

FIRST REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 162

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES SOMMER (Sponsor), SPENCER, MCCAHERTY, WOOD,  
BERRY AND FITZPATRICK (Co-sponsors).

0819L.01P

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 571.030, 571.101, and 571.117, RSMo, and to enact in lieu thereof four new sections relating to firearms, with penalty provisions.

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*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Section A. Sections 571.030, 571.101, and 571.117, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 21.755, 571.030, 571.101, and 571.117 to read as follows:

**21.755. 1. This section shall be called and may be cited as the "Missouri Firearms Freedom Act".**

**2. The general assembly declares that the authority for this section is the following:**

**(1) Amendment X of the Constitution of the United States guarantees to the states and their people all powers not granted to the federal government elsewhere in the Constitution and reserves to the state and people of Missouri certain powers as they were understood at the time that Missouri was admitted to statehood. The guarantee of those powers is a matter of contract between the state and people of Missouri and the United States as of the time that the compact with the United States was agreed upon and adopted by Missouri and the United States;**

**(2) Amendment IX of the Constitution of the United States guarantees to the people rights not granted in the Constitution and reserves to the people of Missouri certain rights as they were understood at the time that Missouri was admitted to statehood. The guarantee of those rights is a matter of contract between the state and people of Missouri**

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 and the United States as of the time that the compact with the United States was agreed  
16 upon and adopted by Missouri and the United States;

17 (3) The regulation of intrastate commerce is vested in the states under Amendments  
18 IX and X of the Constitution of the United States, particularly if not expressly preempted  
19 by federal law. Congress has not expressly preempted state regulation of intrastate  
20 commerce pertaining to the manufacture on an intrastate basis of firearms, firearms  
21 accessories, and ammunition;

22 (4) Amendment II of the Constitution of the United States reserves to the people the  
23 right to keep and bear arms as that right was understood at the time that Missouri was  
24 admitted to statehood, and the guarantee of the right is a matter of contract between the  
25 state and people of Missouri and the United States as of the time that the compact with the  
26 United States was agreed upon and adopted by Missouri and the United States; and

27 (5) Article I, section 23, Constitution of Missouri clearly secures to Missouri  
28 citizens, and prohibits government interference with, the right of individual Missouri  
29 citizens to keep and bear arms.

30 3. As used in this section, unless the context otherwise requires, the following terms  
31 shall mean:

32 (1) "Firearms accessories", items that are used in conjunction with or mounted  
33 upon a firearm but are not essential to the basic function of a firearm, including but not  
34 limited to telescopic or laser sights, magazines, flash or sound suppressors, folding or  
35 aftermarket stocks and grips, speedloaders, ammunition carriers, and lights for target  
36 illumination;

37 (2) "Generic and insignificant parts", includes but is not limited to springs, screws,  
38 nuts, and pins;

39 (3) "Manufactured", creating a firearm, a firearm accessory, or ammunition from  
40 basic materials for functional usefulness, including but not limited to forging, casting,  
41 machining, or other processes for working materials.

42 4. A personal firearm, a firearm accessory, or ammunition that is manufactured  
43 commercially or privately in Missouri and that remains within the borders of Missouri is  
44 not subject to federal law or federal regulation, including registration, under the authority  
45 of Congress to regulate interstate commerce. It is declared by the legislature that those  
46 items have not traveled in interstate commerce. This section applies to a firearm, a firearm  
47 accessory, or ammunition that is manufactured in Missouri from basic materials and that  
48 can be manufactured without the inclusion of any significant parts imported into this state.  
49 Generic and insignificant parts that have other manufacturing or consumer product  
50 applications are not firearms, firearms accessories, or ammunition, and their importation

51 into Missouri and incorporation into a firearm, a firearm accessory, or ammunition  
52 manufactured in Missouri does not subject the firearm, firearm accessory, or ammunition  
53 to federal regulation. It is declared by the legislature that basic materials, such as  
54 unmachined steel and unshaped wood, are not firearms, firearms accessories, or  
55 ammunition and are not subject to congressional authority to regulate firearms, firearms  
56 accessories, or ammunition under interstate commerce as if they were actually firearms,  
57 firearms accessories, or ammunition. The authority of Congress to regulate interstate  
58 commerce in basic materials does not include the authority to regulate firearms, firearms  
59 accessories, or ammunition made in Missouri from those materials. Firearms accessories  
60 that are imported into Missouri from another state and that are subject to federal  
61 regulation as being in interstate commerce do not subject a firearm to federal regulation  
62 under interstate commerce because they are attached to or used in conjunction with a  
63 firearm in Missouri.

