended concealed carry permit provided in this

section. **[Appeal] Revocation petition** forms shall be provided by the clerk of the small claims court 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)

<input type="checkbox"/>	Defendant is not at least [nineteen] eighteen 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].
<input type="checkbox"/>	Defendant is not a citizen or permanent resident of the United States.
<input type="checkbox"/>	Defendant had not resided in this state prior to issuance of the permit or is not a current resident of this state.
<input type="checkbox"/>	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.
<input type="checkbox"/>	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

73		intoxicating liquor or drugs or the possession
74		or abuse of a controlled substance within a
75		five-year period immediately preceding
76		application for a concealed carry permit
77		issued pursuant to sections 571.205 to
78		571.230, RSMo.
79	<input type="checkbox"/>	Defendant is a fugitive from justice or
80		currently charged in an information or
81		indictment with the commission of a crime
82		punishable by imprisonment for a term
83		exceeding one year under the laws of any state
84		of the United States other than a crime
85		classified as a misdemeanor under the laws of
86		any state and punishable by a term of
87		imprisonment of two years or less that does
88		not involve an explosive weapon, firearm,
89		firearm silencer, or gas gun.
90	<input type="checkbox"/>	Defendant has been discharged under
91		dishonorable conditions from the United States
92		Armed Forces.
93	<input type="checkbox"/>	Defendant is reasonably believed by the
94		sheriff to be a danger to self or others based
95		on previous, documented pattern.
96	<input type="checkbox"/>	Defendant is adjudged mentally incompetent at
97		the time of application or for five years
98		prior to application, or has been committed to
99		a mental health facility, as defined in
100		section 632.005, RSMo, or a similar
101		institution located in another state, except
102		that a person whose release or discharge from
103		a facility in this state pursuant to chapter
104		632, RSMo, or a similar discharge from a
105		facility in another state, occurred more than
106		five years ago without subsequent recommitment
107		may apply.

108	<input type="checkbox"/>	Defendant failed to submit a completed
109		application for a concealed carry permit
110		issued pursuant to sections 571.205 to
111		571.230, RSMo.
112	<input type="checkbox"/>	Defendant failed to submit to or failed to
113		clear the required background check. (Note:
114		This does not apply if the defendant has
115		submitted to a background check and been
116		issued a provisional permit pursuant to
117		subdivision (2) of subsection 6 of section
118		571.205, RSMo, and the results of the
119		background check are still pending.)
120	<input type="checkbox"/>	Defendant failed to submit an affidavit
121		attesting that the applicant complies with the
122		concealed carry safety training requirement
123		pursuant to subsections 1 and 2 of section
124		571.111, RSMo.
125	<input type="checkbox"/>	Defendant is otherwise disqualified from
126		possessing a firearm pursuant to 18 U.S.C.
127		Section 922(g) or section 571.070, RSMo,
128		because _____ (specify reason):

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

136 _____ , PLAINTIFF

137 2. If at the hearing the plaintiff shows that the
 138 defendant was not eligible for the Missouri lifetime or
 139 extended concealed carry permit issued under sections
 140 571.205 to 571.230 at the time of issuance or renewal or is
 141 no longer eligible for a Missouri lifetime or extended

concealed carry permit the court shall issue an appropriate order to cause the revocation of the Missouri lifetime or extended concealed carry permit. Costs shall not be assessed against the sheriff.

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

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

5. The office of the county sheriff or any employee or agent of the county sheriff shall not be liable for damages in any civil action arising from alleged wrongful or improper granting, renewing, or failure to revoke a Missouri lifetime or extended concealed carry permit issued under

174 sections 571.205 to 571.230 so long as the sheriff acted in
175 good faith.

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