

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 436

97TH GENERAL ASSEMBLY

1204S.04T

2013

AN ACT

To repeal sections 21.750, 571.030, 571.101, 571.107, 571.117, and 590.010, RSMo, and to enact in lieu thereof fourteen new sections relating to firearms, with a penalty provision.

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

Section A. Sections 21.750, 571.030, 571.101, 571.107, 571.117, and 590.010, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 1.320, 21.750, 160.665, 571.011, 571.012, 571.030, 571.067, 571.101, 571.107, 571.117, 590.010, 590.200, 590.205, and 590.207, to read as follows:

1.320. 1. This section shall be known and may be cited as the "Second Amendment Preservation Act".

2. The general assembly finds and declares that:

(1) The general assembly of the state of Missouri is firmly resolved to support and defend the United States Constitution against every aggression, either foreign or domestic, and the general assembly is duty bound to watch over and oppose every infraction of those principles which constitute the basis of the Union of the States, because only a faithful observance of those principles can secure the nation's existence and the public happiness;

(2) Acting through the United States Constitution, the people of the several states created the federal government to be their agent in the exercise of a few defined powers, while reserving to the state governments the power to legislate on matters which concern the lives, liberties, and properties of citizens in the ordinary course of affairs;

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.

13 **(3) The limitation of the federal government's power is affirmed under the Tenth**
14 **Amendment to the United States Constitution, which defines the total scope of federal**
15 **power as being that which has been delegated by the people of the several states to the**
16 **federal government, and all power not delegated to the federal government in the**
17 **Constitution of the United States is reserved to the states respectively, or to the people**
18 **themselves;**

19 **(4) Whenever the federal government assumes powers that the people did not grant**
20 **it in the Constitution, its acts are unauthoritative, void, and of no force;**

21 **(5) The several states of the United States of America are not united on the**
22 **principle of unlimited submission to their federal government. If the government created**
23 **by the compact among the states were the exclusive or final judge of the extent of the**
24 **powers granted to it by the Constitution, the federal government's discretion, and not the**
25 **Constitution, would be the measure of those powers. To the contrary, as in all other cases**
26 **of compacts among powers having no common judge, each party has an equal right to**
27 **judge itself, as well as infractions of the mode and measure of redress. Although the**
28 **several states have granted supremacy to laws and treaties made pursuant to the powers**
29 **granted in the Constitution, such supremacy does not apply to various federal statutes,**
30 **orders, rules, regulations, or other actions which restrict or prohibit the manufacture,**
31 **ownership, and use of firearms, firearm accessories, or ammunition exclusively within the**
32 **borders of Missouri; such statutes, orders, rules, regulations, and other actions exceed the**
33 **powers granted to the federal government except to the extent they are necessary and**
34 **proper for the government and regulation of the land and naval forces of the United States**
35 **or for the organizing, arming, and disciplining of militia forces actively employed in the**
36 **service of the United States Armed Forces;**

37 **(6) The people of the several states have given Congress the power "to regulate**
38 **commerce with foreign nations, and among the several states, and with the Indian tribes",**
39 **but "regulating commerce" does not include the power to limit citizens' right to keep and**
40 **bear arms in defense of their families, neighbors, persons, or property, or to dictate to what**
41 **sort of arms and accessories law-abiding mentally competent Missourians may buy, sell,**
42 **exchange, or otherwise possess within the borders of this state;**

43 **(7) The people of the several states have also given Congress the power "to lay and**
44 **collect taxes, duties, imports, and excises, to pay the debts, and provide for the common**
45 **defense and general welfare of the United States" and "to make all laws which shall be**
46 **necessary and proper for carrying into execution the powers vested by the Constitution in**
47 **the government of the United States, or in any department or officer thereof". These**
48 **constitutional provisions merely identify the means by which the federal government may**

49 execute its limited powers and ought not to be so construed as themselves to give unlimited
50 powers because to do so would be to destroy the balance of power between the federal
51 government and the state governments. We deny any claim that the taxing and spending
52 powers of Congress can be used to diminish in any way the people's right to keep and bear
53 arms;

54 (8) The people of Missouri have vested the general assembly with the authority to
55 regulate the manufacture, possession, exchange, and use of firearms within this state's
56 borders, subject only to the limits imposed by the Second Amendment to the United States
57 Constitution and the Missouri Constitution;

58 (9) The general assembly of the state of Missouri strongly promotes responsible gun
59 ownership, including parental supervision of minors in the proper use, storage, and
60 ownership of all firearms, the prompt reporting of stolen firearms, and the proper
61 enforcement of all state gun laws; and

62 (10) The general assembly of the state of Missouri hereby condemns any unlawful
63 transfer of firearms and the use of any firearm in any criminal or unlawful activity.

