

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

**Offered By**

1 AMEND House Committee Substitute for House Bill No. 122, Page 7, Section 571.030, Line 166,  
2 by inserting after all of said section and line the following:

3  
4 "571.101. 1. All applicants for concealed carry permits issued pursuant to subsection 7 of this  
5 section must satisfy the requirements of sections 571.101 to 571.121. If the said applicant can show  
6 qualification as provided by sections 571.101 to 571.121, the county or city sheriff shall issue a  
7 concealed carry permit authorizing the carrying of a concealed firearm on or about the applicant's  
8 person or within a vehicle. A concealed carry permit shall be valid from the date of issuance or  
9 renewal until five years from the last day of the month in which the permit was issued or renewed.  
10 The concealed carry permit is valid throughout this state. Although the permit is considered valid in  
11 the state, a person who fails to renew his or her permit within five years from the date of issuance or  
12 renewal shall not be eligible for an exception to a National Instant Criminal Background Check  
13 under federal regulations currently codified under 27 CFR 478.102(d), relating to the transfer, sale,  
14 or delivery of firearms from licensed dealers. A concealed carry endorsement issued prior to August  
15 28, 2013, shall continue from the date of issuance or renewal until three years from the last day of  
16 the month in which the endorsement was issued or renewed to authorize the carrying of a concealed  
17 firearm on or about the applicant's person or within a vehicle in the same manner as a concealed  
18 carry permit issued under subsection 7 of this section on or after August 28, 2013.

19 2. A concealed carry permit issued pursuant to subsection 7 of this section shall be issued by  
20 the sheriff or his or her designee of the county or city in which the applicant resides, if the applicant:

21 (1) Is at least nineteen years of age, is a citizen or permanent resident of the United States  
22 and either:

23 (a) Has assumed residency in this state; or

24 (b) Is a member of the Armed Forces stationed in Missouri, or the spouse of such member of  
25 the military;

26 (2) Is at least nineteen years of age, or is at least eighteen years of age and a member of the  
27 United States Armed Forces or honorably discharged from the United States Armed Forces, and is a  
28 citizen of the United States and either:

29 (a) Has assumed residency in this state;

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

31 (c) The spouse of such member of the military stationed in Missouri and nineteen years of  
32 age;

33 (3) Has not pled guilty to or entered a plea of nolo contendere or been convicted of a crime  
34 punishable by imprisonment for a term exceeding one year under the laws of any state or of the  
35 United States other than a crime classified as a misdemeanor under the laws of any state and  
36 punishable by a term of imprisonment of two years or less that does not involve an explosive

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1 weapon, firearm, firearm silencer or gas gun;

2 (4) Has not been convicted of, pled guilty to or entered a plea of nolo contendere to one or  
3 more misdemeanor offenses involving crimes of violence within a five-year period immediately  
4 preceding application for a concealed carry permit or if the applicant has not been convicted of two  
5 or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or  
6 drugs or the possession or abuse of a controlled substance within a five-year period immediately  
7 preceding application for a concealed carry permit;

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

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

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

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

21 (9) Submits a completed application for a permit as described in subsection 3 of this section;

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

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

25 (12) Is not otherwise prohibited from possessing a firearm under section 571.070 or 18  
26 U.S.C. Section 922(g).

27 3. The application for a concealed carry permit issued by the sheriff of the county of the  
28 applicant's residence shall contain only the following information:

29 (1) The applicant's name, address, telephone number, gender, date and place of birth, and, if  
30 the applicant is not a United States citizen, the applicant's country of citizenship and any alien or  
31 admission number issued by the Federal Bureau of Customs and Immigration Enforcement or any  
32 successor agency;

33 (2) An affirmation that the applicant has assumed residency in Missouri or is a member of  
34 the Armed Forces stationed in Missouri or the spouse of such a member of the Armed Forces and is a  
35 citizen or permanent resident of the United States;

36 (3) An affirmation that the applicant is at least nineteen years of age or is eighteen years of  
37 age or older and a member of the United States Armed Forces or honorably discharged from the  
38 United States Armed Forces;

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

44 (5) An affirmation that the applicant has not been convicted of, pled guilty to, or entered a  
45 plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a  
46 five-year period immediately preceding application for a permit or if the applicant has not been  
47 convicted of two or more misdemeanor offenses involving driving while under the influence of  
48 intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year

1 period immediately preceding application for a permit;

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

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

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

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

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

19 (11) A conspicuous warning that false statements made by the applicant will result in  
20 prosecution for perjury pursuant to the laws of the state of Missouri; and

21 (12) A government-issued photo identification. This photograph shall not be included on the  
22 permit and shall only be used to verify the person's identity for permit renewal, or for the issuance of  
23 a new permit due to change of address, or for a lost or destroyed permit.

