

FIRST REGULAR SESSION

HOUSE BILL NO. 872

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SCHATZ (Sponsor), KOLKMEYER, KORMAN, HOUGHTON, FREDERICK, ALLEN, MUNTZEL, BROWN, LEARA, DAVIS, BERNSKOETTER, HAEFNER, PHILLIPS, FLANIGAN, ROSS, HINSON, ELMER, WHITE, ENGLER, THOMSON, ROWDEN, FRAKER, HAAHR, FITZPATRICK, SWAN, MORRIS, REHDER, BAHR, PARKINSON, MILLER, HICKS, BERRY, HANSEN, HIGDON, CURTMAN, MCGAUGH, FRANKLIN, GANNON, PIKE, LYNCH, WALKER, BURLISON, KEENEY, HURST, SCHIEBER, GOSEN AND KELLEY (127) (Co-sponsors).

2052L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 50.535, 302.181, 571.101, 571.104, and 571.117, RSMo, and to enact in lieu thereof five new sections relating to removal of the renewal requirement for concealed carry endorsements, with a penalty provision.

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

Section A. Sections 50.535, 302.181, 571.101, 571.104, and 571.117, RSMo, are
2 repealed and five new sections enacted in lieu thereof, to be known as sections 50.535, 302.181,
3 571.101, 571.104, and 571.117, to read as follows:

50.535. 1. Notwithstanding the provisions of sections 50.525 to 50.745, the fee collected
2 pursuant to [subsections] **subsection 10** [and 11] of section 571.101 shall be deposited by the
3 county treasurer into a separate interest-bearing fund to be known as the "County Sheriff's
4 Revolving Fund" to be expended at the direction of the county or city sheriff or his or her
5 designee as provided in this section.

6 2. No prior approval of the expenditures from this fund shall be required by the
7 governing body of the county or city not within a county, nor shall any prior audit or
8 encumbrance of the fund be required before any expenditure is made by the sheriff from this
9 fund. This fund shall only be used by law enforcement agencies for the purchase of equipment,
10 to provide training, and to make necessary expenditures to process applications for concealed
11 carry endorsements [or renewals], including but not limited to the purchase of equipment,

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 information and data exchange, training, fingerprinting and background checks, employment of
13 additional personnel, and any expenditure necessitated by an action under section 571.114 or
14 571.117. If the moneys collected and deposited into this fund are not totally expended annually,
15 then the unexpended balance shall remain in said fund and the balance shall be kept in said fund
16 to accumulate from year to year. This fund may be audited by the state auditor's office or the
17 appropriate auditing agency.

18 3. Notwithstanding any provision of this section to the contrary, the sheriff of every
19 county, regardless of classification, is authorized to pay, from the sheriff's revolving fund, all
20 reasonable and necessary costs and expenses for activities or services occasioned by compliance
21 with sections 571.101 to 571.121. Such was the intent of the general assembly in original
22 enactment of this section and sections 571.101 to 571.121, and it is made express by this section
23 in light of the decision in *Brooks v. State of Missouri*, (Mo. Sup. Ct. February 26, 2004). The
24 application [and renewal] fees to be charged pursuant to section 571.101 shall be based on the
25 sheriff's good faith estimate, made during regular budgeting cycles, of the actual costs and
26 expenses to be incurred by reason of compliance with sections 571.101 to 571.121. If the
27 maximum fee permitted by section 571.101 is inadequate to cover the actual reasonable and
28 necessary expenses in a given year, and there are not sufficient accumulated unexpended funds
29 in the revolving fund, a sheriff may present specific and verified evidence of the unreimbursed
30 expenses to the office of administration, which upon certification by the attorney general shall
31 reimburse such sheriff for those expenses from an appropriation made for that purpose.

32 4. If pursuant to subsection [12] **11** of section 571.101, the sheriff of a county of the first
33 classification designates one or more chiefs of police of any town, city, or municipality within
34 such county to accept and process applications for certificates of qualification to obtain a
35 concealed carry endorsement, then that sheriff shall reimburse such chiefs of police, out of the
36 moneys deposited into this fund, for any reasonable expenses related to accepting and processing
37 such applications.

