

FIRST REGULAR SESSION

# HOUSE BILL NO. 299

## 102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE DEATON.

0184H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal section 571.101, RSMo, and to enact in lieu thereof one new section relating to concealed carry permits.

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*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Section A. Section 571.101, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 571.101, to read as follows: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  
18 issued by the sheriff or his or her designee of the county or city in which the applicant resides,  
19 if the applicant:

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

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

23           (b) Is a member of the **United States** Armed Forces stationed in Missouri~~[;]~~ or the  
24 spouse of such member of the military;

25           ~~(2) [Is at least nineteen years of age, or is at least eighteen years of age and a member  
26 of the United States Armed Forces or honorably discharged from the United States Armed  
27 Forces, 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  
31 years 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  
34 or of the United States other than a crime classified as a misdemeanor under the laws of any  
35 state and punishable by a term of imprisonment of two years or less that does not involve an  
36 explosive weapon, firearm, firearm silencer or gas gun;

37           ~~[(4)]~~ **(3)** Has not been convicted of, pled guilty to or entered a plea of nolo contendere  
38 to one 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  
40 been convicted of two or more misdemeanor offenses involving driving while under the  
41 influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance  
42 within a five-year period immediately preceding application for a concealed carry permit;

43           ~~[(5)]~~ **(4)** Is not a fugitive from justice or currently charged in an information or  
44 indictment with the commission of a crime punishable by imprisonment for a term exceeding  
45 one year under the laws of any state of the United States other than a crime classified as a  
46 misdemeanor under the laws of any state and punishable by a term of imprisonment of two  
47 years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

48           ~~[(6)]~~ **(5)** Has not been discharged under dishonorable conditions from the United  
49 States Armed Forces;

50           ~~[(7)]~~ **(6)** Has not engaged in a pattern of behavior, documented in public or closed  
51 records, that causes the sheriff to have a reasonable belief that the applicant presents a danger  
52 to himself or others;

53           ~~[(8)]~~ (7) Is not adjudged mentally incompetent at the time of application or for five  
54 years prior to application, or has not been committed to a mental health facility, as defined in  
55 section 632.005, or a similar institution located in another state following a hearing at which  
56 the defendant was represented by counsel or a representative;

57           ~~[(9)]~~ (8) Submits a completed application for a permit as described in subsection 3 of  
58 this section;

59           ~~[(10)]~~ (9) Submits an affidavit attesting that the applicant complies with the  
60 concealed carry safety training requirement pursuant to subsections 1 and 2 of section  
61 571.111;

62           ~~[(11)]~~ (10) Is not the respondent of a valid full order of protection which is still in  
63 effect; **and**

64           ~~[(12)]~~ (11) Is not otherwise prohibited from possessing a firearm under section  
65 571.070 or 18 U.S.C. Section 922(g).

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

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

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

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

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

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

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

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

98 (8) An affirmation that the applicant is not adjudged mentally incompetent at the time  
99 of application or for five years prior to application, or has not been committed to a mental  
100 health facility, as defined in section 632.005, or a similar institution located in another state,  
101 except that a person whose release or discharge from a facility in this state pursuant to chapter  
102 632, or a similar discharge from a facility in another state, occurred more than five years ago  
103 without subsequent recommitment may apply;

104 (9) An affirmation that the applicant has received firearms safety training that meets  
105 the standards of applicant firearms safety training defined in subsection 1 or 2 of section  
106 571.111;

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

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

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

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

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

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

125 5. (1) Before an application for a concealed carry permit is approved, the sheriff shall  
126 make only such inquiries as he or she deems necessary into the accuracy of the statements

127 made in the application. The sheriff may require that the applicant display a Missouri driver's  
128 license or nondriver's license or military identification and orders showing the person being  
129 stationed in Missouri. In order to determine the applicant's suitability for a concealed carry  
130 permit, the applicant shall be fingerprinted. No other biometric data shall be collected from  
131 the applicant. The sheriff shall conduct an inquiry of the National Instant Criminal  
132 Background Check System within three working days after submission of the properly  
133 completed application for a concealed carry permit. If no disqualifying record is identified by  
134 these checks at the state level, the fingerprints shall be forwarded to the Federal Bureau of  
135 Investigation for a national criminal history record check. Upon receipt of the completed  
136 report from the National Instant Criminal Background Check System and the response from  
137 the Federal Bureau of Investigation national criminal history record check, the sheriff shall  
138 examine the results and, if no disqualifying information is identified, shall issue a concealed  
139 carry permit within three working days.

