

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1787

95TH GENERAL ASSEMBLY

4619L.03P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 407.500, 407.505, 563.011, 563.031, 571.030, 571.101, 571.104, and 571.107, RSMo, and to enact in lieu thereof eight new sections relating to criminal justice, with a penalty provision.

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

Section A. Sections 407.500, 407.505, 563.011, 563.031, 571.030, 571.101, 571.104, 2 and 571.107, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known 3 as sections 563.011, 563.031, 571.030, 571.085, 571.087, 571.101, 571.104, and 571.107, to 4 read as follows:

563.011. As used in this chapter the following terms shall mean:

- 2 (1) "Deadly force", physical force which the actor uses with the purpose of causing or 3 which he or she knows to create a substantial risk of causing death or serious physical injury;
- 4 (2) "Dwelling", any building, inhabitable structure, or conveyance of any kind, whether 5 the building, inhabitable structure, or conveyance is temporary or permanent, mobile or 6 immobile, which has a roof over it, including a tent, and is designed to be occupied by people 7 lodging therein at night;
- 8 (3) "Forcible felony", any felony involving the use or threat of physical force or violence 9 against any individual, including but not limited to murder, robbery, burglary, arson, kidnapping, 10 assault, and any forcible sexual offense;
- 11 (4) "Premises", includes any building, inhabitable structure and any real property;
- 12 (5) "Private person", any person other than a law enforcement officer;
- 13 (6) "**Private property**", **any real property in this state that is privately owned or** 14 **leased;**

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.

15 (7) "Remain after unlawfully entering", to remain in or upon premises after unlawfully
16 entering as defined in this section;

17 [(7)] (8) "Residence", a dwelling in which a person resides either temporarily or
18 permanently or is visiting as an invited guest;

19 [(8)] (9) "Unlawfully enter", a person unlawfully enters in or upon premises **or private**
20 **property** when he or she enters such premises **or private property** and is not licensed or
21 privileged to do so. A person who, regardless of his or her purpose, enters in or upon **private**
22 **property or** premises that are at the time open to the public does so with license unless he or she
23 defies a lawful order not to enter, personally communicated to him or her by the owner of such
24 premises or by another authorized person. A license to enter in a building that is only partly open
25 to the public is not a license to enter in that part of the building that is not open to the public.

563.031. 1. A person may, subject to the provisions of subsection 2 of this section, use
2 physical force upon another person when and to the extent he or she reasonably believes such
3 force to be necessary to defend himself or herself or a third person from what he or she
4 reasonably believes to be the use or imminent use of unlawful force by such other person, unless:

5 (1) The actor was the initial aggressor; except that in such case his or her use of force
6 is nevertheless justifiable provided:

7 (a) He or she has withdrawn from the encounter and effectively communicated such
8 withdrawal to such other person but the latter persists in continuing the incident by the use or
9 threatened use of unlawful force; or

10 (b) He or she is a law enforcement officer and as such is an aggressor pursuant to section
11 563.046; or

12 (c) The aggressor is justified under some other provision of this chapter or other
13 provision of law;

14 (2) Under the circumstances as the actor reasonably believes them to be, the person
15 whom he or she seeks to protect would not be justified in using such protective force;

16 (3) The actor was attempting to commit, committing, or escaping after the commission
17 of a forcible felony.

18 2. A person may not use deadly force upon another person under the circumstances
19 specified in subsection 1 of this section unless:

20 (1) He or she reasonably believes that such deadly force is necessary to protect himself
21 or herself or another against death, serious physical injury, or any forcible felony; [or]

22 (2) Such force is used against a person who unlawfully enters, remains after unlawfully
23 entering, or attempts to unlawfully enter a dwelling, residence, or vehicle lawfully occupied by
24 such person; **or**

25 **(3) Such force is used against a person who unlawfully enters, remains after**
26 **unlawfully entering, or attempts to unlawfully enter private property that is owned or**
27 **leased by an individual claiming a justification of using protective force under this section.**

28 3. A person does not have a duty to retreat from a dwelling, residence, or vehicle where
29 the person is not unlawfully entering or unlawfully remaining. **A person does not have a duty**
30 **to retreat from private property that is owned or leased by such individual.**

31 4. The justification afforded by this section extends to the use of physical restraint as
32 protective force provided that the actor takes all reasonable measures to terminate the restraint
33 as soon as it is reasonable to do so.

34 5. The defendant shall have the burden of injecting the issue of justification under this
35 section.