302.181. 1. The license issued pursuant to the provisions of sections 302.010 to 302.340
2 shall be in such form as the director shall prescribe, but the license shall be a card made of plastic
3 or other comparable material. All licenses shall be manufactured of materials and processes that
4 will prohibit, as nearly as possible, the ability to reproduce, alter, counterfeit, forge, or duplicate
5 any license without ready detection. All licenses shall bear the licensee's Social Security number,
6 if the licensee has one, and if not, a notarized affidavit must be signed by the licensee stating that
7 the licensee does not possess a Social Security number, or, if applicable, a certified statement
8 must be submitted as provided in subsection 4 of this section. The license shall also bear the
9 expiration date of the license, the classification of the license, the name, date of birth, residence
10 address including the county of residence or a code number corresponding to such county

11 established by the department, and brief description and colored photograph or digitized image
12 of the licensee, and a facsimile of the signature of the licensee. The director shall provide by
13 administrative rule the procedure and format for a licensee to indicate on the back of the license
14 together with the designation for an anatomical gift as provided in section 194.240 the name and
15 address of the person designated pursuant to sections 404.800 to 404.865 as the licensee's
16 attorney in fact for the purposes of a durable power of attorney for health care decisions. No
17 license shall be valid until it has been so signed by the licensee. If any portion of the license is
18 prepared by a private firm, any contract with such firm shall be made in accordance with the
19 competitive purchasing procedures as established by the state director of the division of
20 purchasing. For all licenses issued or renewed after March 1, 1992, the applicant's Social
21 Security number shall serve as the applicant's license number. Where the licensee has no Social
22 Security number, or where the licensee is issued a license without a Social Security number in
23 accordance with subsection 4 of this section, the director shall issue a license number for the
24 licensee and such number shall also include an indicator showing that the number is not a Social
25 Security number.

26 2. All film involved in the production of photographs for licenses shall become the
27 property of the department of revenue.

28 3. The license issued shall be carried at all times by the holder thereof while driving a
29 motor vehicle, and shall be displayed upon demand of any officer of the highway patrol, or any
30 police officer or peace officer, or any other duly authorized person, for inspection when demand
31 is made therefor. Failure of any operator of a motor vehicle to exhibit his or her license to any
32 duly authorized officer shall be presumptive evidence that such person is not a duly licensed
33 operator.

34 4. The director of revenue shall issue a commercial or noncommercial driver's license
35 without a Social Security number to an applicant therefor, who is otherwise qualified to be
36 licensed, upon presentation to the director of a certified statement that the applicant objects to
37 the display of the Social Security number on the license. The director shall assign an
38 identification number, that is not based on a Social Security number, to the applicant which shall
39 be displayed on the license in lieu of the Social Security number.

40 5. The director of revenue shall not issue a license without a facial photograph or digital
41 image of the license applicant, except as provided pursuant to subsection 8 of this section. A
42 photograph or digital image of the applicant's full facial features shall be taken in a manner
43 prescribed by the director. No photograph or digital image will be taken wearing anything which
44 cloaks the facial features of the individual.

45 6. The department of revenue may issue a temporary license or a full license without the
46 photograph or with the last photograph or digital image in the department's records to members

47 of the Armed Forces, except that where such temporary license is issued it shall be valid only
48 until the applicant shall have had time to appear and have his or her picture taken and a license
49 with his or her photograph issued.

50 7. The department of revenue shall issue upon request a nondriver's license card
51 containing essentially the same information and photograph or digital image, except as provided
52 pursuant to subsection 8 of this section, as the driver's license upon payment of six dollars. All
53 nondriver's licenses shall expire on the applicant's birthday in the sixth year after issuance. A
54 person who has passed his or her seventieth birthday shall upon application be issued a
55 nonexpiring nondriver's license card. [Notwithstanding any other provision of this chapter, a
56 nondriver's license containing a concealed carry endorsement shall expire three years from the
57 date the certificate of qualification was issued pursuant to section 571.101.] The fee for
58 nondriver's licenses issued for a period exceeding three years is six dollars [or three dollars for
59 nondriver's licenses issued for a period of three years or less]. The nondriver's license card shall
60 be used for identification purposes only and shall not be valid as a license.

61 8. If otherwise eligible, an applicant may receive a driver's license or nondriver's license
62 without a photograph or digital image of the applicant's full facial features except that such
63 applicant's photograph or digital image shall be taken and maintained by the director and not
64 printed on such license.

