

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 218
98TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, May 5, 2015, with recommendation that the Senate Committee Substitute do pass.

0464S.03C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 44.095, 57.111, 221.160, 550.030, and 571.101, RSMo, and to enact in lieu thereof five new sections relating to duties of law enforcement agencies, with an existing penalty provision.

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

Section A. Sections 44.095, 57.111, 221.160, 550.030, and 571.101, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 44.095, 57.111, 221.160, 550.030, and 571.101, to read as follows:

44.095. 1. As used in this section, the following terms mean:

(1) "Critical incident", [an incident that could result in serious physical injury or loss of life] **any event of a severe nature, which threatens to cause or causes the loss of life or injury to citizens or severe damage to property and requires extraordinary measures to protect lives and achieve recovery. It may be any situation which requires resources beyond the capability of any one particular division. A critical incident may be the result of natural causes, such as a tornado, flood, or severe ice storm. In addition to natural causes, a critical incident may also be the result of a technological or man-made action such as a hostage or standoff situation, a hazardous materials spill, building collapse, or workplace violence;**

(2) "Kansas border counties", the counties of Johnson, Leavenworth, Miami, and Wyandotte;

(3) "Law enforcement mutual aid region", the nine counties of the Kansas City Metropolitan area as identified by the Mid-America Regional Council

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 (MARC). Those counties include Kansas border counties and Missouri border
18 counties as defined in this section;

19 (4) "Missouri border counties", the counties of Platte, Clay, Ray, Jackson
20 and Cass.

21 2. All law enforcement officers in the law enforcement mutual aid region
22 shall be permitted in critical incidents to respond to lawful requests for aid in any
23 other jurisdiction in the law enforcement mutual aid region.

24 3. The on-scene incident commander as defined by the National Incident
25 Management System shall have the authority to make a request for assistance in
26 a critical incident and shall be responsible for on-scene management until
27 command authority is transferred to another person.

28 4. In the event that an officer makes an arrest or apprehension outside
29 his or her home state, the offender shall be delivered to the first officer who is
30 commissioned in the jurisdiction in which the arrest was made.

31 5. For the purposes of liability, all members of any political subdivision
32 or public safety agency responding under operational control of the requesting
33 political subdivision or public safety agency are deemed employees of such
34 responding political subdivision or public safety agency and are subject to the
35 liability and workers' compensation provisions provided to them as employees of
36 their respective political subdivision or public safety agency. Qualified immunity,
37 sovereign immunity, official immunity, and the public duty rule shall apply to the
38 provisions of this section as interpreted by the federal and state courts of the
39 responding agency.

40 6. If the director of the Missouri department of public safety determines
41 that the state of Kansas has enacted legislation or the governor of Kansas has
42 issued an executive order or similar action that permits Kansas border counties
43 to enter into a similar mutual-aid agreement as described under this section, then
44 the director shall execute and deliver to the governor, the speaker of the house
45 of representatives, and the president pro tempore of the senate a written
46 certification of such determination. Upon the execution and delivery of such
47 written certification and the parties receiving such certification providing a
48 unanimous written affirmation, the provisions of this section shall be effective
49 unless otherwise provided by law.

50 7. The director of the Missouri department of public safety shall notify the
51 revisor of statutes of any changes that would render the provisions of this section
52 effective.

57.111. Whenever any sheriff or deputy sheriff of any county in this state
2 is expressly requested, in each instance, by a sheriff [of an adjoining county] of
3 this state to render assistance, such sheriff or deputy shall have the same powers
4 of arrest in such county as he **or she** has in his **or her** own jurisdiction. **Any**
5 **sheriff or deputy sheriff of a county responding to a request for**
6 **assistance in another county of the state shall be deemed an employee**
7 **of the responding county sheriff's office and shall be subject to the**
8 **workers' compensation, overtime, and expense reimbursement**
9 **provisions provided to him or her as an employee of his or her sheriff's**
10 **office.**

