

SECOND REGULAR SESSION

HOUSE BILL NO. 2806

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE AUNE.

5892H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 571.030, 571.101, 571.117, 571.205, and 571.225, RSMo, and to enact in lieu thereof five 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 571.030, 571.101, 571.117, 571.205, and 571.225, RSMo, are
2 repealed and five new sections enacted in lieu thereof, to be known as sections 571.030,
3 571.101, 571.117, 571.205, and 571.225, to read as follows:

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

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

6 (2) Sets a spring gun; or

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

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

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

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.

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

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

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

24 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section
25 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any
26 building or habitable structure, unless the person was lawfully acting in self-defense; or

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

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

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

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

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

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

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

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

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

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

62 (8) Any corporate security advisor meeting the definition and fulfilling the
63 requirements of the regulations established by the department of public safety under section
64 590.750;

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

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

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

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

80 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply
81 when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state
82 when ammunition is not readily accessible or when such weapons are not readily accessible.
83 Subdivision (1) of subsection 1 of this section does not apply to any person nineteen years of
84 age or older or eighteen years of age or older and a member of the United States Armed
85 Forces, or honorably discharged from the United States Armed Forces, transporting a
86 concealable firearm in the passenger compartment of a motor vehicle, so long as such
87 concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession
88 of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her

89 dwelling unit or upon premises over which the actor has possession, authority or control, or is
90 traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection
91 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person
92 while traversing school premises for the purposes of transporting a student to or from school,
93 or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related
94 event or club event.

95 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any
96 person who has a valid concealed carry permit issued pursuant to sections 571.101 to
97 571.121, a valid concealed carry endorsement issued before August 28, 2013, or a valid
98 permit or endorsement to carry concealed firearms issued by another state or political
99 subdivision of another state.

100 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section
101 shall not apply to persons who are engaged in a lawful act of defense pursuant to section
102 563.031.

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

111 7. (1) Subdivision (10) of subsection 1 of this section shall not apply to a person who
112 is a school officer commissioned by the district school board under section 162.215 or who is
113 a school protection officer, as described under section 160.665.

114 (2) Nothing in this section shall make it unlawful for a student to actually participate
115 in school-sanctioned gun safety courses, student military or ROTC courses, or other school-
116 sponsored or club-sponsored firearm-related events, provided the student does not carry a
117 firearm or other weapon readily capable of lethal use into any school, onto any school bus, or
118 onto the premises of any other function or activity sponsored or sanctioned by school officials
119 or the district school board.

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

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

123 (2) Subdivision (1), (6), (7), or (8) of subsection 1 of this section shall be guilty of a
124 class B misdemeanor, except when a concealed weapon is carried onto any private property
125 whose owner has posted the premises as being off-limits to concealed firearms by means of

126 one or more signs displayed in a conspicuous place of a minimum size of eleven inches by
127 fourteen inches with the writing thereon in letters of not less than one inch, in which case the
128 penalties of subsection 2 of section 571.107 shall apply;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 concealed firearm on or about the applicant's person or within a vehicle in the same manner as
16 a concealed carry permit issued under subsection 7 of this section on or after August 28, 2013.

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 years of age, is a citizen or permanent resident of the United
21 States 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
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) Has not been convicted of, pled guilty to or entered a plea of nolo contendere to
38 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) 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
45 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) 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
52 himself or others;

53 (8) Is not adjudged mentally incompetent at the time of application or for five years
54 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) Submits a completed application for a permit as described in subsection 3 of this
58 section;

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

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

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

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

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

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

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

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

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

87 controlled substance within a five-year period immediately preceding application for a
88 permit;

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

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

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

103 (9) An affirmation that the applicant has ~~[received firearms safety training that meets~~
104 ~~the standards of applicant firearms safety training defined in subsection 1 or 2]~~ **satisfied the**
105 **requirements** of section 571.111;

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

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

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

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

120 (1) ~~[A photocopy of a firearms safety training certificate of completion or other~~
121 ~~evidence of completion of a firearms safety training course that meets the standards~~
122 ~~established in subsection 1 or 2]~~ **Proof that the applicant satisfies the requirements of**
123 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.

181

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.

