

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:

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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.

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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 of any county with a charter form of government and with more than six hundred
26 thousand inhabitants but fewer than seven hundred thousand inhabitants shall process a renewal for a
27 concealed carry permit no later than thirty days from the receipt of a request by any individual
28 eligible to receive a renewal for his or her concealed carry permit. The sheriff shall make a record of
29 any oral or written request to renew a concealed carry permit for purposes of compliance with this
30 subsection and shall retain such record for at least one year after a new permit is issued or an
31 individual is found ineligible for a renewal. The sheriff shall contact those approved for renewal
32 immediately and shall make the renewed permit available for receipt during normal business hours.
33 The process for permit renewal, communication with applicants, scheduling meetings regarding
34 permit renewal, or a request for more information, and the timely renewal of a concealed carry
35 permit is a mandatory, ministerial duty of the office of sheriff and noncompliance may result in both
36 injunctive relief and attorney costs issued against the office of sheriff.

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

41 14. For the purposes of this chapter, "concealed carry permit" shall include any concealed
42 carry endorsement issued by the department of revenue before January 1, 2014, and any concealed
43 carry document issued by any sheriff or under the authority of any sheriff after December 31, 2013.";
44 and
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46 Further amend said bill by amending the title, enacting clause, and intersectional references
47 accordingly.
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