24 4. An application for a concealed carry permit shall be made to the sheriff of the county or  
25 any city not within a county in which the applicant resides. An application shall be filed in writing,  
26 signed under oath and under the penalties of perjury, and shall state whether the applicant complies  
27 with each of the requirements specified in subsection 2 of this section. In addition to the completed  
28 application, the applicant for a concealed carry permit must also submit the following:

29 (1) A photocopy of a firearms safety training certificate of completion or other evidence of  
30 completion of a firearms safety training course that meets the standards established in subsection 1 or  
31 2 of section 571.111; and

32 (2) A nonrefundable permit fee as provided by subsection 11 or 12 of this section.

33 5. (1) Before an application for a concealed carry permit is approved, the sheriff shall make  
34 only such inquiries as he or she deems necessary into the accuracy of the statements made in the  
35 application. The sheriff may require that the applicant display a Missouri driver's license or  
36 nondriver's license or military identification and orders showing the person being stationed in  
37 Missouri. In order to determine the applicant's suitability for a concealed carry permit, the applicant  
38 shall be fingerprinted. No other biometric data shall be collected from the applicant. The sheriff  
39 shall conduct an inquiry of the National Instant Criminal Background Check System within three  
40 working days after submission of the properly completed application for a concealed carry permit. If  
41 no disqualifying record is identified by these checks at the state level, the fingerprints shall be  
42 forwarded to the Federal Bureau of Investigation for a national criminal history record check. Upon  
43 receipt of the completed report from the National Instant Criminal Background Check System and  
44 the response from the Federal Bureau of Investigation national criminal history record check, the  
45 sheriff shall examine the results and, if no disqualifying information is identified, shall issue a  
46 concealed carry permit within three working days. (2) In the event the report from the National  
47 Instant Criminal Background Check System and the response from the Federal Bureau of  
48 Investigation national criminal history record check prescribed by subdivision (1) of this subsection

1 are not completed within forty-five calendar days and no disqualifying information concerning the  
2 applicant has otherwise come to the sheriff's attention, the sheriff shall issue a provisional permit,  
3 clearly designated on the certificate as such, which the applicant shall sign in the presence of the  
4 sheriff or the sheriff's designee. This permit, when carried with a valid Missouri driver's or  
5 nondriver's license or a valid military identification, shall permit the applicant to exercise the same  
6 rights in accordance with the same conditions as pertain to a concealed carry permit issued under this  
7 section, provided that it shall not serve as an alternative to an national instant criminal background  
8 check required by 18 U.S.C. Section 922(t). The provisional permit shall remain valid until such  
9 time as the sheriff either issues or denies the certificate of qualification under subsection 6 or 7 of  
10 this section. The sheriff shall revoke a provisional permit issued under this subsection within  
11 twenty-four hours of receipt of any report that identifies a disqualifying record, and shall notify the  
12 concealed carry permit system established under subsection 5 of section 650.350. The revocation of  
13 a provisional permit issued under this section shall be proscribed in a manner consistent to the denial  
14 and review of an application under subsection 6 of this section.

15 6. The sheriff may refuse to approve an application for a concealed carry permit if he or she  
16 determines that any of the requirements specified in subsection 2 of this section have not been met,  
17 or if he or she has a substantial and demonstrable reason to believe that the applicant has rendered a  
18 false statement regarding any of the provisions of sections 571.101 to 571.121. If the applicant is  
19 found to be ineligible, the sheriff is required to deny the application, and notify the applicant in  
20 writing, stating the grounds for denial and informing the applicant of the right to submit, within  
21 thirty days, any additional documentation relating to the grounds of the denial. Upon receiving any  
22 additional documentation, the sheriff shall reconsider his or her decision and inform the applicant  
23 within thirty days of the result of the reconsideration. The applicant shall further be informed in  
24 writing of the right to appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114.  
25 After two additional reviews and denials by the sheriff, the person submitting the application shall  
26 appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114.

27 7. If the application is approved, the sheriff shall issue a concealed carry permit to the  
28 applicant within a period not to exceed three working days after his or her approval of the  
29 application. The applicant shall sign the concealed carry permit in the presence of the sheriff or his  
30 or her designee.