64 3. (1) All federal acts, laws, orders, rules, and regulations, whether past, present,
65 or future, which infringe on the people's right to keep and bear arms as guaranteed by the
66 Second Amendment to the United States Constitution and Article I, Section 23 of the
67 Missouri Constitution shall be invalid in this state, shall not be recognized by this state,
68 shall be specifically rejected by this state, and shall be considered null and void and of no
69 effect in this state.

70 (2) Such federal acts, laws, orders, rules, and regulations include, but are not
71 limited to:

72 (a) The provisions of the federal Gun Control Act of 1934;

73 (b) The provisions of the federal Gun Control Act of 1968;

74 (c) Any tax, levy, fee, or stamp imposed on firearms, firearm accessories, or
75 ammunition not common to all other goods and services which could have a chilling effect
76 on the purchase or ownership of those items by law-abiding citizens;

77 (d) Any registering or tracking of firearms, firearm accessories, or ammunition
78 which could have a chilling effect on the purchase or ownership of those items by law-
79 abiding citizens;

80 (e) Any registering or tracking of the owners of firearms, firearm accessories, or
81 ammunition which could have a chilling effect on the purchase or ownership of those items
82 by law-abiding citizens;

83 (f) Any act forbidding the possession, ownership, or use or transfer of any type of
84 firearm, firearm accessory, or ammunition by law-abiding citizens; and

85 **(g) Any act ordering the confiscation of firearms, firearm accessories, or**
86 **ammunition from law-abiding citizens.**

87 **4. It shall be the duty of the courts and law enforcement agencies of this state to**
88 **protect the rights of law-abiding citizens to keep and bear arms within the borders of this**
89 **state and from the infringements in subsection 3 of this section.**

90 **5. No public officer or employee of this state shall have any authority to enforce or**
91 **attempt to enforce any of the infringements on the right to keep and bear arms included**
92 **in subsection 3 of this section.**

93 **6. Any official, agent, or employee of the United States government who enforces**
94 **or attempts to enforce any of the infringements on the right to keep and bear arms**
95 **included in subsection 3 of this section is guilty of a class A misdemeanor.**

96 **7. Any Missouri citizen who has been subject to an effort to enforce any of the**
97 **infringements on the right to keep and bear arms included in subsection 3 of this section**
98 **shall have a private cause of action for declaratory judgment and for damages against any**
99 **person or entity attempting such enforcement.**

21.750. 1. The general assembly hereby occupies and preempts the entire field of
2 legislation touching in any way firearms, components, ammunition and supplies to the complete
3 exclusion of any order, ordinance or regulation by any political subdivision of this state. Any
4 existing or future orders, ordinances or regulations in this field are hereby and shall be null and
5 void except as provided in subsection 3 of this section.

6 2. No county, city, town, village, municipality, or other political subdivision of this state
7 shall adopt any order, ordinance or regulation concerning in any way the sale, purchase, purchase
8 delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permit,
9 registration, taxation other than sales and compensating use taxes or other controls on firearms,
10 components, ammunition, and supplies except as provided in subsection 3 of this section.

11 **3. (1) Except as provided in subdivision (2) of this subsection,** nothing contained in
12 this section shall prohibit any ordinance of any political subdivision which conforms exactly with
13 any of the provisions of sections 571.010 to 571.070, with appropriate penalty provisions, or
14 which regulates the open carrying of firearms readily capable of lethal use or the discharge of
15 firearms within a jurisdiction, provided such ordinance complies with the provisions of section
16 252.243.

17 **(2) In any jurisdiction in which open carry of firearms is prohibited by ordinance,**
18 **open carry of a firearm shall not be prohibited in accordance with the following:**

19 **(a) Any person with a valid concealed carry endorsement who is open carrying a**
20 **firearm shall be required to have a valid concealed carry endorsement from this state or**

21 **a permit from another state permit which is recognized by this state in his or her possession**
22 **at all times;**

23 **(b) The open carrying of a firearm shall be limited to a firearm sixteen inches or**
24 **less in overall length;**

25 **(c) Any person open carrying a firearm in such jurisdiction shall display his or her**
26 **concealed carry endorsement upon demand of a law enforcement officer;**

27 **(d) In the absence of any reasonable and articulable suspicion of criminal activity,**
28 **no person carrying a concealed or unconcealed handgun shall be disarmed or physically**
29 **restrained by a law enforcement officer unless under arrest; and**

30 **(e) Any person who violates this subdivision shall be subject to the penalty provided**
31 **in section 571.121.**

32 4. The lawful design, marketing, manufacture, distribution, or sale of firearms or
33 ammunition to the public is not an abnormally dangerous activity and does not constitute a public
34 or private nuisance.