64 **5. The provisions of this section shall not apply to:**

65 **(1) A firearm that cannot be carried and used by one person;**

66 **(2) A firearm that has a bore diameter greater than one half inch and that uses**  
67 **smokeless powder, not black powder, as a propellant;**

68 **(3) Ammunition with a projectile that explodes using an explosion of chemical**  
69 **energy after the projectile leaves the firearm; or**

70 **(4) A firearm that discharges two or more projectiles with one activation of the**  
71 **trigger or other firing device.**

72 **6. A firearm manufactured or sold in Missouri under the provisions of this section**  
73 **shall have the words "Made in Missouri" clearly stamped on a central metallic part, such**  
74 **as the receiver or frame.**

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

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

5 **(2) Sets a spring gun; or**

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

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

11 **(5) Has a firearm or projectile weapon readily capable of lethal use on his or her person,**  
12 **while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon**

13 in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless  
14 acting in self-defense;

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  
48 duty;

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

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

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

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

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

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

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

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

68 **(12) Any member of an ambulance service, who is employed on a full-time basis as**  
69 **an emergency medical technician or paramedic and who has met the training requirements**  
70 **for a concealed carry endorsement under section 571.111.**

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

84 school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-  
85 related event or club event.

86 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any  
87 person who has a valid concealed carry endorsement issued pursuant to sections 571.101 to  
88 571.121 or a valid permit or endorsement to carry concealed firearms issued by another state or  
89 political subdivision of another state.

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

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

98 7. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision  
99 (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or  
100 subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor  
101 if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of  
102 subsection 1 of this section, in which case it is a class B felony, except that if the violation of  
103 subdivision (9) of subsection 1 of this section results in injury or death to another person, it is  
104 a class A felony.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

          571.101. 1. All applicants for concealed carry endorsements issued pursuant to  
2 subsection [7] **8** of this section must satisfy the requirements of sections 571.101 to 571.121.

3 If the said applicant can show qualification as provided by sections 571.101 to 571.121, the  
4 county or city sheriff shall issue a certificate of qualification for a concealed carry endorsement.  
5 Upon receipt of such certificate, the certificate holder shall apply for a driver's license or  
6 nondriver's license with the director of revenue in order to obtain a concealed carry endorsement.  
7 Any person who has been issued a concealed carry endorsement on a driver's license or  
8 nondriver's license and such endorsement or license has not been suspended, revoked, cancelled,  
9 or denied may carry concealed firearms on or about his or her person or within a vehicle. A  
10 concealed carry endorsement shall be valid for a period of three years from the date of issuance  
11 or renewal. 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] **8** of this section shall be issued by the sheriff or his or her designee of the county  
14 or city in which the applicant resides, if the applicant:

15 (1) Is at least [twenty-one] **nineteen** 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  
19 member of the military;

20 (2) Is at least [twenty-one] **nineteen** years of age, or is at least eighteen years of age and  
21 a member of the United States Armed Forces or honorably discharged from the United States  
22 Armed 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 **nineteen** 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] **nineteen** years of age or is  
65 eighteen years of age or older and a member of the United States Armed Forces or honorably  
66 discharged 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 **or 12** of this section; **and**

110           **(3) A nonrefundable anonymous fingerprint background check fee as provided for**  
111 **in subsection 11 of this section, if an anonymous fingerprint background check is requested**  
112 **by the applicant.**

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

130           6. **An applicant may request that the fingerprint background check be done**  
131 **anonymously. If such request is made the sheriff shall submit the fingerprint background**  
132 **check with a tracking number instead of any personal identifying information. The**  
133 **appropriate law enforcement agencies shall report the results of anonymous fingerprint**  
134 **background checks to the sheriff in the same manor as those submitted with personal**  
135 **identifying information. The sheriff may charge an additional fee for the anonymous**  
136 **fingerprint background check as provided in subsection 11 of this section.**

137           7. The sheriff may refuse to approve an application for a certificate of qualification for  
138 a concealed carry endorsement if he or she determines that any of the requirements specified in  
139 subsection 2 of this section have not been met, or if he or she has a substantial and demonstrable  
140 reason to believe that the applicant has rendered a false statement regarding any of the provisions  
141 of sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff is required  
142 to deny the application, and notify the applicant in writing, stating the grounds for denial and  
143 informing the applicant of the right to submit, within thirty days, any additional documentation  
144 relating to the grounds of the denial. Upon receiving any additional documentation, the sheriff  
145 shall reconsider his or her decision and inform the applicant within thirty days of the result of

146 the reconsideration. The applicant shall further be informed in writing of the right to appeal the  
147 denial pursuant to subsections 2, 3, 4, and 5 of section 571.114. After two additional reviews  
148 and denials by the sheriff, the person submitting the application shall appeal the denial pursuant  
149 to subsections 2, 3, 4, and 5 of section 571.114.