 571.030. 1. A person commits the crime of unlawful use of weapons if he or she
2 knowingly:

3 (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or
4 any other weapon readily capable of lethal use; or

5 (2) Sets a spring gun; or

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

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

11 (5) [Possesses or discharges a projectile weapon while intoxicated; or] **Has a firearm**
12 **or projectile weapon readily capable of lethal use on his or her person, while he or she is**
13 **intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a**
14 **negligent or unlawful manner or discharges such firearm or projectile weapon; or**

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

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

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

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

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

29 2. Subdivisions (1), (3), (4), (6), (7), (8), (9) and (10) of subsection 1 of this section shall
30 not apply to or affect any of the following:

31 (1) All state, county and municipal peace officers who have completed the training
32 required by the police officer standards and training commission pursuant to sections 590.030
33 to 590.050, RSMo, and [possessing] **who posses** the duty and power of arrest for violation of the
34 general criminal laws of the state or for violation of ordinances of counties or municipalities of
35 the state, whether such officers are on or off duty, and whether such officers are within or outside
36 of the law enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in
37 subsection [10] **11** of this section, and who carry the identification defined in subsection [11] **12**
38 of this section, or any person summoned by such officers to assist in making arrests or preserving
39 the peace while actually engaged in assisting such officer;

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

42 (3) Members of the armed forces or national guard while performing their official duty;

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

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

47 (6) Any federal probation officer or federal flight deck officer as defined under the
48 federal flight deck officer program, 49 U.S.C. Section 44921;

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

51 (8) Any corporate security advisor meeting the definition and fulfilling the requirements
52 of the regulations established by the board of police commissioners under section 84.340, RSMo;
53 [and]

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

55 **(10) Any prosecuting attorney or assistant prosecuting attorney or any circuit**
56 **attorney or assistant circuit attorney who has completed the firearms safety training course**
57 **required under subsection 2 of section 571.111; and**

58 **(11) Possesses a firearm while also in possession of controlled substances that are**
59 **sufficient for a felony violation under section 195.202.**

60 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when
61 the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when

62 ammunition is not readily accessible or when such weapons are not readily accessible.
63 Subdivision (1) of subsection 1 of this section does not apply to any person twenty-one years of
64 age or older transporting a concealable firearm in the passenger compartment of a motor vehicle,
65 so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also
66 in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in
67 his or her dwelling unit or upon premises over which the actor has possession, authority or
68 control, or is traveling in a continuous journey peaceably through this state. Subdivision (10)
69 of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by
70 a person while traversing school premises for the purposes of transporting a student to or from
71 school, or possessed by an adult for the purposes of facilitation of a school-sanctioned
72 firearm-related event.

73 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any
74 person who has a valid concealed carry endorsement issued pursuant to sections 571.101 to
75 571.121 or a valid permit or endorsement to carry concealed firearms issued by another state or
76 political subdivision of another state.

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

80 6. Nothing in this section shall make it unlawful for a student to actually participate in
81 school-sanctioned gun safety courses, student military or ROTC courses, or other
82 school-sponsored firearm-related events, provided the student does not carry a firearm or other
83 weapon readily capable of lethal use into any school, onto any school bus, or onto the premises
84 of any other function or activity sponsored or sanctioned by school officials or the district school
85 board.

86 7. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision
87 (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or
88 subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor
89 if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of
90 subsection 1 of this section, in which case it is a class B felony, except that if the violation of
91 subdivision (9) of subsection 1 of this section results in injury or death to another person, it is
92 a class A felony.

93 8. Violations of subdivision (9) of subsection 1 of this section shall be punished as
94 follows:

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

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

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

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

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

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

112 [10.] **11.** As used in this section "qualified retired peace officer" means an individual
113 who:

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

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

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

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

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

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

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

130 [11.] **12.** The identification required by subdivision (1) of subsection 2 of this section
131 is:

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

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

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

**571.085. Residents of the state of Missouri may purchase rifles and shotguns in any
2 state, provided that such residents conform to the applicable provisions of the Federal Gun
3 Control Act of 1968, and regulations thereunder, as administered by the United States
4 Secretary of the Treasury, and provided further that such residents conform to the
5 provisions of law applicable to such purchase in the state of Missouri and in the state in
6 which the purchase is made.**

**571.087. Residents of any state may purchase rifles and shotguns in the state of
2 Missouri, provided that such residents conform to the applicable provisions of the Federal
3 Gun Control Act of 1968, and regulations thereunder, as administered by the United States
4 Secretary of the Treasury, and provided further that such residents conform to the
5 provisions of law applicable to such purchase in the state of Missouri and in the state in
6 which such persons reside.**