221.160. 1. **When a person is charged with a felony offense, the**
2 **expenses of imprisonment of [any criminal prisoner] the person, such as accrue**
3 **before conviction from the date felony charges are filed by the county**
4 **prosecutor, shall be paid [in the same manner as other costs of prosecution are**
5 **directed to be paid] by the state in the amount provided under subsection**
6 **2 of this section; and those which accrue after conviction shall be paid [as is**
7 **directed by the law regulating criminal proceedings] by the state in the**
8 **amount of one hundred percent of expenses reimbursed in accordance**
9 **with section 221.105, and those subject to monitoring under section**
10 **221.025 shall be reimbursed by the state in the amount of one hundred**
11 **percent of expenses. When a person is charged with a misdemeanor**
12 **offense, the expenses of imprisonment, such as accrue before**
13 **sentencing and after conviction, shall be paid by the county. Payment**
14 **of imprisonment expenses shall be made by the county or state and the**
15 **prisoner shall reimburse the same after payments made by the county**
16 **or state as provided by law.**

17 2. **The state shall reimburse the expenses of the imprisonment of**
18 **a person charged with a felony offense, such as accrue before**
19 **conviction, in accordance with this section and section 221.105 in the**
20 **following amounts:**

21 (1) **Before fiscal year 2017, in the same manner as other costs of**
22 **prosecution are directed to be paid;**

23 (2) **For fiscal year 2017, ten percent of expenses reimbursed in**
24 **accordance with section 221.105;**

25 (3) **For fiscal year 2018, twenty percent of expenses reimbursed**
26 **in accordance with section 221.105;**

27 (4) **For fiscal year 2019, thirty percent of expenses reimbursed**

28 **in accordance with section 221.105;**

29 **(5) For fiscal year 2020, forty percent of expenses reimbursed in**
30 **accordance with section 221.105; and**

31 **(6) For fiscal year 2021 and each year thereafter, fifty percent of**
32 **expenses reimbursed in accordance with section 221.105.**

550.030. When the defendant is sentenced to imprisonment in the county
2 **jail for violation of a county ordinance or misdemeanor offense**, or to pay
3 a fine, or both, and is unable to pay the costs, the county in which the indictment
4 was found or information filed shall pay the costs, [except such as were incurred
5 on the part of the defendant] **and may seek reimbursement from the**
6 **defendant as provided by law. When the defendant is sentenced to**
7 **imprisonment in the county jail for a felony offense, or to pay a fine, or**
8 **both, and is unable to pay the costs, the state shall pay the costs, and**
9 **may seek reimbursement from the defendant as provided by law.**

571.101. 1. All applicants for concealed carry permits issued pursuant to
2 subsection 7 of this section must satisfy the requirements of sections 571.101 to
3 571.121. If the said applicant can show qualification as provided by sections
4 571.101 to 571.121, the county or city sheriff shall issue a concealed carry permit
5 authorizing the carrying of a concealed firearm on or about the applicant's person
6 or within a vehicle. A concealed carry permit shall be valid from the date of
7 issuance or renewal until five years from the last day of the month in which the
8 permit was issued or renewed. The concealed carry permit is valid throughout
9 this state. Although the permit is considered valid in the state, a person who
10 fails to renew his or her permit within five years from the date of issuance or
11 renewal shall not be eligible for an exception to a National Instant Criminal
12 Background Check under federal regulations currently codified under 27 CFR
13 478.102(d), relating to the transfer, sale, or delivery of firearms from licensed
14 dealers. A concealed carry endorsement issued prior to August 28, 2013, shall
15 continue from the date of issuance or renewal until three years from the last day
16 of the month in which the endorsement was issued or renewed to authorize the
17 carrying of a concealed firearm on or about the applicant's person or within a
18 vehicle in the same manner as a concealed carry permit issued under subsection
19 7 of this section on or after August 28, 2013.

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

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

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

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

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

31 (a) Has assumed residency in this state;

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

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

35 (3) Has not pled guilty to or entered a plea of nolo contendere or been
36 convicted of a crime punishable by imprisonment for a term exceeding one year
37 under the laws of any state or of the United States other than a crime classified
38 as a misdemeanor under the laws of any state and punishable by a term of
39 imprisonment of two years or less that does not involve an explosive weapon,
40 firearm, firearm silencer or gas gun;

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

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

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

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

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

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

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

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

71 (12) Is not otherwise prohibited from possessing a firearm under section
72 571.070 or 18 U.S.C. Section 922(g).