65 In order to qualify for a license without a photograph or digital image pursuant to this section the
66 applicant must:

67 (1) Present a form provided by the department of revenue requesting the applicant's
68 photograph be omitted from the license or nondriver's license due to religious affiliations. The
69 form shall be signed by the applicant and another member of the religious tenant verifying the
70 photograph or digital image exemption on the license or nondriver's license is required as part
71 of their religious affiliation. The required signatures on the prescribed form shall be properly
72 notarized;

73 (2) Provide satisfactory proof to the director that the applicant has been a [U.S.] **United**
74 **States** citizen for at least five years and a resident of this state for at least one year, except that
75 an applicant moving to this state possessing a valid driver's license from another state without
76 a photograph shall be exempt from the one-year state residency requirement. The director may
77 establish rules necessary to determine satisfactory proof of citizenship and residency pursuant
78 to this section;

79 (3) Applications for a driver's license or nondriver's license without a photograph or
80 digital image must be made in person at a license office determined by the director. The director
81 is authorized to limit the number of offices that may issue a driver's or nondriver's license
82 without a photograph or digital image pursuant to this section.

83 9. The department of revenue shall make available, at one or more locations within the
84 state, an opportunity for individuals to have their full facial photograph taken by an employee
85 of the department of revenue, or their designee, who is of the same sex as the individual being
86 photographed, in a segregated location.

87 10. Beginning July 1, 2005, the director shall not issue a driver's license or a nondriver's
88 license for a period that exceeds an applicant's lawful presence in the United States. The director
89 may, by rule or regulation, establish procedures to verify the lawful presence of the applicant and
90 establish the duration of any driver's license or nondriver's license issued under this section.

91 11. No rule or portion of a rule promulgated pursuant to the authority of this chapter
92 shall become effective unless it is promulgated pursuant to the provisions of chapter 536.

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 **life unless it is suspended or revoked.** The concealed carry endorsement is valid throughout
12 this state.

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

16 (1) Is at least twenty-one years of age, is a citizen of the United States 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
19 member of the military;

20 (2) Is at least twenty-one years of age, or is at least eighteen years of age and a member
21 of the United States Armed Forces or honorably discharged from the United States Armed
22 Forces, and is a citizen of the United States and either:

23 (a) Has assumed residency in this state;

24 (b) Is a member of the Armed Forces stationed in Missouri; or

25 (c) The spouse of such member of the military stationed in Missouri and twenty-one
26 years of age;

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

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

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

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

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

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

52 (9) Submits a completed application for a certificate of qualification as described in
53 subsection 3 of this section;

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

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

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

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

61 (2) An affirmation that the applicant has assumed residency in Missouri or is a member
62 of the Armed Forces stationed in Missouri or the spouse of such a member of the Armed Forces
63 and is a citizen of the United States;

64 (3) An affirmation that the applicant is at least twenty-one years of age or is eighteen
65 years of age or older and a member of the United States Armed Forces or honorably discharged
66 from the United States Armed Forces;

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

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

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

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

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

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

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

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

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

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

108 (2) A nonrefundable certificate of qualification fee as provided by subsection 10 [or 11]
109 of this section.

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

127 6. The sheriff may refuse to approve an application for a certificate of qualification for
128 a concealed carry endorsement if he or she determines that any of the requirements specified in
129 subsection 2 of this section have not been met, or if he or she has a substantial and demonstrable
130 reason to believe that the applicant has rendered a false statement regarding any of the provisions
131 of sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff is required
132 to deny the application, and notify the applicant in writing, stating the grounds for denial and

133 informing the applicant of the right to submit, within thirty days, any additional documentation
134 relating to the grounds of the denial. Upon receiving any additional documentation, the sheriff
135 shall reconsider his or her decision and inform the applicant within thirty days of the result of
136 the reconsideration. The applicant shall further be informed in writing of the right to appeal the
137 denial pursuant to subsections 2, 3, 4, and 5 of section 571.114. After two additional reviews
138 and denials by the sheriff, the person submitting the application shall appeal the denial pursuant
139 to subsections 2, 3, 4, and 5 of section 571.114.

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

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

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

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

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

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.