571.101. 1. All applicants for concealed carry endorsements issued pursuant to
2 subsection 7 of this section must satisfy the requirements of sections 571.101 to 571.121. If the
3 said applicant can show qualification as provided by sections 571.101 to 571.121, the county or
4 city sheriff shall issue a certificate of qualification for a concealed carry endorsement. Upon
5 receipt of such certificate, the certificate holder shall apply for a driver's license or nondriver's
6 license with the director of revenue in order to obtain a concealed carry endorsement. Any
7 person who has been issued a concealed carry endorsement on a driver's license or nondriver's
8 license and such endorsement or license has not been suspended, revoked, canceled, or denied
9 may carry concealed firearms on or about his or her person or within a vehicle. A concealed
10 carry endorsement shall be valid for a period of three years from the date of issuance or renewal.
11 The concealed carry endorsement is valid throughout this state.

12 2. A certificate of qualification for a concealed carry endorsement issued pursuant to
13 subsection 7 of this section shall be issued by the sheriff or his or her designee of the county or
14 city in which the applicant resides, if the applicant:

15 (1) Is at least [twenty-three] **twenty-one** years of age, is a citizen of the United States
16 and either:

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

18 (b) Is a member of the armed forces stationed in Missouri, or the spouse of such member
19 of the military;

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

25 (3) Has not been convicted of **a misdemeanor offense of domestic violence or has not**
26 **been convicted of**, pled guilty to or entered a plea of nolo contendere to one or more
27 misdemeanor offenses involving crimes of violence within a five-year period immediately
28 preceding application for a certificate of qualification for a concealed carry endorsement or if the
29 applicant has not been convicted of two or more misdemeanor offenses involving driving while
30 under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled
31 substance within a five-year period immediately preceding application for a certificate of
32 qualification for a concealed carry endorsement;

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

38 (5) Has not been discharged under dishonorable conditions from the United States armed
39 forces;

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

42 (7) Is not adjudged mentally incompetent at the time of application or for five years prior
43 to application, or has not been committed to a mental health facility, as defined in section
44 632.005, RSMo, or a similar institution located in another state following a hearing at which the
45 defendant was represented by counsel or a representative;

46 (8) Submits a completed application for a certificate of qualification as defined in
47 subsection 3 of this section;

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

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

51 3. The application for a certificate of qualification for a concealed carry endorsement
52 issued by the sheriff of the county of the applicant's residence shall contain only the following
53 information:

54 (1) The applicant's name, address, telephone number, gender, and date and place of birth;

55 (2) An affirmation that the applicant has assumed residency in Missouri or is a member
56 of the armed forces stationed in Missouri or the spouse of such a member of the armed forces
57 and is a citizen of the United States;

58 (3) An affirmation that the applicant is at least [twenty-three] **twenty-one** years of age;

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

64 (5) An affirmation that the applicant has not been convicted of, pled guilty to, or entered
65 a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence
66 within a five-year period immediately preceding application for a certificate of qualification to
67 obtain a concealed carry endorsement or if the applicant has not been convicted of two or more
68 misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs
69 or the possession or abuse of a controlled substance within a five-year period immediately
70 preceding application for a certificate of qualification to obtain a concealed carry endorsement;

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

77 (7) An affirmation that the applicant has not been discharged under dishonorable
78 conditions from the United States armed forces;

79 (8) An affirmation that the applicant is not adjudged mentally incompetent at the time
80 of application or for five years prior to application, or has not been committed to a mental health
81 facility, as defined in section 632.005, RSMo, or a similar institution located in another state,
82 except that a person whose release or discharge from a facility in this state pursuant to chapter

83 632, RSMo, or a similar discharge from a facility in another state, occurred more than five years
84 ago without subsequent recommitment may apply;

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

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

89 (11) A conspicuous warning that false statements made by the applicant will result in
90 prosecution for perjury pursuant to the laws of the state of Missouri.

91 4. An application for a certificate of qualification for a concealed carry endorsement shall
92 be made to the sheriff of the county or any city not within a county in which the applicant
93 resides. An application shall be filed in writing, signed under oath and under the penalties of
94 perjury, and shall state whether the applicant complies with each of the requirements specified
95 in subsection 2 of this section. In addition to the completed application, the applicant for a
96 certificate of qualification for a concealed carry endorsement must also submit the following:

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

100 (2) A nonrefundable certificate of qualification fee as provided by subsection 10 or 11
101 of this section.