35 5. No county, city, town, village or any other political subdivision nor the state shall
36 bring suit or have any right to recover against any firearms or ammunition manufacturer, trade
37 association or dealer for damages, abatement or injunctive relief resulting from or relating to the
38 lawful design, manufacture, marketing, distribution, or sale of firearms or ammunition to the
39 public. This subsection shall apply to any suit pending as of October 12, 2003, as well as any
40 suit which may be brought in the future. Provided, however, that nothing in this section shall
41 restrict the rights of individual citizens to recover for injury or death caused by the negligent or
42 defective design or manufacture of firearms or ammunition.

43 6. Nothing in this section shall prevent the state, a county, city, town, village or any other
44 political subdivision from bringing an action against a firearms or ammunition manufacturer or
45 dealer for breach of contract or warranty as to firearms or ammunition purchased by the state or
46 such political subdivision.

160.665. 1. Any school district within the state may designate one or more
2 **elementary or secondary school teachers or administrators as a school protection officer.**
3 **The responsibilities and duties of a school protection officer are voluntary and shall be in**
4 **addition to the normal responsibilities and duties of the teacher or administrator. Any**
5 **compensation for additional duties relating to service as a school protection officer shall**
6 **be funded by the local school district, with no state funds used for such purpose.**

7 **2. Any person designated by a school district as a school protection officer shall be**
8 **authorized to carry concealed firearms in any school in the district and shall be required**
9 **to keep such firearm on his or her person at all times while on school property. Any school**

10 protection officer who violates this subsection shall be removed immediately from the
11 classroom and subject to employment termination proceedings.

12 3. Any person designated as a school protection officer may detain, on view, any
13 person the officer sees violating or who such officer has reasonable grounds to believe has
14 violated any law of this state, including a misdemeanor or infraction, or any policy of the
15 school.

16 4. Any person detained by a school protection officer for violation of any state law
17 shall, as soon as practically possible, be turned over to a law enforcement officer.
18 However, in no case shall a person detained under the provisions of this section be detained
19 by a school protection officer for more than four hours.

20 5. Any person detained by a school protection officer for violation of any school
21 policy shall, as soon as practically possible, be turned over to a school administrator.
22 However, in no case shall a person detained under the provisions of this section be detained
23 by a school protection officer for more than four hours.

24 6. Any teacher or administrator of an elementary or secondary school who seeks
25 to be designated as a school protection officer shall request such designation, in writing,
26 and submit it to the superintendent of the school district which employs him or her as a
27 teacher or administrator. Along with this request the teacher or administrator shall also
28 submit proof that he or she has a valid concealed carry endorsement and shall submit a
29 certificate of school protection officer training program completion from a training
30 program approved by the director of the department of public safety which demonstrates
31 that such person has successfully completed the training requirements established by the
32 POST commission under chapter 590 for school protection officers.

33 7. No school district may designate a teacher or administrator as a school
34 protection officer unless such person has a valid concealed carry endorsement and has
35 successfully completed a school protection officer training program which has been
36 approved by the director of the department of public safety.

37 8. Any school district which designates a teacher or administrator as a school
38 protection officer shall, within thirty days, notify, in writing, the director of the department
39 of public safety of the designation which shall include the following:

40 (1) The full name, date of birth, and address of the officer;

41 (2) The name of the school district; and

42 (3) The date such person was designated as a school protection officer.

43 Notwithstanding any other law, any identifying information collected under the authority
44 of this subsection shall not be considered public information and shall not be subject to a
45 sunshine request made under chapter 610.

46 **9. A school district may revoke the designation of a person as a school protection**
47 **officer for any reason and shall immediately notify the designated school protection officer,**
48 **in writing, of the revocation. The school district shall also within thirty days of the**
49 **revocation notify the director of the department of public safety, in writing, of the**
50 **revocation of the designation of such person as a school protection officer.**

51 **10. The director of the department of public safety shall maintain a listing of all**
52 **persons designated by school districts as school protection officers and shall make this list**
53 **available to all law enforcement agencies.**

571.011. 1. No person or entity shall publish the name, address, or other identifying
2 **information of any individual who owns a firearm or who is an applicant for or holder of**
3 **any license, certificate, permit, or endorsement which allows such individual to own,**
4 **acquire, possess, or carry a firearm.**

5 **2. For purposes of this section, "publish" means to issue information or material**
6 **in printed or electronic form for distribution or sale to the public.**