 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 which does not contain such endorsement. This
36 requirement does not affect the driving privileges of the licensee. The notice issued by the
37 department of revenue shall be mailed to the last known address shown on the individual's
38 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
40 receipt of the properly completed renewal application and the required renewal fee by the sheriff
41 of the county of the applicant's residence. The renewal application shall contain the same
42 required information as set forth in subsection 3 of section 571.101, except that in lieu of the
43 fingerprint requirement of subsection 5 of section 571.101 and the firearms safety training, the
44 applicant need only display his or her current driver's license or nondriver's license containing
45 a concealed carry endorsement. Upon successful completion of all renewal requirements, the
46 sheriff shall issue a certificate of qualification which contains the date such certificate was
47 renewed.

48 3. A person who has been issued a certificate of qualification for a concealed carry
49 endorsement who fails to file a renewal application on or before its expiration date must pay an
50 additional late fee of ten dollars per month for each month it is expired for up to six months.
51 After six months, the sheriff who issued the expired certificate shall notify the director of
52 revenue that such certificate is expired. The director of revenue shall immediately cancel the
53 concealed carry endorsement and remove such endorsement from the individual's driving record
54 and notify the individual of such cancellation. The notice of cancellation of the endorsement
55 shall be conducted in the same manner as described in subsection 1 of this section. Any person
56 who has been issued a certificate of qualification for a concealed carry endorsement pursuant to
57 sections 571.101 to 571.121 who fails to renew his or her application within the six-month
58 period must reapply for a new certificate of qualification for a concealed carry endorsement and

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

70 [4.] 3. Any person issued a concealed carry endorsement pursuant to sections 571.101
71 to 571.121 shall notify the department of revenue and the sheriffs of both the old and new
72 jurisdictions of the endorsement holder's change of residence within thirty days after the
73 changing of a permanent residence. The endorsement holder shall furnish proof to the
74 department of revenue and the sheriff in the new jurisdiction that the endorsement holder has
75 changed his or her residence. The sheriff of the new jurisdiction may charge a processing fee of
76 not more than ten dollars for any costs associated with notification of a change in residence. The
77 change of residence shall be made by the department of revenue onto the individual's driving
78 record and the new address shall be accessible by the Missouri uniform law enforcement system
79 within three days of receipt of the information.

80 [5.] 4. Any person issued a driver's license or nondriver's license containing a concealed
81 carry endorsement pursuant to sections 571.101 to 571.121 shall notify the sheriff or his or her
82 designee of the endorsement holder's county or city of residence within seven days after actual
83 knowledge of the loss or destruction of his or her driver's license or nondriver's license
84 containing a concealed carry endorsement. The endorsement holder shall furnish a statement to
85 the sheriff that the driver's license or nondriver's license containing the concealed carry
86 endorsement has been lost or destroyed. After notification of the loss or destruction of a driver's
87 license or nondriver's license containing a concealed carry endorsement, the sheriff shall reissue
88 a new certificate of qualification within three working days of being notified by the concealed
89 carry endorsement holder of its loss or destruction. The reissued certificate of qualification shall
90 contain the same personal information, including expiration date, as the original certificate of
91 qualification. The applicant shall then take the certificate to the department of revenue, and the
92 department of revenue shall proceed on the certificate in the same manner as provided in
93 subsection 7 section 571.101. Upon application for a license pursuant to chapter 302, the

94 director of revenue shall issue a driver's license or nondriver's license containing a concealed
95 carry endorsement if the applicant is otherwise eligible to receive such license.

96 [6.] 5. If a person issued a concealed carry endorsement changes his or her name, the
97 person to whom the endorsement was issued shall obtain a corrected certificate of qualification
98 for a concealed carry endorsement with a change of name from the sheriff who issued such
99 certificate upon the sheriff's verification of the name change. The sheriff may charge a
100 processing fee of not more than ten dollars for any costs associated with obtaining a corrected
101 certificate of qualification. The endorsement holder shall furnish proof of the name change to
102 the department of revenue and the sheriff within thirty days of changing his or her name and
103 display his or her current driver's license or nondriver's license containing a concealed carry
104 endorsement. The endorsement holder shall apply for a new driver's license or nondriver's
105 license containing his or her new name. Such application for a driver's license or nondriver's
106 license shall be made pursuant to chapter 302. The director of revenue shall issue a driver's
107 license or nondriver's license with concealed carry endorsement with the endorsement holder's
108 new name if the applicant is otherwise eligible for such license. The director of revenue shall
109 take custody of the old driver's license or nondriver's license. The name change shall be made
110 by the department of revenue onto the individual's driving record and the new name shall be
111 accessible by the Missouri uniform law enforcement system within three days of receipt of the
112 information.