102 5. Before an application for a certificate of qualification for a concealed carry
103 endorsement is approved, the sheriff shall make only such inquiries as he or she deems necessary
104 into the accuracy of the statements made in the application. The sheriff may require that the
105 applicant display a Missouri driver's license or nondriver's license or military identification and
106 orders showing the person being stationed in Missouri. In order to determine the applicant's
107 suitability for a certificate of qualification for a concealed carry endorsement, the applicant shall
108 be fingerprinted. The sheriff shall request a criminal background check through the appropriate
109 law enforcement agency within three working days after submission of the properly completed
110 application for a certificate of qualification for a concealed carry endorsement. If no
111 disqualifying record is identified by the fingerprint check at the state level, the fingerprints shall
112 be forwarded to the Federal Bureau of Investigation for a national criminal history record check.
113 Upon receipt of the completed background check, the sheriff shall issue a certificate of
114 qualification for a concealed carry endorsement within three working days. The sheriff shall
115 issue the certificate within forty-five calendar days if the criminal background check has not been
116 received, provided that the sheriff shall revoke any such certificate and endorsement within
117 twenty-four hours of receipt of any background check that results in a disqualifying record, and
118 shall notify the department of revenue.

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

132 7. If the application is approved, the sheriff shall issue a certificate of qualification for
133 a concealed carry endorsement to the applicant within a period not to exceed three working days
134 after his or her approval of the application. The applicant shall sign the certificate of
135 qualification in the presence of the sheriff or his or her designee and shall within seven days of
136 receipt of the certificate of qualification take the certificate of qualification to the department of
137 revenue. Upon verification of the certificate of qualification and completion of a driver's license
138 or nondriver's license application pursuant to chapter 302, RSMo, the director of revenue shall
139 issue a new driver's license or nondriver's license with an endorsement which identifies that the
140 applicant has received a certificate of qualification to carry concealed weapons issued pursuant
141 to sections 571.101 to 571.121 if the applicant is otherwise qualified to receive such driver's
142 license or nondriver's license. The requirements for the director of revenue to issue a concealed
143 carry endorsement pursuant to this subsection shall not be effective until July 1, 2004, and the
144 certificate of qualification issued by a county sheriff pursuant to subsection 1 of this section shall
145 allow the person issued such certificate to carry a concealed weapon pursuant to the requirements
146 of subsection 1 of section 571.107 in lieu of the concealed carry endorsement issued by the
147 director of revenue from October 11, 2003, until the concealed carry endorsement is issued by
148 the director of revenue on or after July 1, 2004, unless such certificate of qualification has been
149 suspended or revoked for cause.

150 8. The sheriff shall keep a record of all applications for a certificate of qualification for
151 a concealed carry endorsement and his or her action thereon. The sheriff shall report the issuance
152 of a certificate of qualification to the Missouri uniform law enforcement system. All information
153 on any such certificate that is protected information on any driver's or nondriver's license shall
154 have the same personal protection for purposes of sections 571.101 to 571.121. An applicant's

155 status as a holder of a certificate of qualification or a concealed carry endorsement shall not be
156 public information and shall be considered personal protected information. Any person who
157 violates the provisions of this subsection by disclosing protected information shall be guilty of
158 a class A misdemeanor.

159 9. Information regarding any holder of a certificate of qualification or a concealed carry
160 endorsement is a closed record.

161 10. For processing an application for a certificate of qualification for a concealed carry
162 endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a
163 nonrefundable fee not to exceed one hundred dollars which shall be paid to the treasury of the
164 county to the credit of the sheriff's revolving fund.

165 11. For processing a renewal for a certificate of qualification for a concealed carry
166 endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a
167 nonrefundable fee not to exceed fifty dollars which shall be paid to the treasury of the county to
168 the credit of the sheriff's revolving fund.

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

571.104. 1. (1) A concealed carry endorsement issued pursuant to sections 571.101 to
2 571.121 shall be suspended or revoked if the concealed carry endorsement holder becomes
3 ineligible for such concealed carry endorsement under the criteria established in subdivisions (2),
4 (3), (4), (5), and (7) of subsection 2 of section 571.101 or upon the issuance of a valid full order
5 of protection.