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

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

9 SMALL CLAIMS COURT

10 In the Circuit Court of _____, Missouri

11 _____, PLAINTIFF

12)

13)

14 vs.) Case Number _____

15)

16 _____, DEFENDANT,

17 Carry Permit or Endorsement Holder

18 _____, DEFENDANT,

19 Sheriff of Issuance

20 PETITION FOR REVOCATION OF A
 21 CONCEALED CARRY PERMIT OR CONCEALED CARRY
 22 ENDORSEMENT

23 Plaintiff states to the court that the defendant, _____, has a concealed
 24 carry permit issued pursuant to sections 571.101 to 571.121, RSMo, or
 25 a concealed carry endorsement issued prior to August 28, 2013, and
 26 that the defendant's concealed carry permit or concealed carry
 27 endorsement should now be revoked because the defendant either
 28 never was or no longer is eligible for such a permit or endorsement
 29 pursuant to the provisions of sections 571.101 to 571.121, RSMo,
 30 specifically plaintiff states that defendant, _____, never was or no
 31 longer is eligible for such permit or endorsement for one or more of the
 32 following reasons:

33 (CHECK BELOW EACH REASON THAT APPLIES TO THIS
 34 DEFENDANT)

35 Defendant is not at least nineteen years of age or at least eighteen
 36 years of age and a member of the United States Armed Forces or
 37 honorably discharged from the United States Armed Forces.

38 Defendant is not a citizen or permanent resident of the United
 39 States.

- 40 Defendant had not resided in this state prior to issuance of the
41 permit and does not qualify as a military member or spouse of a
42 military member stationed in Missouri.
-
- 43 Defendant has pled guilty to or been convicted of a crime
44 punishable by imprisonment for a term exceeding two years under
45 the laws of any state or of the United States other than a crime
46 classified as a misdemeanor under the laws of any state and
47 punishable by a term of imprisonment of one year or less that does
48 not involve an explosive weapon, firearm, firearm silencer, or gas
49 gun.
-
- 50 Defendant has been convicted of, pled guilty to or entered a plea of
51 nolo contendere to one or more misdemeanor offenses involving
52 crimes of violence within a five-year period immediately
53 preceding application for a concealed carry permit issued pursuant
54 to sections 571.101 to 571.121, RSMo, or a concealed carry
55 endorsement issued prior to August 28, 2013, or if the applicant
56 has been convicted of two or more misdemeanor offenses
57 involving driving while under the influence of intoxicating liquor
58 or drugs or the possession or abuse of a controlled substance within
59 a five-year period immediately preceding application for a
60 concealed carry permit issued pursuant to sections 571.101 to
61 571.121, RSMo, or a concealed carry endorsement issued prior to
62 August 28, 2013.
-
- 63 Defendant is a fugitive from justice or currently charged in an
64 information or indictment with the commission of a crime
65 punishable by imprisonment for a term exceeding one year under
66 the laws of any state of the United States other than a crime
67 classified as a misdemeanor under the laws of any state and
68 punishable by a term of imprisonment of two years or less that
69 does not involve an explosive weapon, firearm, firearm silencer, or
70 gas gun.
-
- 71 Defendant has been discharged under dishonorable conditions
72 from the United States Armed Forces.
-
- 73 Defendant is reasonably believed by the sheriff to be a danger to
74 self or others based on previous, documented pattern.

- 75 Defendant is adjudged mentally incompetent at the time of
76 application or for five years prior to application, or has been
77 committed to a mental health facility, as defined in section
78 632.005, RSMo, or a similar institution located in another state,
79 except that a person whose release or discharge from a facility in
80 this state pursuant to chapter 632, RSMo, or a similar discharge
81 from a facility in another state, occurred more than five years ago
82 without subsequent recommitment may apply.

- 83 Defendant failed to submit a completed application for a concealed
84 carry permit issued pursuant to sections 571.101 to 571.121,
85 RSMo, or a concealed carry endorsement issued prior to August
86 28, 2013.

- 87 Defendant failed to submit to or failed to clear the required
88 background check. (Note: This does not apply if the defendant has
89 submitted to a background check and been issued a provisional
90 permit pursuant to subdivision (2) of subsection 5 of section
91 571.101, and the results of the background check are still pending.)

- 92 Defendant failed to submit ~~[an affidavit attesting]~~ **proof** that the
93 applicant ~~[complies with the concealed carry safety training~~
94 ~~requirement pursuant to subsection 1]~~ **satisfies the requirements**
95 of section 571.111, RSMo.