31 8. The concealed carry permit shall specify only the following information:

- 32 (1) Name, address, date of birth, gender, height, weight, color of hair, color of eyes, and  
33 signature of the permit holder;  
34 (2) The signature of the sheriff issuing the permit;  
35 (3) The date of issuance; and  
36 (4) The expiration date.

37  
38 The permit shall be no larger than two and one-eighth inches wide by three and three-eighths inches  
39 long and shall be of a uniform style prescribed by the department of public safety. The permit shall  
40 also be assigned a concealed carry permit system county code and shall be stored in sequential  
41 number.

42 9. (1) The sheriff shall keep a record of all applications for a concealed carry permit or a  
43 provisional permit and his or her action thereon. Any record of an application that is incomplete or  
44 denied for any reason shall be kept for a period not to exceed one year. Any record of an application  
45 that was approved shall be kept for a period of one year after the expiration and nonrenewal of the  
46 permit.

47 (2) The sheriff shall report the issuance of a concealed carry permit or provisional permit to  
48 the concealed carry permit system. All information on any such permit that is protected information

1 on any driver's or nondriver's license shall have the same personal protection for purposes of sections  
2 571.101 to 571.121. An applicant's status as a holder of a concealed carry permit, provisional  
3 permit, or a concealed carry endorsement issued prior to August 28, 2013, shall not be public  
4 information and shall be considered personal protected information. Information retained in the  
5 concealed carry permit system under this subsection shall not be distributed to any federal, state, or  
6 private entities and shall only be made available for a single entry query of an individual in the event  
7 the individual is a subject of interest in an active criminal investigation or is arrested for a crime. A  
8 sheriff may access the concealed carry permit system for administrative purposes to issue a permit,  
9 verify the accuracy of permit holder information, change the name or address of a permit holder,  
10 suspend or revoke a permit, cancel an expired permit, or cancel a permit upon receipt of a certified  
11 death certificate for the permit holder. Any person who violates the provisions of this subdivision by  
12 disclosing protected information shall be guilty of a class A misdemeanor.

13 10. Information regarding any holder of a concealed carry permit, or a concealed carry  
14 endorsement issued prior to August 28, 2013, is a closed record. No bulk download or batch data  
15 shall be distributed to any federal, state, or private entity, except to MoSMART or a designee thereof.  
16 Any state agency that has retained any documents or records, including fingerprint records provided  
17 by an applicant for a concealed carry endorsement prior to August 28, 2013, shall destroy such  
18 documents or records, upon successful issuance of a permit.

19 11. For processing an application for a concealed carry permit pursuant to sections 571.101  
20 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed one hundred  
21 dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

22 12. For processing a renewal for a concealed carry permit pursuant to sections 571.101 to  
23 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed fifty dollars which  
24 shall be paid to the treasury of the county to the credit of the sheriff's revolving fund. In all cases,  
25 the sheriff shall process a renewal for a concealed carry permit no later than thirty days from the  
26 receipt of a request by any individual eligible to receive a renewal for his or her concealed carry  
27 permit. The sheriff shall make a record of any oral or written request to renew a concealed carry  
28 permit for purposes of compliance with this subsection and shall retain such record for at least one  
29 year after a new permit is issued or an individual is found ineligible for a renewal. The sheriff shall  
30 contact those approved for renewal immediately and shall make the renewed permit available for  
31 receipt during normal business hours. The process for permit renewal, communication with  
32 applicants, scheduling meetings regarding permit renewal, or a request for more information, and the  
33 timely renewal of a concealed carry permit is a mandatory, ministerial duty of the office of sheriff  
34 and noncompliance may result in both injunctive relief and attorney costs issued against the office of  
35 sheriff.

36 13. For the purposes of sections 571.101 to 571.121, the term "sheriff" shall include the  
37 sheriff of any county or city not within a county or his or her designee and in counties of the first  
38 classification the sheriff may designate the chief of police of any city, town, or municipality within  
39 such county.

40 14. For the purposes of this chapter, "concealed carry permit" shall include any concealed  
41 carry endorsement issued by the department of revenue before January 1, 2014, and any concealed  
42 carry document issued by any sheriff or under the authority of any sheriff after December 31, 2013.";  
43 and  
44

45 Further amend said bill by amending the title, enacting clause, and intersectional references  
46 accordingly.  
47