6 (2) When a valid full order of protection, or any arrest warrant, discharge, or
7 commitment for the reasons listed in subdivision (2), (3), (4), (5), or (7) of subsection 2 of
8 section 571.101, is issued against a person holding a concealed carry endorsement issued
9 pursuant to sections 571.101 to 571.121 upon notification of said order, warrant, discharge or
10 commitment or upon an order of a court of competent jurisdiction in a criminal proceeding, a
11 commitment proceeding or a full order of protection proceeding ruling that a person holding a
12 concealed carry endorsement presents a risk of harm to themselves or others, then upon
13 notification of such order, the holder of the concealed carry endorsement shall surrender the
14 driver's license or nondriver's license containing the concealed carry endorsement to the court,
15 to the officer, or other official serving the order, warrant, discharge, or commitment.

16 (3) The official to whom the driver's license or nondriver's license containing the
17 concealed carry endorsement is surrendered shall issue a receipt to the licensee for the license
18 upon a form, approved by the director of revenue, that serves as a driver's license or a nondriver's

19 license and clearly states the concealed carry endorsement has been suspended. The official shall
20 then transmit the driver's license or a nondriver's license containing the concealed carry
21 endorsement to the circuit court of the county issuing the order, warrant, discharge, or
22 commitment. The concealed carry endorsement issued pursuant to sections 571.101 to 571.121
23 shall be suspended until the order is terminated or until the arrest results in a dismissal of all
24 charges. Upon dismissal, the court holding the driver's license or nondriver's license containing
25 the concealed carry endorsement shall return it to the individual.

26 (4) Any conviction, discharge, or commitment specified in sections 571.101 to 571.121
27 shall result in a revocation. Upon conviction, the court shall forward a notice of conviction or
28 action and the driver's license or nondriver's license with the concealed carry endorsement to the
29 department of revenue. The department of revenue shall notify the sheriff of the county which
30 issued the certificate of qualification for a concealed carry endorsement and shall report the
31 change in status of the concealed carry endorsement to the Missouri uniform law enforcement
32 system. The director of revenue shall immediately remove the endorsement issued pursuant to
33 sections 571.101 to 571.121 from the individual's driving record within three days of the receipt
34 of the notice from the court. The director of revenue shall notify the licensee that he or she must
35 apply for a new license pursuant to chapter 302, RSMo, which does not contain such
36 endorsement. This requirement does not affect the driving privileges of the licensee. The notice
37 issued by the department of revenue shall be mailed to the last known address shown on the
38 individual's driving record. The notice is deemed received three days after mailing.

39 2. A concealed carry endorsement shall be renewed for a qualified applicant upon receipt
40 of the properly completed renewal application and the required renewal fee by the sheriff of the
41 county of the applicant's residence. The renewal application shall contain the same required
42 information as set forth in subsection 3 of section 571.101, except that in lieu of the fingerprint
43 requirement of subsection 5 of section 571.101 and the firearms safety training, the applicant
44 need only display his or her current driver's license or nondriver's license containing a concealed
45 carry endorsement. Upon successful completion of all renewal requirements, the sheriff shall
46 issue a certificate of qualification which contains the date such certificate was renewed.

47 3. A person who has been issued a certificate of qualification for a concealed carry
48 endorsement who fails to file a renewal application on or before its expiration date must pay an
49 additional late fee of ten dollars per month for each month it is expired for up to six months.
50 After six months, the sheriff who issued the expired certificate shall notify the director of
51 revenue that such certificate is expired. The director of revenue shall immediately cancel the
52 concealed carry endorsement and remove such endorsement from the individual's driving record
53 and notify the individual of such cancellation. The notice of cancellation of the endorsement
54 shall be conducted in the same manner as described in subsection 1 of this section. Any person

55 who has been issued a certificate of qualification for a concealed carry endorsement pursuant to
56 sections 571.101 to 571.121 who fails to renew his or her application within the six-month
57 period must reapply for a new certificate of qualification for a concealed carry endorsement and
58 pay the fee for a new application. The director of revenue shall not issue an endorsement on a
59 renewed driver's license or renewed nondriver's license unless the applicant for such license
60 provides evidence that he or she has renewed the certification of qualification for a concealed
61 carry endorsement in the manner provided for such renewal pursuant to sections 571.101 to
62 571.121. If an applicant for renewal of a driver's license or nondriver's license containing a
63 concealed carry endorsement does not want to maintain the concealed carry endorsement, the
64 applicant shall inform the director at the time of license renewal of his or her desire to remove
65 the endorsement. When a driver's or nondriver's license applicant informs the director of his or
66 her desire to remove the concealed carry endorsement, the director shall renew the driver's
67 license or nondriver's license without the endorsement appearing on the license if the applicant
68 is otherwise qualified for such renewal.

