

SECOND REGULAR SESSION

HOUSE BILL NO. 1319

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES RIDDLE (Sponsor), SMITH (150), KOENIG, BRATTIN, BAHR, KELLEY (126), CRAWFORD, ENTLICHER, WELLS, KORMAN, CAUTHORN, HOUGHTON, DAVIS, FRANZ, FUNDERBURK, GRISAMORE, AND REIBOLDT (Co-sponsors).

4792L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 571.030, 571.101, and 571.117, RSMo, and to enact in lieu thereof three new sections relating to concealed carry endorsements, with penalty provisions.

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

Section A. Sections 571.030, 571.101, and 571.117, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 571.030, 571.101, and 571.117, to read as follows:

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

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

(2) Sets a spring gun; or

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

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

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

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 (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, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any
25 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), (8), and (10) of subsection 1 of this section shall not apply to the
30 persons described in this subsection, regardless of whether such uses are reasonably associated
31 with or are necessary to the fulfillment of such person's official duties except as otherwise
32 provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section
33 shall not apply to or affect any of the following persons, when 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:

36 (1) All state, county and municipal peace officers who have completed the training
37 required by the police officer standards and training commission pursuant to sections 590.030
38 to 590.050 and who possess the duty and power of arrest for violation of the general criminal
39 laws of the state or for violation of ordinances of counties or municipalities of the state, whether
40 such officers are on or off duty, and whether such officers are within or outside of the law
41 enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection
42 11 of this section, and who carry the identification defined in subsection 12 of this section, or
43 any person summoned by such officers to assist in making arrests or preserving the peace while
44 actually engaged in assisting such officer;

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

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

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

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

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

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

57 (8) Any corporate security advisor meeting the definition and fulfilling the requirements
58 of the regulations established by the board of police commissioners under section 84.340;

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

60 (10) Any prosecuting attorney or assistant prosecuting attorney or any circuit attorney
61 or assistant circuit attorney who has completed the firearms safety training course required under
62 subsection 2 of section 571.111; and

63 (11) Any member of a fire department or fire protection district who is employed on a
64 full-time basis as a fire investigator and who has a valid concealed carry endorsement under
65 section 571.111 when such uses are reasonably associated with or are necessary to the fulfillment
66 of such person's official duties.

67 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when
68 the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when
69 ammunition is not readily accessible or when such weapons are not readily accessible.
70 Subdivision (1) of subsection 1 of this section does not apply to any person [twenty-one]
71 **eighteen** years of age or older transporting a concealable firearm in the passenger compartment
72 of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor
73 when the actor is also in possession of an exposed firearm or projectile weapon for the lawful
74 pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has
75 possession, authority or control, or is traveling in a continuous journey peaceably through this
76 state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise
77 lawfully possessed by a person while traversing school premises for the purposes of transporting
78 a student to or from school, or possessed by an adult for the purposes of facilitation of a
79 school-sanctioned firearm-related event or club event.

80 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any
81 person who has a valid concealed carry endorsement issued pursuant to sections 571.101 to
82 571.121 or a valid permit or endorsement to carry concealed firearms issued by another state or
83 political subdivision of another state.

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

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

92 7. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision
93 (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or
94 subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor
95 if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of
96 subsection 1 of this section, in which case it is a class B felony, except that if the violation of
97 subdivision (9) of subsection 1 of this section results in injury or death to another person, it is
98 a class A felony.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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, cancelled, 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-one] **eighteen** years of age, is a citizen of the United States and
16 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, pled guilty to or entered a plea of nolo contendere to one
26 or more misdemeanor offenses involving crimes of violence within a five-year period
27 immediately preceding application for a certificate of qualification for a concealed carry
28 endorsement or if the applicant has not been convicted of two or more misdemeanor offenses
29 involving driving while under the influence of intoxicating liquor or drugs or the possession or
30 abuse of a controlled substance within a five-year period immediately preceding application for
31 a certificate of qualification for a concealed carry endorsement;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

78 (8) An affirmation that the applicant is not adjudged mentally incompetent at the time
79 of application or for five years prior to application, or has not been committed to a mental health
80 facility, as defined in section 632.005, or a similar institution located in another state, except that

81 a person whose release or discharge from a facility in this state pursuant to chapter 632, or a
82 similar discharge from a facility in another state, occurred more than five years ago without
83 subsequent recommitment may apply;

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

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

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

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

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

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

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

116 twenty-four hours of receipt of any background check that results in a disqualifying record, and
117 shall notify the department of revenue.

