

SECOND REGULAR SESSION

# HOUSE BILL NO. 1696

96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE COOKSON.

5737L.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal section 571.101, RSMo, and to enact in lieu thereof two new sections relating to concealed carry endorsements.

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

Section A. Section 571.101, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 43.539 and 571.101, to read as follows:

**43.539. The state highway patrol shall waive the fee for a criminal background check requested for any applicant for a concealed carry endorsement who is a veteran. The sheriff shall indicate on the request for the criminal background check that the applicant is a veteran.**

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

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.

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 years of age, is a citizen of the United States and either:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

56 (3) An affirmation that the applicant is at least twenty-one years of age;

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

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

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

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

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

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

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

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

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

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

98 (2) A nonrefundable certificate of qualification fee as provided by subsection 10 or 11  
99 of this section; **except that, any portion of the certificate of qualification fee apportioned for**  
100 **a state background check or other state fees incurred by the sheriff shall be waived for any**  
101 **veteran applying for a concealed carry endorsement.**

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 the applicant**  
111 **is a veteran, the sheriff shall indicate that the subject of the criminal background check**  
112 **requested is a veteran and the highway patrol shall waive all fees for such background**  
113 **check in accordance with section 43.539.** If no disqualifying record is identified by the  
114 fingerprint check at the state level, the fingerprints shall be forwarded to the Federal Bureau of  
115 Investigation for a national criminal history record check. Upon receipt of the completed  
116 background check, the sheriff shall issue a certificate of qualification for a concealed carry  
117 endorsement within three working days. The sheriff shall issue the certificate within forty-five  
118 calendar days if the criminal background check has not been received, provided that the sheriff

119 shall revoke any such certificate and endorsement within twenty-four hours of receipt of any  
120 background check that results in a disqualifying record, and shall notify the department of  
121 revenue.

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

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

155           8. The sheriff shall keep a record of all applications for a certificate of qualification for  
156 a concealed carry endorsement and his or her action thereon. The sheriff shall report the issuance  
157 of a certificate of qualification to the Missouri uniform law enforcement system. All information  
158 on any such certificate that is protected information on any driver's or nondriver's license shall  
159 have the same personal protection for purposes of sections 571.101 to 571.121. An applicant's  
160 status as a holder of a certificate of qualification or a concealed carry endorsement shall not be  
161 public information and shall be considered personal protected information. Any person who  
162 violates the provisions of this subsection by disclosing protected information shall be guilty of  
163 a class A misdemeanor.

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

166           10. For processing an application for a certificate of qualification for a concealed carry  
167 endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a  
168 nonrefundable fee not to exceed one hundred dollars which shall be paid to the treasury of the  
169 county to the credit of the sheriff's revolving fund; **except that, any portion of the certificate  
170 of qualification fee apportioned for a state background check or other state fees incurred  
171 by the sheriff shall be waived for any veteran applying for a concealed carry endorsement.**

172           11. For processing a renewal for a certificate of qualification for a concealed carry  
173 endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a  
174 nonrefundable fee not to exceed fifty dollars which shall be paid to the treasury of the county to  
175 the credit of the sheriff's revolving fund; **except that, any portion of the certificate of  
176 qualification renewal fee apportioned for a state background check or other state fees  
177 incurred by the sheriff shall be waived for any veteran applying for a concealed carry  
178 endorsement.**

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

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