69 4. Any person issued a concealed carry endorsement pursuant to sections 571.101 to
70 571.121 shall notify the department of revenue and the sheriffs of both the old and new
71 jurisdictions of the endorsement holder's change of residence within thirty days after the
72 changing of a permanent residence. The endorsement holder shall furnish proof to the
73 department of revenue and the sheriff in the new jurisdiction that the endorsement holder has
74 changed his or her residence. **The sheriff of the new jurisdiction may charge a processing**
75 **fee of not more than ten dollars for any costs associated with notification of a change in**
76 **residence.** The change of residence shall be made by the department of revenue onto the
77 individual's driving record and the new address shall be accessible by the Missouri uniform law
78 enforcement system within three days of receipt of the information.

79 5. Any person issued a driver's license or nondriver's license containing a concealed carry
80 endorsement pursuant to sections 571.101 to 571.121 shall notify the sheriff or his or her
81 designee of the endorsement holder's county or city of residence within seven days after actual
82 knowledge of the loss or destruction of his or her driver's license or nondriver's license
83 containing a concealed carry endorsement. The endorsement holder shall furnish a statement to
84 the sheriff that the driver's license or nondriver's license containing the concealed carry
85 endorsement has been lost or destroyed. After notification of the loss or destruction of a driver's
86 license or nondriver's license containing a concealed carry endorsement, the sheriff shall reissue
87 a new certificate of qualification within three working days of being notified by the concealed
88 carry endorsement holder of its loss or destruction. The reissued certificate of qualification shall
89 contain the same personal information, including expiration date, as the original certificate of
90 qualification. The applicant shall then take the certificate to the department of revenue, and the

91 department of revenue shall proceed on the certificate in the same manner as provided in
92 subsection 7 section 571.101. Upon application for a license pursuant to chapter 302, RSMo,
93 the director of revenue shall issue a driver's license or nondriver's license containing a concealed
94 carry endorsement if the applicant is otherwise eligible to receive such license.

95 6. If a person issued a concealed carry endorsement changes his or her name, the person
96 to whom the endorsement was issued shall obtain a corrected certificate of qualification for a
97 concealed carry endorsement with a change of name from the sheriff who issued such certificate
98 upon the sheriff's verification of the name change. **The sheriff may charge a processing fee**
99 **of not more than ten dollars for any costs associated with obtaining a corrected certificate**
100 **of qualification.** The endorsement holder shall furnish proof of the name change to the
101 department of revenue and the sheriff within thirty days of changing his or her name and display
102 his or her current driver's license or nondriver's license containing a concealed carry
103 endorsement. The endorsement holder shall apply for a new driver's license or nondriver's
104 license containing his or her new name. Such application for a driver's license or nondriver's
105 license shall be made pursuant to chapter 302, RSMo. The director of revenue shall issue a
106 driver's license or nondriver's license with concealed carry endorsement with the endorsement
107 holder's new name if the applicant is otherwise eligible for such license. The director of revenue
108 shall take custody of the old driver's license or nondriver's license. The name change shall be
109 made by the department of revenue onto the individual's driving record and the new name shall
110 be accessible by the Missouri uniform law enforcement system within three days of receipt of
111 the information.

112 7. A concealed carry endorsement shall be automatically invalid after thirty days if the
113 endorsement holder has changed his or her name or changed his or her residence and not notified
114 the department of revenue and sheriff of a change of name or residence as required in subsections
115 4 and 6 of this section.

571.107. 1. A concealed carry endorsement issued pursuant to sections 571.101 to
2 571.121 or a concealed carry endorsement or permit issued by another state or political
3 subdivision of another state shall authorize the person in whose name the permit or endorsement
4 is issued to carry concealed firearms on or about his or her person or vehicle throughout the state.
5 No driver's license or nondriver's license containing a concealed carry endorsement issued
6 pursuant to sections 571.101 to 571.121 or a concealed carry endorsement or permit issued by
7 another state or political subdivision of another state shall authorize any person to carry
8 concealed firearms into:

9 (1) Any police, sheriff, or highway patrol office or station without the consent of the
10 chief law enforcement officer in charge of that office or station. Possession of a firearm in a

11 vehicle on the premises of the office or station shall not be a criminal offense so long as the
12 firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

13 (2) Within twenty-five feet of any polling place on any election day. Possession of a
14 firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long
15 as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

16 (3) The facility of any adult or juvenile detention or correctional institution, prison or
17 jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention, or
18 correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not
19 removed from the vehicle or brandished while the vehicle is on the premises;