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

571.117. 1. Any person who has knowledge that another person, who was issued a
2 certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to
3 571.121, never was or no longer is eligible for such endorsement under the criteria established
4 in sections 571.101 to 571.121 may file a petition with the clerk of the small claims court to
5 revoke that person's certificate of qualification for a concealed carry endorsement and such
6 person's concealed carry endorsement. The petition shall be in a form substantially similar to the
7 petition for revocation of concealed carry endorsement provided in this section. Appeal forms
8 shall be provided by the clerk of the small claims court free of charge to any person:

9 SMALL CLAIMS COURT

10 In the Circuit Court of, Missouri

11, PLAINTIFF

12)

13)

14 vs.) Case Number

15)

16, DEFENDANT,

17 Carry Endorsement Holder

18, DEFENDANT,

19 Sheriff of Issuance

20 PETITION FOR REVOCATION OF CERTIFICATE OF QUALIFICATION OR
21 CONCEALED CARRY ENDORSEMENT

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

29 (CHECK BELOW EACH REASON THAT APPLIES TO THIS DEFENDANT)

30 Defendant is not at least twenty-one years of age or at least eighteen years of age and a
31 member of the United States Armed Forces or honorably discharged from the United
32 States Armed Forces.

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
38 than a crime classified as a misdemeanor under the laws of any state and punishable by
39 a term of imprisonment of one year or less that does not involve an explosive weapon,
40 firearm, firearm silencer, or gas gun.

41 Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere to
42 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
45 has been convicted of two or more misdemeanor offenses involving driving while under
46 the influence of intoxicating liquor or drugs or the possession or abuse of a controlled
47 substance within a five-year period immediately preceding application for a certificate
48 of qualification or a concealed carry endorsement issued pursuant to sections 571.101 to
49 571.121, RSMo.

- 50 Defendant is a fugitive from justice or currently charged in an information or indictment
- 51 with the commission of a crime punishable by imprisonment for a term exceeding one
- 52 year under the laws of any state of the United States other than a crime classified as a
- 53 misdemeanor under the laws of any state and punishable by a term of imprisonment of
- 54 one year or less that does not involve an explosive weapon, firearm, firearm silencer, or
- 55 gas gun.
- 56 Defendant has been discharged under dishonorable conditions from the United States
- 57 Armed Forces.
- 58 Defendant is reasonably believed by the sheriff to be a danger to self or others based on
- 59 previous, documented pattern.
- 60 Defendant is adjudged mentally incompetent at the time of application or for five years
- 61 prior to application, or has been committed to a mental health facility, as defined in
- 62 section 632.005, RSMo, or a similar institution located in another state, except that a
- 63 person whose release or discharge from a facility in this state pursuant to chapter 632,
- 64 RSMo, or a similar discharge from a facility in another state, occurred more than five
- 65 years ago without subsequent recommitment may apply.
- 66 Defendant failed to submit a completed application for a certificate of qualification or
- 67 concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo.
- 68 Defendant failed to submit to or failed to clear the required background check.
- 69 Defendant failed to submit an affidavit attesting that the applicant complies with the
- 70 concealed carry safety training requirement pursuant to subsection 1 of section 571.111,
- 71 RSMo.

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

76
 77, PLAINTIFF

78 2. If at the hearing the plaintiff shows that the defendant was not eligible for the
 79 certificate of qualification or the concealed carry endorsement issued pursuant to sections
 80 571.101 to 571.121 at the time of issuance [or renewal] or is no longer eligible for a certificate
 81 of qualification or the concealed carry endorsement issued pursuant to the provisions of sections
 82 571.101 to 571.121, the court shall issue an appropriate order to cause the revocation of the
 83 certificate of qualification or concealed carry endorsement. Costs shall not be assessed against
 84 the sheriff.

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

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

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

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