7 **3. Any person or entity who violates the provisions of this section by publishing**
8 **identifying information protected under this section is guilty of a class A misdemeanor.**

571.012. 1. No health care professional licensed in this state shall be required by
2 **law to:**

3 **(1) Inquire as to whether a patient owns a firearm;**

4 **(2) Document or maintain in a patient's medical records whether such patient owns**
5 **a firearm; or**

6 **(3) Notify any governmental entity of the identity of a patient based solely on the**
7 **patient's status as an owner of a firearm.**

8 **2. Nothing in this section shall be construed as prohibiting or otherwise restricting**
9 **a health care professional from inquiring, documenting, or otherwise disclosing a patient's**
10 **status as an owner of a firearm if such inquiry, documentation, or disclosure is necessitated**
11 **or medically indicated by the health care professional's scope of practice and such inquiry,**
12 **documentation, or disclosure does not violate any other state or federal law.**

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.

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

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

83 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any
84 person who has a valid concealed carry endorsement issued pursuant to sections 571.101 to
85 571.121 or a valid permit or endorsement to carry concealed firearms issued by another state or
86 political subdivision of another state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**571.067. No county, municipality, or other governmental body, or an agent of a
2 county, municipality, or other governmental body, may participate in any program in**

3 **which individuals are given a thing of value in exchange for surrendering a firearm to the**
4 **county, municipality, or other governmental body unless:**

5 **(1) The county, municipality, or governmental body has adopted a resolution,**
6 **ordinance, or rule authorizing the participation of the county, municipality, or**
7 **governmental body, or participation by an agent of the county, municipality, or**
8 **governmental body, in such a program; and**

9 **(2) The resolution, ordinance, or rule enacted pursuant to this section provides that**
10 **any firearm received shall be offered for sale or trade to a licensed firearms dealer. The**
11 **proceeds from any sale or gains from trade shall be the property of the county,**
12 **municipality, or governmental body. Any proceeds collected under this subdivision shall**
13 **be deposited with the municipality, county, or governmental body unless the proceeds are**
14 **collected by a sheriff, in which case the proceeds shall be deposited in the county sheriff's**
15 **revolving fund under section 50.535. Any firearm remaining in the possession of the**
16 **county, municipality, or governmental body after the firearm has been offered for sale or**
17 **trade to at least two licensed firearms dealers may be destroyed.**

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

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

15 (1) Is at least [twenty-one] **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 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 revenue
153 to issue a concealed carry endorsement pursuant to this subsection shall not be effective until
154 July 1, 2004, and the certificate of qualification issued by a county sheriff pursuant to subsection
155 1 of this section shall allow the person issued such certificate to carry a concealed weapon
156 pursuant to the requirements of subsection 1 of section 571.107 in lieu of the concealed carry
157 endorsement issued by the director of revenue from October 11, 2003, until the concealed carry
158 endorsement is issued by the director of revenue on or after July 1, 2004, unless such certificate
159 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.

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

9 (1) Any police, sheriff, or highway patrol office or station without the consent of the
10 chief law enforcement officer in charge of that office or station. Possession of a firearm in a
11 vehicle on the premises of the office or station shall not be a criminal offense so long as the
12 firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

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

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

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

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

48 (6) The general assembly, supreme court, county or municipality may by rule,
49 administrative regulation, or ordinance prohibit or limit the carrying of concealed firearms by
50 endorsement holders in that portion of a building owned, leased or controlled by that unit of
51 government. Any portion of a building in which the carrying of concealed firearms is prohibited

52 or limited shall be clearly identified by signs posted at the entrance to the restricted area. The
53 statute, rule or ordinance shall exempt any building used for public housing by private persons,
54 highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled by that
55 unit of government from any restriction on the carrying or possession of a firearm. The statute,
56 rule or ordinance shall not specify any criminal penalty for its violation but may specify that
57 persons violating the statute, rule or ordinance may be denied entrance to the building, ordered
58 to leave the building and if employees of the unit of government, be subjected to disciplinary
59 measures for violation of the provisions of the statute, rule or ordinance. The provisions of this
60 subdivision shall not apply to any other unit of government;

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

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

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

77 (10) Any higher education institution or elementary or secondary school facility without
78 the consent of the governing body of the higher education institution or a school official or the
79 district school board, **unless the person with the concealed carry endorsement or permit is**
80 **a teacher or administrator of an elementary or secondary school who has been designated**
81 **by his or her school district as a school protection officer and is carrying a firearm in a**
82 **school within that district, in which case no consent is required.** Possession of a firearm in
83 a vehicle on the premises of any higher education institution or elementary or secondary school
84 facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or
85 brandished while the vehicle is on the premises;

86 (11) Any portion of a building used as a child care facility without the consent of the
87 manager. Nothing in this subdivision shall prevent the operator of a child care facility in a

88 family home from owning or possessing a firearm or a driver's license or nondriver's license
89 containing a concealed carry endorsement;

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

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

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

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

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

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

195 of qualification or a concealed carry endorsement issued pursuant to sections 571.101 to
196 571.121, RSMo.

