

FIRST REGULAR SESSION

HOUSE BILL NO. 113

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DAY (Sponsor), WRIGHT, ATKINS, WELLS, FITZWATER, WALLINGFORD, LAIR, FISHER, LEARA, HOSKINS, GATSCHENBERGER, SCHARNHORST, FUNDERBURK, JONES (89), KEENEY, LARGENT, ALLEN, SMITH (150), ROWLAND, SCHAD, McCAHERTY, LARGENT, RIDDLE, DIECKHAUS, HOUGHTON, CURTMAN, GUERNSEY, SCHATZ, TILLEY, NOLTE AND POLLOCK (Co-sponsors).

0449L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 571.101, RSMo, and to enact in lieu thereof one new section relating to the age limit for concealed carry endorsements, with an existing penalty provision.

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

Section A. Section 571.101, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 571.101, to read as follows:

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

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

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 (1) Is at least twenty-three years of age **or is at least twenty-one years of age and a**
16 **member of the armed forces**, is a citizen of the United States and either:
- 17 (a) Has assumed residency in this state; or
- 18 (b) Is a member of the armed forces stationed in Missouri, or the spouse of such member
19 of the military;
- 20 (2) Has not pled guilty to or entered a plea of nolo contendere or been convicted of a
21 crime punishable by imprisonment for a term exceeding one year under the laws of any state or
22 of the United States other than a crime classified as a misdemeanor under the laws of any state
23 and punishable by a term of imprisonment of one year or less that does not involve an explosive
24 weapon, firearm, firearm silencer or gas gun;
- 25 (3) Has not been convicted of, pled guilty to or entered a plea of nolo contendere to one
26 or more misdemeanor offenses involving crimes of violence within a five-year period
27 immediately preceding application for a certificate of qualification for a concealed carry
28 endorsement or if the applicant has not been convicted of two or more misdemeanor offenses
29 involving driving while under the influence of intoxicating liquor or drugs or the possession or
30 abuse of a controlled substance within a five-year period immediately preceding application for
31 a certificate of qualification for a concealed carry endorsement;
- 32 (4) Is not a fugitive from justice or currently charged in an information or indictment
33 with the commission of a crime punishable by imprisonment for a term exceeding one year under
34 the laws of any state of the United States other than a crime classified as a misdemeanor under
35 the laws of any state and punishable by a term of imprisonment of two years or less that does not
36 involve an explosive weapon, firearm, firearm silencer, or gas gun;
- 37 (5) Has not been discharged under dishonorable conditions from the United States armed
38 forces;
- 39 (6) Has not engaged in a pattern of behavior, documented in public records, that causes
40 the sheriff to have a reasonable belief that the applicant presents a danger to himself or others;
- 41 (7) Is not adjudged mentally incompetent at the time of application or for five years prior
42 to application, or has not been committed to a mental health facility, as defined in section
43 632.005, or a similar institution located in another state following a hearing at which the
44 defendant was represented by counsel or a representative;
- 45 (8) Submits a completed application for a certificate of qualification as [defined]
46 **described** in subsection 3 of this section;
- 47 (9) Submits an affidavit attesting that the applicant complies with the concealed carry
48 safety training requirement pursuant to subsections 1 and 2 of section 571.111;
- 49 (10) Is not the respondent of a valid full order of protection which is still in effect.

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

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

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

57 (3) An affirmation that the applicant is at least twenty-three years of age **or is at least**
58 **twenty-one years of age and a member of the armed forces;**

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

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

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

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

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

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

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

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

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

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

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

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

119 6. The sheriff may refuse to approve an application for a certificate of qualification for
120 a concealed carry endorsement if he or she determines that any of the requirements specified in

121 subsection 2 of this section have not been met, or if he or she has a substantial and demonstrable
122 reason to believe that the applicant has rendered a false statement regarding any of the provisions
123 of sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff is required
124 to deny the application, and notify the applicant in writing, stating the grounds for denial and
125 informing the applicant of the right to submit, within thirty days, any additional documentation
126 relating to the grounds of the denial. Upon receiving any additional documentation, the sheriff
127 shall reconsider his or her decision and inform the applicant within thirty days of the result of
128 the reconsideration.

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130 The applicant shall further be informed in writing of the right to appeal the denial pursuant to
131 subsections 2, 3, 4, and 5 of section 571.114. After two additional reviews and denials by the
132 sheriff, the person submitting the application shall appeal the denial pursuant to subsections 2,
133 3, 4, and 5 of section 571.114.

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

152 8. The sheriff shall keep a record of all applications for a certificate of qualification for
153 a concealed carry endorsement and his or her action thereon. The sheriff shall report the issuance
154 of a certificate of qualification to the Missouri uniform law enforcement system. All information
155 on any such certificate that is protected information on any driver's or nondriver's license shall
156 have the same personal protection for purposes of sections 571.101 to 571.121. An applicant's

157 status as a holder of a certificate of qualification or a concealed carry endorsement shall not be
158 public information and shall be considered personal protected information. Any person who
159 violates the provisions of this subsection by disclosing protected information shall be guilty of
160 a class A misdemeanor.

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

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

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

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