

HCS HB 859 -- CONCEALED CARRY PERMITS AND FIREARMS (Brattin)

COMMITTEE OF ORIGIN: Committee on Downsizing State Government

This substitute changes the laws regarding concealed carry endorsements, firearms, the Department of Revenue, and school resource officers.

CONCEALED CARRY ENDORSEMENTS

The substitute removes the renewal requirement for a concealed carry endorsement and specifies that the endorsement will be valid for life unless it is suspended or revoked. Currently, an endorsement is valid for a period of three years from the date of issuance or renewal.

The substitute specifies that all certificates of qualification for concealed carry endorsements and all concealed carry endorsements must become invalid on February 1, 2014. After January 1, 2014, any person who has a valid certificate of qualification for a concealed carry endorsement or a valid concealed carry endorsement may, prior to its expiration, present it or his or her driver's or nondriver's license with an endorsement to the county sheriff where he or she resides to have it converted to a concealed carry permit. Beginning January 1, 2014, a sheriff cannot accept an application for a certificate of qualification for a concealed carry endorsement and the Department of Revenue cannot accept an application for or issue or renew a driver's or nondriver's license with a concealed carry endorsement.

If an applicant for a concealed carry permit satisfies all the specified requirements, including an application using the approved form, training, and background check, the sheriff must issue a concealed carry permit. Any person who has been issued a concealed carry permit and it has not been suspended, revoked, canceled, or denied may carry concealed firearms on or about his or her person or within a vehicle. The permit will be valid for three years and is valid throughout the state.

Any person issued a concealed carry permit must carry the permit at all times he or she is carrying a concealed firearm and must display the permit upon the request of any peace officer. Failure to comply with this provision will not be a criminal offense, but the permit holder may be issued a citation for an amount of up to \$35.

The substitute prohibits a business owner from restricting a person from lawfully possessing a firearm in a motor vehicle in his or her possession unless the vehicle is owned or leased by the business.

The substitute prohibits any state agency from disclosing to the federal government the statewide list of conceal carry holders, but these provisions must not be construed to restrict the use of the Missouri Uniform Law Enforcement System for criminal investigations.

SCHOOL PROTECTION OFFICERS

The substitute allows any school district to designate one or more elementary or secondary school teachers or administrators as a school protection officer, whose responsibilities and duties are voluntary and in addition to their normal responsibilities and duties. Any compensation for serving as a school protection officer must be funded by the local school district without using state funds.

The substitute authorizes a school protection officer to carry concealed firearms in any school of the district, but he or she must keep the firearm on his or her person while on school property. A person violating these provisions must be removed immediately from the classroom, is guilty of a class A misdemeanor, and is subject to employment termination proceedings within the school district. A school protection officer may detain any person the officer sees violating or the officer has reasonable grounds to believe has violated, any state law or school policy. Any person detained for violation of a state law must be turned over to a law enforcement officer. Any person detained for violation of a school policy must be turned over to a school administrator. However, no person detained can be held for more than four hours.

The substitute specifies the requirements to be designated as a school protection officer, including requesting the designation in writing to the school district superintendent, holding a valid concealed carry endorsement, and completion of a school protection officer training program approved by the Director of the Department of Public Safety. Any school district that designates a teacher or administrator as a school protection officer must notify the director in writing within 30 days.

The substitute allows a school district to revoke the designation of a person as a school protection officer for any reason. The district must immediately notify the person in writing and must notify the department in writing within 30 days of the revocation.

The substitute requires the department to maintain a listing of all persons designated as a school protection officer and to make the list available to all law enforcement agencies. However, any identifying information collected is not considered public

information and is not subject to an information request under the Open Meetings and Records Law, commonly known as the Sunshine Law. Any school employee who discloses any information to anyone, other than those authorized to receive it, will be guilty of a class B misdemeanor and will be subject to employment termination proceedings within the school district.

Currently, a person with a valid concealed carry endorsement cannot carry a concealed firearm in any higher education institution or elementary or secondary school facility without the consent of the governing body or a school official or the district school board. The substitute exempts any teacher or administrator of an elementary or secondary school who has been designated by his or her school district as a school protection officer and is carrying a firearm in a school within that district from the requirement of obtaining consent.

The substitute requires the Peace Officer Standards and Training Commission to establish minimum standards for the training of school protection officers and specifies the minimum training requirements. The commission must also establish minimum standards for school protection officer training instructors, centers, and programs. The director of the commission must develop and maintain a list of approved school protection officer training instructors, centers, and programs, and make the list available to every school district in the state. The substitute specifies the information that must be submitted by each person seeking entrance into a school protection officer training center or program. A certificate of school protection officer training program completion may be issued to any applicant by any approved instructor affirming that the person has taken and passed a program that meets all requirements specified in the substitute and the person has a valid concealed carry endorsement.

UNLAWFUL USE OR POSSESSION OF A FIREARM DURING A FELONY

The substitute specifies that a person who is found guilty or pleads guilty or nolo contendere to a prior felony offense and who commits a subsequent felony offense in which the person possesses, displays, brandishes, threatens to use, attempts to use, or discharges any firearm will be guilty of the offense of unlawful possession or use of a firearm during the commission of a felony. The offense will be in addition to and not in lieu of any underlying felony offense or other offense for which the person may be charged.

The substitute specifies that a person who commits the offense by possessing a firearm during the commission of a felony will be subject to 10 years imprisonment; by displaying, brandishing,

threatening to use, or attempting to use a firearm during the commission of a felony will be subject to 20 years imprisonment; and by discharging a firearm during the commission of a felony will be subject to a term of life imprisonment. The terms of imprisonment must be imposed consecutively to any other terms of imprisonment imposed for any other felony offense.

The substitute exempts law enforcement officers or United States military personnel who are performing their lawful duties or who are traveling to or from their places of employment or assignment from these provisions.

DEPARTMENT OF REVENUE

The substitute requires the Department of Revenue to surrender to the State Highway Patrol all state-owned identification processing equipment, including electronics, copiers, printers, computers, monitors, and cameras, that the department no longer uses in processing applications for permits, driver licenses or non-driver licenses. The Highway Patrol must disburse the equipment to any county sheriff who will dispose of the equipment in any manner he or she finds necessary. Any proceeds from the sale of the equipment must be deposited into the County Sheriff's Revolving Fund.

The provisions of the substitute regarding the repeal of Sections 571.101 - 571.121, RSMo, will become effective February 1, 2014.