

HB 328 -- Concealed Weapons

Co-Sponsors: Munzlinger, Townley, Dougherty, Dethrow, Crawford, Whorton, Behnen

This bill authorizes county sheriffs to issue permits to individuals to carry concealed firearms and creates the county sheriff's revolving fund, in which the fees for these permits will be deposited. Any money in a county sheriff's revolving fund may be expended at the direction of the sheriff without prior approval of the governing board of the county.

The bill also amends the crime of unlawful use of weapon.

The bill sets forth the qualifications necessary to acquire a permit and a procedure by which the permits must be granted by county sheriffs to anyone meeting the qualifications. Permits will be valid for three years.

QUALIFICATIONS FOR OBTAINING A CONCEALED CARRY PERMIT

To qualify for a concealed carry permit, individuals must:

- (1) Be at least 21 years of age;
- (2) Be a citizen of the United States;
- (3) Have resided in Missouri for at least six months;
- (4) Not have been found guilty of a felony;
- (5) Not have been found guilty, in the five years preceding the application, of a misdemeanor involving a crime of violence, or two misdemeanors involving either alcohol-related driving offenses or possession of a controlled substance;
- (6) Not be a fugitive from justice;
- (7) Not be currently charged with a felony;
- (8) Not be dishonorably discharged from the armed forces;
- (9) Not be known to be habitually in an intoxicated or drugged condition;
- (10) Not have been adjudged mentally incompetent or released from a mental health facility for five years prior to the application;
- (11) Clear a background check conducted by the Federal Bureau of

Investigation using the National Instant Check System; and

(12) Comply with training requirements set forth in the bill.

#### TRAINING REQUIREMENTS

Applicants for a concealed carry endorsement must complete a firearms safety course provided by an instructor certified by a state or federal law enforcement agency or the National Rifle Association. The bill specifies the required curriculum which includes classroom work and live firing exercises. The bill sets forth the training required for the certification of a firearms safety instructor. Instructors must keep their course records available for at least four years. Instructors who provide false information about the performance of an applicant in the training program are guilty of a class C misdemeanor.

#### ADMINISTRATIVE PROVISIONS

Sheriffs must approve or deny applications within 30 days. If the applicant is approved, the sheriff must issue the permit within seven working days. The sheriff may deny an application if there is reason to believe the applicant lied on the application. Denials must be communicated in writing, state the grounds for denial, and inform the applicant of the right to appeal for a 30-day period. The bill sets forth an appeal form and a process by which appeals may be made through the Small Claims Court. Sheriffs must keep records of all applications and report the issuance of all permits to the Missouri Uniform Law Enforcement System (MULES). Application fees may not exceed \$50, and renewal fees may not exceed \$10.

The application must contain a conspicuous warning that false statements will constitute perjury, a class D felony. Any person attempting to transfer, alter, or use the permit of another person or otherwise obtain a permit through false representation is guilty of a class A misdemeanor. Permits issued to anyone who later fails to meet any of the requirements for a permit will be suspended or revoked. When an order of protection is issued against a permit holder, the permit holder must surrender the permit until the order of protection is terminated. Permit holders who have their permit revoked may petition the Small Claims Court for reinstatement.

#### LIMITATIONS ON WHERE CONCEALED FIREARMS MAY BE CARRIED

Permits to carry a concealed weapon are not valid in many places, including: police stations; polling places on election day; correctional facilities; courthouses; airports; bars; schools; child care facilities; hospitals; stadiums; amusement parks;

gambling facilities; churches; any place where the carrying of a firearm is prohibited by federal law; the meeting place of any elected officials (except for the elected officials themselves who have permits); or any privately owned property where the owner has posted that the premises is off-limits to concealed firearms. The bill also allows governmental units to limit concealed firearms in their public buildings. Violating prohibitions on carrying concealed firearms in certain locations is grounds for being denied access to or being removed from the premises. Frequent violators are subject to monetary penalties and permit suspensions.

The bill also changes the crime of "unlawful use of a weapon" by:

- (1) Removing the prohibition on the carrying of a firearm into any public gathering;
- (2) Allowing a person to discharge a firearm at a building, habitable structure, or motor vehicle when the person is on private property with the property owner's permission; and
- (3) Increases the penalty for possessing a firearm while intoxicated. Under current law it is class B misdemeanor. The bill makes it a class A misdemeanor if the gun is not loaded and a class D felony when it is loaded.