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

203 Defendant has been discharged under dishonorable conditions from the United States
204 Armed Forces.

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

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

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

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

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

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

223, PLAINTIFF

224 2. If at the hearing the plaintiff shows that the defendant was not eligible for the
225 certificate of qualification or the concealed carry endorsement issued pursuant to sections
226 571.101 to 571.121 at the time of issuance or renewal or is no longer eligible for a certificate of
227 qualification or the concealed carry endorsement issued pursuant to the provisions of sections
228 571.101 to 571.121, the court shall issue an appropriate order to cause the revocation of the
229 certificate of qualification or concealed carry endorsement. Costs shall not be assessed against
230 the sheriff.

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

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

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

590.010. As used in this chapter, the following terms mean:

- 2 (1) "Commission", when not obviously referring to the POST commission, means a grant
 3 of authority to act as a peace officer;
- 4 (2) "Director", the director of the Missouri department of public safety or his or her
 5 designated agent or representative;
- 6 (3) "Peace officer", a law enforcement officer of the state or any political subdivision of
 7 the state with the power of arrest for a violation of the criminal code or declared or deemed to
 8 be a peace officer by state statute;
- 9 (4) "POST commission", the peace officer standards and training commission;
- 10 (5) "Reserve peace officer", a peace officer who regularly works less than thirty hours
 11 per week;
- 12 (6) **"School protection officer", an elementary or secondary school teacher or**
 13 **administrator who has been designated as a school protection officer by a school district.**

590.200. 1. The POST commission shall:

- 2 **(1) Establish minimum standards for the training of school protection officers;**
 3 **(2) Set the minimum number of hours of training required for a school protection**
 4 **officer; and**
 5 **(3) Set the curriculum for school protection officer training programs.**

- 6 **2. At a minimum this training shall include:**
7 **(1) Instruction specific to the prevention of incidents of violence in schools;**
8 **(2) The handling of emergency or violent crisis situations in school settings;**
9 **(3) A review of all state criminal laws;**
10 **(4) Training involving the use of defensive force; and**
11 **(5) Training involving the use of deadly force.**

590.205. 1. The POST commission shall establish minimum standards for school protection officer training instructors, training centers, and training programs.

2 **2. The director shall develop and maintain a list of approved school protection officer training instructors, training centers, and training programs. The director shall not place any instructor, training center, or training program on its approved list unless such instructor, training center, or training program meets all of the POST commission requirements under this section and section 590.200. The director shall make this approved list available to every school district in the state.**

3 **3. Each person seeking entrance into a school protection officer training center or training program shall submit a fingerprint card and authorization for a criminal history background check to include the records of the Federal Bureau of Investigation to the training center or training program where such person is seeking entrance. The training center or training program shall cause a criminal history background check to be made and shall cause the resulting report to be forwarded to the school district where the elementary school teacher or administrator is seeking to be designated as a school protection officer.**

10 **4. No person shall be admitted to a school protection officer training center or training program unless such person submits proof to the training center or training program that he or she has a valid concealed carry endorsement.**

11 **5. A certificate of school protection officer training program completion may be issued to any applicant by any approved school protection officer training instructor. On the certificate of program completion the approved school protection officer training instructor shall affirm that the individual receiving instruction has taken and passed a school protection officer training program that meets the requirements of this section and section 590.200 and that the individual has a valid concealed carry endorsement. The instructor shall also provide a copy of such certificate to the director of the department of public safety.**

27 **590.207. 1. Notwithstanding any other provision of law, any person designated as a school protection officer under the provisions of section 160.665 who fails to properly carry his or her concealed weapon on his or her person at all times while on school**

4 **property as provided under subsection 2 of section 160.655 shall be guilty of a class A**
5 **misdemeanor and shall be subject to employment termination proceedings within the**
6 **school district.**

7 **2. Any school employee who discloses any information collected under subsection**
8 **8 of section 160.655 that contains identifying personal information about any person**
9 **designated as a school protection officer to anyone other than those authorized to receive**
10 **the information under subsection 8 of section 160.655 shall be guilty of a class B**
11 **misdemeanor and shall be subject to employment termination proceedings within the**
12 **school district.**

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