- 96 Defendant is otherwise disqualified from possessing a firearm
97 pursuant to 18 U.S.C. Section 922(g) or section 571.070, RSMo,
98 because (specify reason):

99 The plaintiff subject to penalty for perjury states that the information
100 contained in this petition is true and correct to the best of the plaintiff's
101 knowledge, is reasonably based upon the petitioner's personal
102 knowledge and is not primarily intended to harass the defendant/
103 respondent named herein.

104 _____, PLAINTIFF

105 2. If at the hearing the plaintiff shows that the defendant was not eligible for the
106 concealed carry permit issued pursuant to sections 571.101 to 571.121, or a concealed carry
107 endorsement issued prior to August 28, 2013, at the time of issuance or renewal or is no
108 longer eligible for a concealed carry permit or the concealed carry endorsement, the court

109 shall issue an appropriate order to cause the revocation of the concealed carry permit and, if
110 applicable, the concealed carry endorsement. Costs shall not be assessed against the sheriff.

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

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

125 5. The office of the county sheriff or any employee or agent of the county sheriff shall
126 not be liable for damages in any civil action arising from alleged wrongful or improper
127 granting, renewing, or failure to revoke a concealed carry permit issued pursuant to sections
128 571.101 to 571.121, or a certificate of qualification for a concealed carry endorsement issued
129 prior to August 28, 2013, so long as the sheriff acted in good faith.

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

14 2. A Missouri lifetime or extended concealed carry permit shall be suspended if the
15 permit holder becomes a resident of another state. The permit may be reactivated upon
16 reestablishment of Missouri residency if the applicant meets the requirements of sections

17 571.205 to 571.230, and upon successful completion of a name-based inquiry of the National
18 Instant Background Check System.

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

22 (1) Is at least nineteen years of age, is a citizen or permanent resident of the United
23 States and has assumed residency in this state, or is at least eighteen years of age and a
24 member of the United States Armed Forces or honorably discharged from the United States
25 Armed Forces, and is a citizen of the United States and has assumed residency in this state;

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

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

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

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

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

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

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

54 (9) Submits ~~[an affidavit attesting]~~ **proof** that the applicant ~~[complies with the~~
55 ~~concealed carry safety training requirement under subsections 1 and 2]~~ **satisfies the**
56 **requirements** of section 571.111;

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

58 (11) Is not otherwise prohibited from possessing a firearm under section 571.070 or
59 18 U.S.C. Section 922(g).

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

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

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

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

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

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

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

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

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

98 (9) An affirmation that the applicant has ~~[received firearms safety training that meets~~
99 ~~the standards of applicant firearms safety training defined in subsection 1 or 2]~~ **satisfied the**
100 **requirements** of section 571.111;

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

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

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

110 5. An application for a Missouri lifetime or extended concealed carry permit shall be
111 made to the sheriff of the county in which the applicant resides. An application shall be filed
112 in 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 3 of this section. In
114 addition to the completed application, the applicant for a Missouri lifetime or extended
115 concealed carry permit shall also submit the following **with the application**:

116 (1) ~~[A photocopy of a firearms safety training certificate of completion or other~~
117 ~~evidence of completion of a firearms safety training course that meets the standards~~
118 ~~established in subsection 1 or 2]~~ **Proof that the applicant satisfies the requirements** of
119 section 571.111; and

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

121 6. (1) Before an application for a Missouri lifetime or extended concealed carry
122 permit is approved, the sheriff shall make only such inquiries as he or she deems necessary
123 into the accuracy of the statements made in the application. The sheriff may require that the
124 applicant display a Missouri driver's license or nondriver's license or military identification.
125 No biometric data shall be collected from the applicant. The sheriff shall conduct an inquiry
126 of the National Instant Criminal Background Check System within three working days after

127 submission of the properly completed application for a Missouri lifetime or extended
128 concealed carry permit. Upon receipt of the completed report from the National Instant
129 Criminal Background Check System, the sheriff shall examine the results and, if no
130 disqualifying information is identified, shall issue a Missouri lifetime or extended concealed
131 carry permit within three working days.