150 [7.] 8. If the application is approved, the sheriff shall issue a certificate of qualification  
151 for a concealed carry endorsement to the applicant within a period not to exceed three working  
152 days after his or her approval of the application. The applicant shall sign the certificate of  
153 qualification in the presence of the sheriff or his or her designee and shall within seven days of  
154 receipt of the certificate of qualification take the certificate of qualification to the department of  
155 revenue. Upon verification of the certificate of qualification and completion of a driver's license  
156 or nondriver's license application pursuant to chapter 302, the director of revenue shall issue a  
157 new driver's license or nondriver's license with an endorsement which identifies that the  
158 applicant has received a certificate of qualification to carry concealed weapons issued pursuant  
159 to sections 571.101 to 571.121 if the applicant is otherwise qualified to receive such driver's  
160 license or nondriver's license. Notwithstanding any other provision of chapter 302, a nondriver's  
161 license with a concealed carry endorsement shall expire three years from the date the certificate  
162 of qualification was issued pursuant to this section. The requirements for the director of revenue  
163 to issue a concealed carry endorsement pursuant to this subsection shall not be effective until  
164 July 1, 2004, and the certificate of qualification issued by a county sheriff pursuant to subsection  
165 1 of this section shall allow the person issued such certificate to carry a concealed weapon  
166 pursuant to the requirements of subsection 1 of section 571.107 in lieu of the concealed carry  
167 endorsement issued by the director of revenue from October 11, 2003, until the concealed carry  
168 endorsement is issued by the director of revenue on or after July 1, 2004, unless such certificate  
169 of qualification has been suspended or revoked for cause.

170 [8.] 9. The sheriff shall keep a record of all applications for a certificate of qualification  
171 for a concealed carry endorsement and his or her action thereon. The sheriff shall report the  
172 issuance of a certificate of qualification to the Missouri uniform law enforcement system. All  
173 information on any such certificate that is protected information on any driver's or nondriver's  
174 license shall have the same personal protection for purposes of sections 571.101 to 571.121. An  
175 applicant's status as a holder of a certificate of qualification or a concealed carry endorsement  
176 shall not be public information and shall be considered personal protected information. Any  
177 person who violates the provisions of this subsection by disclosing protected information shall  
178 be guilty of a class A misdemeanor.

179 [9.] 10. Information regarding any holder of a certificate of qualification or a concealed  
180 carry endorsement is a closed record.

181 [10.] **11.** For processing an application for a certificate of qualification for a concealed  
 182 carry endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall  
 183 charge a nonrefundable fee not to exceed one hundred dollars which shall be paid to the treasury  
 184 of the county to the credit of the sheriff's revolving fund. **For processing an anonymous**  
 185 **fingerprint background check requested under subsection 6 of this section, the sheriff in**  
 186 **each county may charge an additional nonrefundable fee in an amount not to exceed one**  
 187 **hundred dollars, which shall be paid to the treasury of the county to the credit of the**  
 188 **sheriff's revolving fund.**

189 [11.] **12.** For processing a renewal for a certificate of qualification for a concealed carry  
 190 endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a  
 191 nonrefundable fee not to exceed fifty dollars which shall be paid to the treasury of the county to  
 192 the credit of the sheriff's revolving fund.

193 **13. The Missouri state highway patrol is hereby authorized to conduct anonymous**  
 194 **fingerprint background checks under this section and to charge up to, but no more than,**  
 195 **the same fee charged for the complete criminal background check required under this**  
 196 **section.**

197 **14. Whenever an applicant has requested an anonymous fingerprint background**  
 198 **check and the results of that check do not disqualify the applicant for a certificate of**  
 199 **qualification for a concealed carry endorsement, all records of the fingerprints submitted**  
 200 **anonymously, including all methods of storage or archiving shall be purged of any record**  
 201 **of the applicant's fingerprints in both the sheriff's records and the records of any law**  
 202 **enforcement agency to which the fingerprints were submitted.**

203 [12.] **15.** For the purposes of sections 571.101 to 571.121, the term "sheriff" shall include  
 204 the sheriff of any county or city not within a county or his or her designee and in counties of the  
 205 first classification the sheriff may designate the chief of police of any city, town, or municipality  
 206 within such county.

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

21                                    PETITION FOR REVOCATION  
 22                                    OF CERTIFICATE OF QUALIFICATION  
 23                                    OR CONCEALED CARRY ENDORSEMENT

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

31                                    (CHECK BELOW EACH REASON  
 32                                    THAT APPLIES TO THIS DEFENDANT)

- 33         Defendant is not at least [twenty-one] **nineteen** years of age or at least eighteen years  
 34 of age and a member of the United States Armed Forces or honorably discharged from the  
 35 United States Armed Forces.
- 36         Defendant is not a citizen of the United States.
- 37         Defendant had not resided in this state prior to issuance of the permit and does not  
 38 qualify as a military member or spouse of a military member stationed in Missouri.
- 39         Defendant has pled guilty to or been convicted of a crime punishable by imprisonment  
 40 for a term exceeding one year under the laws of any state or of the United States other than a  
 41 crime classified as a misdemeanor under the laws of any state and punishable by a term of  
 42 imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm  
 43 silencer, or gas gun.
- 44         Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere  
 45 to one or more misdemeanor offenses involving crimes of violence within a five-year period

46 immediately preceding application for a certificate of qualification or concealed carry  
47 endorsement issued pursuant to sections 571.101 to 571.121, RSMo, or if the applicant has been  
48 convicted of two or more misdemeanor offenses involving driving while under the influence of  
49 intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-  
50 year period immediately preceding application for a certificate of qualification or a concealed  
51 carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo.

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

57  Defendant has been discharged under dishonorable conditions from the United States  
58 Armed Forces.

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

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

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

69  Defendant failed to submit to or failed to clear the required background check.

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

72  
73

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

78

79 ....., PLAINTIFF

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

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

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

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

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