140 (2) In the event the report from the National Instant Criminal Background Check  
141 System and the response from the Federal Bureau of Investigation national criminal history  
142 record check prescribed by subdivision (1) of this subsection are not completed within forty-  
143 five calendar days and no disqualifying information concerning the applicant has otherwise  
144 come to the sheriff's attention, the sheriff shall issue a provisional permit, clearly designated  
145 on the certificate as such, which the applicant shall sign in the presence of the sheriff or the  
146 sheriff's designee. This permit, when carried with a valid Missouri driver's or nondriver's  
147 license or a valid military identification, shall permit the applicant to exercise the same rights  
148 in accordance with the same conditions as pertain to a concealed carry permit issued under  
149 this section, provided that it shall not serve as an alternative to an national instant criminal  
150 background check required by 18 U.S.C. Section 922(t). The provisional permit shall remain  
151 valid until such time as the sheriff either issues or denies the certificate of qualification under  
152 subsection 6 or 7 of this section. The sheriff shall revoke a provisional permit issued under  
153 this subsection within twenty-four hours of receipt of any report that identifies a disqualifying  
154 record, and shall notify the concealed carry permit system established under subsection 5 of  
155 section 650.350. The revocation of a provisional permit issued under this section shall be  
156 proscribed in a manner consistent to the denial and review of an application under subsection  
157 6 of this section.

158 6. The sheriff may refuse to approve an application for a concealed carry permit if he  
159 or she determines that any of the requirements specified in subsection 2 of this section have  
160 not been met, or if he or she has a substantial and demonstrable reason to believe that the  
161 applicant has rendered a false statement regarding any of the provisions of sections 571.101  
162 to 571.121. If the applicant is found to be ineligible, the sheriff is required to deny the  
163 application, and notify the applicant in writing, stating the grounds for denial and informing

164 the applicant of the right to submit, within thirty days, any additional documentation relating  
165 to the grounds of the denial. Upon receiving any additional documentation, the sheriff shall  
166 reconsider his or her decision and inform the applicant within thirty days of the result of the  
167 reconsideration. The applicant shall further be informed in writing of the right to appeal the  
168 denial pursuant to subsections 2, 3, 4, and 5 of section 571.114. After two additional reviews  
169 and denials by the sheriff, the person submitting the application shall appeal the denial  
170 pursuant to subsections 2, 3, 4, and 5 of section 571.114.

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

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

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

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

179 (3) The date of issuance; and

180 (4) The expiration date.

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

186 9. (1) The sheriff shall keep a record of all applications for a concealed carry permit  
187 or a provisional permit and his or her action thereon. Any record of an application that is  
188 incomplete or denied for any reason shall be kept for a period not to exceed one year. Any  
189 record of an application that was approved shall be kept for a period of one year after the  
190 expiration and nonrenewal of the permit.

191 (2) The sheriff shall report the issuance of a concealed carry permit or provisional  
192 permit to the concealed carry permit system. All information on any such permit that is  
193 protected information on any driver's or nondriver's license shall have the same personal  
194 protection for purposes of sections 571.101 to 571.121. An applicant's status as a holder of a  
195 concealed carry permit, provisional permit, or a concealed carry endorsement issued prior to  
196 August 28, 2013, shall not be public information and shall be considered personal protected  
197 information. Information retained in the concealed carry permit system under this subsection  
198 shall not be distributed to any federal, state, or private entities and shall only be made  
199 available for a single entry query of an individual in the event the individual is a subject of  
200 interest in an active criminal investigation or is arrested for a crime. A sheriff may access the

201 concealed carry permit system for administrative purposes to issue a permit, verify the  
202 accuracy of permit holder information, change the name or address of a permit holder,  
203 suspend or revoke a permit, cancel an expired permit, or cancel a permit upon receipt of a  
204 certified death certificate for the permit holder. Any person who violates the provisions of  
205 this subdivision by disclosing protected information shall be guilty of a class A misdemeanor.

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

213 11. For processing an application for a concealed carry permit pursuant to sections  
214 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed  
215 one hundred dollars which shall be paid to the treasury of the county to the credit of the  
216 sheriff's revolving fund. This fee shall include the cost to reimburse the Missouri state  
217 highway patrol for the costs of fingerprinting and criminal background checks. An additional  
218 fee shall be added to each credit card, debit card, or other electronic transaction equal to the  
219 charge paid by the state or the applicant for the use of the credit card, debit card, or other  
220 electronic payment method by the applicant.

221 12. For processing a renewal for a concealed carry permit pursuant to sections  
222 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed  
223 fifty dollars which shall be paid to the treasury of the county to the credit of the sheriff's  
224 revolving fund.

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

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

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