132 (2) In the event the report from the National Instant Criminal Background Check
133 System and the response from the Federal Bureau of Investigation national criminal history
134 record check prescribed by subdivision (1) of this subsection are not completed within forty-
135 five calendar days and no disqualifying information concerning the applicant has otherwise
136 come to the sheriff's attention, the sheriff shall issue a provisional permit, clearly designated
137 on the certificate as such, which the applicant shall sign in the presence of the sheriff or the
138 sheriff's designee. This permit, when carried with a valid Missouri driver's or nondriver's
139 license, shall permit the applicant to exercise the same rights in accordance with the same
140 conditions as pertain to a Missouri lifetime or extended concealed carry permit issued under
141 this section, provided that it shall not serve as an alternative to a national instant criminal
142 background check required by 18 U.S.C. Section 922(t). The provisional permit shall remain
143 valid until such time as the sheriff either issues or denies the permit under subsection 7 or 8 of
144 this section. The sheriff shall revoke a provisional permit issued under this subsection within
145 twenty-four hours of receipt of any report that identifies a disqualifying record, and shall
146 notify the concealed carry permit system established under subsection 5 of section 650.350.
147 The revocation of a provisional permit issued under this section shall be prescribed in a
148 manner consistent to the denial and review of an application under subsection 7 of this
149 section.

150 7. The sheriff may refuse to approve an application for a Missouri lifetime or
151 extended concealed carry permit if he or she determines that any of the requirements specified
152 in subsection 3 of this section have not been met, or if he or she has a substantial and
153 demonstrable reason to believe that the applicant has rendered a false statement regarding any
154 of the provisions of sections 571.205 to 571.230. If the applicant is found to be ineligible, the
155 sheriff is required to deny the application, and notify the applicant in writing, stating the
156 grounds for denial and informing the applicant of the right to submit, within thirty days, any
157 additional documentation relating to the grounds of the denial. Upon receiving any additional
158 documentation, the sheriff shall reconsider his or her decision and inform the applicant within
159 thirty days of the result of the reconsideration. The applicant shall further be informed in
160 writing of the right to appeal the denial under section 571.220. After two additional reviews
161 and denials by the sheriff, the person submitting the application shall appeal the denial under
162 section 571.220.

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

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

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

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

172 (3) The date of issuance;

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

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

176

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

181 10. (1) The sheriff shall keep a record of all applications for a Missouri lifetime or
182 extended concealed carry permit or a provisional permit and his or her action thereon. Any
183 record of an application that is incomplete or denied for any reason shall be kept for a period
184 not to exceed one year.

185 (2) The sheriff shall report the issuance of a Missouri lifetime or extended concealed
186 carry permit or provisional permit to the concealed carry permit system. All information on
187 any such permit that is protected information on any driver's or nondriver's license shall have
188 the same personal protection for purposes of sections 571.205 to 571.230. An applicant's
189 status as a holder of a Missouri lifetime or extended concealed carry permit or provisional
190 permit shall not be public information and shall be considered personal protected information.
191 Information retained in the concealed carry permit system under this subsection shall not be
192 distributed to any federal, state, or private entities and shall only be made available for a
193 single entry query of an individual in the event the individual is a subject of interest in an
194 active criminal investigation or is arrested for a crime. A sheriff may access the concealed
195 carry permit system for administrative purposes to issue a permit, verify the accuracy of
196 permit holder information, change the name or address of a permit holder, suspend or revoke
197 a permit, cancel an expired permit, or cancel a permit upon receipt of a certified death
198 certificate for the permit holder. Any person who violates the provisions of this subdivision
199 by disclosing protected information shall be guilty of a class A misdemeanor.

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

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

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

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

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

210 (4) Five hundred dollars for a Missouri lifetime concealed carry permit,
211

212 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
2 Missouri lifetime or extended concealed carry permit under sections 571.205 to 571.230,
3 never was or no longer is eligible for such permit under the criteria established in sections
4 571.205 to 571.230 may file a petition with the clerk of the small claims court to revoke that
5 person's Missouri lifetime or extended concealed carry permit. The petition shall be in a form
6 substantially similar to the petition for revocation of a Missouri lifetime or extended
7 concealed carry permit provided in this section. ~~Appeal~~ **Revocation petition** forms shall be
8 provided by the clerk of the small claims court free of charge to any person:

9 SMALL CLAIMS COURT

10 In the Circuit Court of _____, Missouri

11 _____, PLAINTIFF

12)

13)

14 vs.) Case Number _____

15)

16)

