

SECOND REGULAR SESSION

HOUSE BILL NO. 1669

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BASYE.

4200H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 571.101, RSMo, and to enact in lieu thereof one new section relating to firearm offenses, with penalty provisions.

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

Section A. Section 571.101, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 571.101, to read as follows:

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

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.

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

20 (1) Is at least nineteen years of age, is a citizen or permanent resident of the United States
21 and either:

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

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

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

28 (a) Has assumed residency in this state;

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

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

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

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

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

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

53 (8) Is not adjudged mentally incompetent at the time of application or for five years prior
54 to application, or has not been committed to a mental health facility, as defined in section
55 632.005, or a similar institution located in another state following a hearing at which the
56 defendant was represented by counsel or a representative;

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

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

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

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

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

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

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

73 (3) An affirmation that the applicant is at least nineteen years of age or is eighteen years
74 of age or older and a member of the United States Armed Forces or honorably discharged from
75 the United States Armed Forces;

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

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

87 (6) An affirmation that the applicant is not a fugitive from justice or currently charged
88 in an information or indictment with the commission of a crime punishable by imprisonment for

89 a term exceeding one year under the laws of any state or of the United States other than a crime
90 classified as a misdemeanor under the laws of any state and punishable by a term of
91 imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm
92 silencer or gas gun;

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

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

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

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

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

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

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

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

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

120 5. (1) Before an application for a concealed carry permit is approved, the sheriff shall
121 make only such inquiries as he or she deems necessary into the accuracy of the statements made
122 in the application. The sheriff may require that the applicant display a Missouri driver's license
123 or nondriver's license or military identification and orders showing the person being stationed
124 in Missouri. In order to determine the applicant's suitability for a concealed carry permit, the

125 applicant shall be fingerprinted. No other biometric data shall be collected from the applicant.
126 The sheriff shall conduct an inquiry of the National Instant Criminal Background Check System
127 within three working days after submission of the properly completed application for a concealed
128 carry permit. If no disqualifying record is identified by these checks at the state level, the
129 fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal
130 history record check. Upon receipt of the completed report from the National Instant Criminal
131 Background Check System and the response from the Federal Bureau of Investigation national
132 criminal history record check, the sheriff shall examine the results and, if no disqualifying
133 information is identified, shall issue a concealed carry permit within three working days.

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

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

161 and 5 of section 571.114. After two additional reviews and denials by the sheriff, the person
162 submitting the application shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of section
163 571.114.

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

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

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

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

172 (3) The date of issuance; and

173 (4) The expiration date.

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

179 9. (1) The sheriff shall keep a record of all applications for a concealed carry permit or
180 a provisional permit and his or her action thereon. Any record of an application that is
181 incomplete or denied for any reason shall be kept for a period not to exceed one year. Any
182 record of an application that was approved shall be kept for a period of one year after the
183 expiration and nonrenewal of the permit.

184 (2) The sheriff shall report the issuance of a concealed carry permit or provisional permit
185 to the concealed carry permit system. All information on any such permit that is protected
186 information on any driver's or nondriver's license shall have the same personal protection for
187 purposes of sections 571.101 to 571.121. An applicant's status as a holder of a concealed carry
188 permit, provisional permit, or a concealed carry endorsement issued prior to August 28, 2013,
189 shall not be public information and shall be considered personal protected information.
190 Information retained in the concealed carry permit system under this subsection shall not be
191 distributed to any federal, state, or private entities and shall only be made available for a single
192 entry query of an individual in the event the individual is a subject of interest in an active
193 criminal investigation or is arrested for a crime. A sheriff may access the concealed carry permit
194 system for administrative purposes to issue a permit, verify the accuracy of permit holder
195 information, change the name or address of a permit holder, suspend or revoke a permit, cancel
196 an expired permit, or cancel a permit upon receipt of a certified death certificate for the permit

197 holder. Any person who violates the provisions of this subdivision by disclosing protected
198 information shall be guilty of a class A misdemeanor.

199 10. Information regarding any holder of a concealed carry permit, or a concealed carry
200 endorsement issued prior to August 28, 2013, is a closed record. No bulk download or batch
201 data shall be distributed to any federal, state, or private entity, except to MoSMART or a
202 designee thereof. Any state agency that has retained any documents or records, including
203 fingerprint records provided by an applicant for a concealed carry endorsement prior to August
204 28, 2013, shall destroy such documents or records, upon successful issuance of a permit.

205 11. For processing an application for a concealed carry permit pursuant to sections
206 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed one
207 hundred dollars which shall be paid to the treasury of the county to the credit of the sheriff's
208 revolving fund. This fee shall include the cost to reimburse the Missouri state highway patrol
209 for the costs of fingerprinting and criminal background checks. An additional fee shall be added
210 to each credit card, debit card, or other electronic transaction equal to the charge paid by the state
211 or the applicant for the use of the credit card, debit card, or other electronic payment method by
212 the applicant.

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

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

220 14. For the purposes of this chapter, "concealed carry permit" shall include:

221 (1) Any concealed carry endorsement issued by the department of revenue before
222 January 1, 2014~~[, and]~~ ;

223 (2) Any concealed carry document issued by any sheriff or under the authority of any
224 sheriff after December 31, 2013; or

225 (3) **Any valid peace officer license issued by the POST commission, as defined**
226 **under section 590.010.**

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