20 (4) Any courthouse solely occupied by the circuit, appellate or supreme court, or any
21 courtrooms, administrative offices, libraries or other rooms of any such court whether or not such
22 court solely occupies the building in question. This subdivision shall also include, but not be
23 limited to, any juvenile, family, drug, or other court offices, any room or office wherein any of
24 the courts or offices listed in this subdivision are temporarily conducting any business within the
25 jurisdiction of such courts or offices, and such other locations in such manner as may be
26 specified by supreme court rule pursuant to subdivision (6) of this subsection. Nothing in this
27 subdivision shall preclude those persons listed in subdivision (1) of subsection 2 of section
28 571.030 while within their jurisdiction and on duty, those persons listed in subdivisions (2) [and]
29 , (4), **and (10)** of subsection 2 of section 571.030, or such other persons who serve in a law
30 enforcement capacity for a court as may be specified by supreme court rule pursuant to
31 subdivision (6) of this subsection from carrying a concealed firearm within any of the areas
32 described in this subdivision. Possession of a firearm in a vehicle on the premises of any of the
33 areas listed in this subdivision shall not be a criminal offense so long as the firearm is not
34 removed from the vehicle or brandished while the vehicle is on the premises;

35 (5) Any meeting of the governing body of a unit of local government; or any meeting of
36 the general assembly or a committee of the general assembly, except that nothing in this
37 subdivision shall preclude a member of the body holding a valid concealed carry endorsement
38 from carrying a concealed firearm at a meeting of the body which he or she is a member.
39 **Nothing in this subdivision shall preclude a member of the general assembly, a full time**
40 **employee of the general assembly employed pursuant to section 17, article III, Constitution**
41 **of Missouri, or legislative employees of the general assembly as determined under section**
42 **21.155, holding a valid concealed carry endorsement, from carrying a concealed firearm**
43 **in the state capitol building or at a meeting, whether of the full body of a house of the**
44 **general assembly or a committee thereof, that is held in the state capitol building.**
45 Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the
46 firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

47 (6) **Except as provided in subdivision (5) of subsection 1 of this section** the general
48 assembly, supreme court, county or municipality may by rule, administrative regulation, or
49 ordinance prohibit or limit the carrying of concealed firearms by endorsement holders in that
50 portion of a building owned, leased or controlled by that unit of government. Any portion of a
51 building in which the carrying of concealed firearms is prohibited or limited shall be clearly
52 identified by signs posted at the entrance to the restricted area. The statute, rule or ordinance
53 shall exempt any building used for public housing by private persons, highways or rest areas,
54 firing ranges, and private dwellings owned, leased, or controlled by that unit of government from
55 any restriction on the carrying or possession of a firearm. The statute, rule or ordinance shall not
56 specify any criminal penalty for its violation but may specify that persons violating the statute,
57 rule or ordinance may be denied entrance to the building, ordered to leave the building and if
58 employees of the unit of government, be subjected to disciplinary measures for violation of the
59 provisions of the statute, rule or ordinance. The provisions of this subdivision shall not apply
60 to any other unit of government;

61 (7) Any establishment licensed to dispense intoxicating liquor for consumption on the
62 premises, which portion is primarily devoted to that purpose, without the consent of the owner
63 or manager. The provisions of this subdivision shall not apply to the licensee of said
64 establishment. The provisions of this subdivision shall not apply to any bona fide restaurant
65 open to the general public having dining facilities for not less than fifty persons and that receives
66 at least fifty-one percent of its gross annual income from the dining facilities by the sale of food.
67 This subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the
68 establishment and shall not be a criminal offense so long as the firearm is not removed from the
69 vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision
70 authorizes any individual who has been issued a concealed carry endorsement to possess any
71 firearm while intoxicated;

72 (8) Any area of an airport to which access is controlled by the inspection of persons and
73 property. Possession of a firearm in a vehicle on the premises of the airport shall not be a
74 criminal offense so long as the firearm is not removed from the vehicle or brandished while the
75 vehicle is on the premises;

76 (9) Any place where the carrying of a firearm is prohibited by federal law;

77 (10) Any higher education institution or elementary or secondary school facility without
78 the consent of the governing body of the higher education institution or a school official or the
79 district school board. Possession of a firearm in a vehicle on the premises of any higher
80 education institution or elementary or secondary school facility shall not be a criminal offense
81 so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the
82 premises;

83 (11) Any portion of a building used as a child-care facility without the consent of the
84 manager. Nothing in this subdivision shall prevent the operator of a child-care facility in a
85 family home from owning or possessing a firearm or a driver's license or nondriver's license
86 containing a concealed carry endorsement;