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

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

14 vs.) Case Number

15)

16, DEFENDANT,

17 Carry Endorsement Holder

18, DEFENDANT,

19 Sheriff of Issuance

PETITION FOR REVOCATION
OF CERTIFICATE OF QUALIFICATION
OR CONCEALED CARRY ENDORSEMENT

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

(CHECK BELOW EACH REASON
THAT APPLIES TO THIS DEFENDANT)

- 32 Defendant is not at least [twenty-one] **eighteen** years of age.
- 33 Defendant is not a citizen of the United States.
- 34 Defendant had not resided in this state prior to issuance of the permit and does not
35 qualify as a military member or spouse of a military member stationed in Missouri.
- 36 Defendant has pled guilty to or been convicted of a crime punishable by imprisonment
37 for a term exceeding one year under the laws of any state or of the United States other than a
38 crime classified as a misdemeanor under the laws of any state and punishable by a term of
39 imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm
40 silencer, or gas gun.
- 41 Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere
42 to one or more misdemeanor offenses involving crimes of violence within a five-year period
43 immediately preceding application for a certificate of qualification or concealed carry
44 endorsement issued pursuant to sections 571.101 to 571.121, RSMo, or if the applicant has been
45 convicted of two or more misdemeanor offenses involving driving while under the influence of
46 intoxicating liquor or drugs or the possession or abuse of a controlled substance within a
47 five-year period immediately preceding application for a certificate of qualification or a
48 concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo.

49 □ Defendant is a fugitive from justice or currently charged in an information or
 50 indictment with the commission of a crime punishable by imprisonment for a term exceeding one
 51 year under the laws of any state of the United States other than a crime classified as a
 52 misdemeanor under the laws of any state and punishable by a term of imprisonment of one year
 53 or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.

54 □ Defendant has been discharged under dishonorable conditions from the United States
 55 armed forces.

56 □ Defendant is reasonably believed by the sheriff to be a danger to self or others based
 57 on previous, documented pattern.

58 □ Defendant is adjudged mentally incompetent at the time of application or for five years
 59 prior to application, or has been committed to a mental health facility, as defined in section
 60 632.005, RSMo, or a similar institution located in another state, except that a person whose
 61 release or discharge from a facility in this state pursuant to chapter 632, RSMo, or a similar
 62 discharge from a facility in another state, occurred more than five years ago without subsequent
 63 recommitment may apply.

64 □ Defendant failed to submit a completed application for a certificate of qualification or
 65 concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo.

66 □ Defendant failed to submit to or failed to clear the required background check.

67 □ Defendant failed to submit an affidavit attesting that the applicant complies with the
 68 concealed carry safety training requirement pursuant to subsection 1 of section 571.111, RSMo.

69

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

74 2. If at the hearing the plaintiff shows that the defendant was not eligible for the
 75 certificate of qualification or the concealed carry endorsement issued pursuant to sections
 76 571.101 to 571.121, at the time of issuance or renewal or is no longer eligible for a certificate
 77 of qualification or the concealed carry endorsement issued pursuant to the provisions of sections
 78 571.101 to 571.121, the court shall issue an appropriate order to cause the revocation of the
 79 certificate of qualification or concealed carry endorsement. Costs shall not be assessed against
 80 the sheriff.

81 3. The finder of fact, in any action brought against an endorsement holder pursuant to
 82 subsection 1 of this section, shall make findings of fact and the court shall make conclusions of
 83 law addressing the issues at dispute. If it is determined that the plaintiff in such an action acted
 84 without justification or with malice or primarily with an intent to harass the endorsement holder

85 or that there was no reasonable basis to bring the action, the court shall order the plaintiff to pay
86 the defendant/respondent all reasonable costs incurred in defending the action including, but not
87 limited to, attorney's fees, deposition costs, and lost wages. Once the court determines that the
88 plaintiff is liable to the defendant/respondent for costs and fees, the extent and type of fees and
89 costs to be awarded should be liberally calculated in defendant/respondent's favor.
90 Notwithstanding any other provision of law, reasonable attorney's fees shall be presumed to be
91 at least one hundred fifty dollars per hour.

92 4. Any person aggrieved by any final judgment rendered by a small claims court in a
93 petition for revocation of a certificate of qualification or concealed carry endorsement may have
94 a right to trial de novo as provided in sections 512.180 to 512.320.

95 5. The office of the county sheriff or any employee or agent of the county sheriff shall
96 not be liable for damages in any civil action arising from alleged wrongful or improper granting,
97 renewing, or failure to revoke a certificate of qualification or a concealed carry endorsement
98 issued pursuant to sections 571.101 to 571.121, so long as the sheriff acted in good faith.

✓