17 _____, DEFENDANT,

18 Lifetime or Extended Carry Permit Holder

19 _____, DEFENDANT,

20 Sheriff of Issuance

21 PETITION FOR REVOCATION OF A
22 MISSOURI LIFETIME OR EXTENDED CONCEALED CARRY
23 PERMIT

24 Plaintiff states to the court that the defendant, _____, has a Missouri
 25 lifetime or extended concealed carry permit issued pursuant to sections
 26 571.205 to 571.230, RSMo, and that the defendant's Missouri lifetime
 27 or extended concealed carry permit should now be revoked because the
 28 defendant either never was or no longer is eligible for such a permit
 29 pursuant to the provisions of sections 571.205 to 571.230, RSMo,
 30 specifically plaintiff states that defendant, _____, never was or no
 31 longer is eligible for such permit or endorsement for one or more of the
 32 following reasons:

33 (CHECK BELOW EACH REASON THAT APPLIES TO THIS
 34 DEFENDANT)

- | | |
|--|---|
| 35
36
37 | <input type="checkbox"/> Defendant is not at least nineteen 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. |
| 38
39 | <input type="checkbox"/> Defendant is not a citizen or permanent resident of the United States. |
| 40
41 | <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. |
| 42
43
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47
48 | <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. |
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59 | <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 intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a concealed carry permit issued pursuant to sections 571.205 to 571.230, RSMo. |

- 60 Defendant is a fugitive from justice or currently charged in an
 61 information or indictment with the commission of a crime
 62 punishable by imprisonment for a term exceeding one year under
 63 the laws of any state of the United States other than a crime
 64 classified as a misdemeanor under the laws of any state and
 65 punishable by a term of imprisonment of two years or less that
 66 does not involve an explosive weapon, firearm, firearm silencer, or
 67 gas gun.
- 68 Defendant has been discharged under dishonorable conditions
 69 from the United States Armed Forces.
- 70 Defendant is reasonably believed by the sheriff to be a danger to
 71 self or others based on previous, documented pattern.
- 72 Defendant is adjudged mentally incompetent at the time of
 73 application or for five years prior to application, or has been
 74 committed to a mental health facility, as defined in section
 75 632.005, RSMo, or a similar institution located in another state,
 76 except that a person whose release or discharge from a facility in
 77 this state pursuant to chapter 632, RSMo, or a similar discharge
 78 from a facility in another state, occurred more than five years ago
 79 without subsequent recommitment may apply.
- 80 Defendant failed to submit a completed application for a concealed
 81 carry permit issued pursuant to sections 571.205 to 571.230,
 82 RSMo.
- 83 Defendant failed to submit to or failed to clear the required
 84 background check. (Note: This does not apply if the defendant has
 85 submitted to a background check and been issued a provisional
 86 permit pursuant to subdivision (2) of subsection 6 of section
 87 571.205, RSMo, and the results of the background check are still
 88 pending.)
- 89 Defendant failed to submit ~~[an affidavit attesting]~~ **proof** that the
 90 applicant ~~[complies with the concealed carry safety training~~
 91 ~~requirement pursuant to subsections 1 and 2]~~ **satisfies the**
 92 **requirements** of section 571.111, RSMo.
- 93 Defendant is otherwise disqualified from possessing a firearm
 94 pursuant to 18 U.S.C. Section 922(g) or section 571.070, RSMo,
 95 because _____ (specify reason):

96 The plaintiff subject to penalty for perjury states that the information
97 contained in this petition is true and correct to the best of the plaintiff's
98 knowledge, is reasonably based upon the petitioner's personal
99 knowledge and is not primarily intended to harass the defendant/
100 respondent named herein.

101 _____, PLAINTIFF

102 2. If at the hearing the plaintiff shows that the defendant was not eligible for the
103 Missouri lifetime or extended concealed carry permit issued under sections 571.205 to
104 571.230 at the time of issuance or renewal or is no longer eligible for a Missouri lifetime or
105 extended concealed carry permit the court shall issue an appropriate order to cause the
106 revocation of the Missouri lifetime or extended concealed carry permit. Costs shall not be
107 assessed against the sheriff.

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

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

122 5. The office of the county sheriff or any employee or agent of the county sheriff shall
123 not be liable for damages in any civil action arising from alleged wrongful or improper
124 granting, renewing, or failure to revoke a Missouri lifetime or extended concealed carry
125 permit issued under sections 571.205 to 571.230 so long as the sheriff acted in good faith.

✓