87 (12) Any riverboat gambling operation accessible by the public without the consent of
88 the owner or manager pursuant to rules promulgated by the gaming commission. Possession of
89 a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal
90 offense so long as the firearm is not removed from the vehicle or brandished while the vehicle
91 is on the premises;

92 (13) Any gated area of an amusement park. Possession of a firearm in a vehicle on the
93 premises of the amusement park shall not be a criminal offense so long as the firearm is not
94 removed from the vehicle or brandished while the vehicle is on the premises;

95 (14) Any church or other place of religious worship without the consent of the minister
96 or person or persons representing the religious organization that exercises control over the place
97 of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal
98 offense so long as the firearm is not removed from the vehicle or brandished while the vehicle
99 is on the premises;

100 (15) Any private property whose owner has posted the premises as being off-limits to
101 concealed firearms by means of one or more signs displayed in a conspicuous place of a
102 minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less
103 than one inch. The owner, business or commercial lessee, manager of a private business
104 enterprise, or any other organization, entity, or person may prohibit persons holding a concealed
105 carry endorsement from carrying concealed firearms on the premises and may prohibit
106 employees, not authorized by the employer, holding a concealed carry endorsement from
107 carrying concealed firearms on the property of the employer. If the building or the premises are
108 open to the public, the employer of the business enterprise shall post signs on or about the
109 premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on
110 the premises shall not be a criminal offense so long as the firearm is not removed from the
111 vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees
112 or other persons holding a concealed carry endorsement from carrying a concealed firearm in
113 vehicles owned by the employer;

114 (16) Any sports arena or stadium with a seating capacity of five thousand or more.
115 Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the
116 firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

117 (17) Any hospital accessible by the public. Possession of a firearm in a vehicle on the
118 premises of a hospital shall not be a criminal offense so long as the firearm is not removed from
119 the vehicle or brandished while the vehicle is on the premises.

120 2. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17) of
121 subsection 1 of this section by any individual who holds a concealed carry endorsement issued
122 pursuant to sections 571.101 to 571.121 shall not be a criminal act but may subject the person
123 to denial to the premises or removal from the premises. If such person refuses to leave the
124 premises and a peace officer is summoned, such person may be issued a citation for an amount
125 not to exceed one hundred dollars for the first offense. If a second citation for a similar violation
126 occurs within a six-month period, such person shall be fined an amount not to exceed two
127 hundred dollars and his or her endorsement to carry concealed firearms shall be suspended for
128 a period of one year. If a third citation for a similar violation is issued within one year of the first
129 citation, such person shall be fined an amount not to exceed five hundred dollars and shall have
130 his or her concealed carry endorsement revoked and such person shall not be eligible for a
131 concealed carry endorsement for a period of three years. Upon conviction of charges arising
132 from a citation issued pursuant to this subsection, the court shall notify the sheriff of the county
133 which issued the certificate of qualification for a concealed carry endorsement and the
134 department of revenue. The sheriff shall suspend or revoke the certificate of qualification for
135 a concealed carry endorsement and the department of revenue shall issue a notice of such
136 suspension or revocation of the concealed carry endorsement and take action to remove the
137 concealed carry endorsement from the individual's driving record. The director of revenue shall
138 notify the licensee that he or she must apply for a new license pursuant to chapter 302, RSMo,
139 which does not contain such endorsement. A concealed carry endorsement suspension pursuant
140 to sections 571.101 to 571.121 shall be reinstated at the time of the renewal of his or her driver's
141 license. The notice issued by the department of revenue shall be mailed to the last known
142 address shown on the individual's driving record. The notice is deemed received three days after
143 mailing.

2 [407.500. Residents of the state of Missouri may purchase rifles and
3 shotguns in a state contiguous to the state of Missouri, provided that such
4 residents conform to the applicable provisions of the Federal Gun Control Act of
5 1968, and regulations thereunder, as administered by the United States Secretary
6 of the Treasury, and provided further that such residents conform to the
7 provisions of law applicable to such purchase in the state of Missouri and in the
8 contiguous state in which the purchase is made.]

2 [407.505. Residents of a state contiguous to the state of Missouri may
3 purchase rifles and shotguns in the state of Missouri, provided that such residents
conform to the applicable provisions of the Federal Gun Control Act of 1968, and

4 regulations thereunder, as administered by the United States Secretary of the
5 Treasury, and provided further that such residents conform to the provisions of
6 law applicable to such purchase in the state of Missouri and in the state in which
7 such persons reside.]

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