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

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

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

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

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

92 (5) An affirmation that the applicant has not been convicted of, pled guilty
93 to, or entered a plea of nolo contendere to one or more misdemeanor offenses
94 involving crimes of violence within a five-year period immediately preceding

95 application for a permit or if the applicant has not been convicted of two or more
96 misdemeanor offenses involving driving while under the influence of intoxicating
97 liquor or drugs or the possession or abuse of a controlled substance within a
98 five-year period immediately preceding application for a permit;

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

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

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

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

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

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

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

128 4. An application for a concealed carry permit shall be made to the sheriff
129 of the county or any city not within a county in which the applicant resides. An
130 application shall be filed in writing, signed under oath and under the penalties

131 of perjury, and shall state whether the applicant complies with each of the
132 requirements specified in subsection 2 of this section. In addition to the
133 completed application, the applicant for a concealed carry permit must also
134 submit the following:

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

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

140 5. (1) Before an application for a concealed carry permit is approved, the
141 sheriff shall make only such inquiries as he or she deems necessary into the
142 accuracy of the statements made in the application. The sheriff may require that
143 the applicant display a Missouri driver's license or nondriver's license or military
144 identification and orders showing the person being stationed in Missouri. In
145 order to determine the applicant's suitability for a concealed carry permit, the
146 applicant shall be fingerprinted. No other biometric data shall be collected from
147 the applicant. The sheriff shall conduct an inquiry of the National Instant
148 Criminal Background Check System within three working days after submission
149 of the properly completed application for a concealed carry permit. If no
150 disqualifying record is identified by these checks at the state level, the
151 fingerprints shall be forwarded to the Federal Bureau of Investigation for a
152 national criminal history record check. Upon receipt of the completed report from
153 the National Instant Criminal Background Check System and the response from
154 the Federal Bureau of Investigation national criminal history record check, the
155 sheriff shall examine the results and, if no disqualifying information is identified,
156 shall issue a concealed carry permit within three working days.

157 (2) In the event the report from the National Instant Criminal
158 Background Check System and the response from the Federal Bureau of
159 Investigation national criminal history record check prescribed by subdivision (1)
160 of this subsection are not completed within forty-five calendar days and no
161 disqualifying information concerning the applicant has otherwise come to the
162 sheriff's attention, the sheriff shall issue a provisional permit, clearly designated
163 on the certificate as such, which the applicant shall sign in the presence of the
164 sheriff or the sheriff's designee. This permit, when carried with a valid Missouri
165 driver's or nondriver's license or a valid military identification, shall permit the
166 applicant to exercise the same rights in accordance with the same conditions as

167 pertain to a concealed carry permit issued under this section, provided that it
168 shall not serve as an alternative to an national instant criminal background
169 check required by 18 U.S.C. Section 922(t). The provisional permit shall remain
170 valid until such time as the sheriff either issues or denies the certificate of
171 qualification under subsection 6 or 7 of this section. The sheriff shall revoke a
172 provisional permit issued under this subsection within twenty-four hours of
173 receipt of any report that identifies a disqualifying record, and shall notify the
174 concealed carry permit system established under subsection 5 of section
175 650.350. The revocation of a provisional permit issued under this section shall
176 be proscribed in a manner consistent to the denial and review of an application
177 under subsection 6 of this section.

178 6. The sheriff may refuse to approve an application for a concealed carry
179 permit if he or she determines that any of the requirements specified in
180 subsection 2 of this section have not been met, or if he or she has a substantial
181 and demonstrable reason to believe that the applicant has rendered a false
182 statement regarding any of the provisions of sections 571.101 to 571.121. If the
183 applicant is found to be ineligible, the sheriff is required to deny the application,
184 and notify the applicant in writing, stating the grounds for denial and informing
185 the applicant of the right to submit, within thirty days, any additional
186 documentation relating to the grounds of the denial. Upon receiving any
187 additional documentation, the sheriff shall reconsider his or her decision and
188 inform the applicant within thirty days of the result of the reconsideration. The
189 applicant shall further be informed in writing of the right to appeal the denial
190 pursuant to subsections 2, 3, 4, and 5 of section 571.114. After two additional
191 reviews and denials by the sheriff, the person submitting the application shall
192 appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114.

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

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

- 198 (1) Name, address, date of birth, gender, height, weight, color of hair,
199 color of eyes, and signature of the permit holder;
200 (2) The signature of the sheriff issuing the permit;
201 (3) The date of issuance; and
202 (4) The expiration date.

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

207 9. (1) The sheriff shall keep a record of all applications for a concealed
208 carry permit or a provisional permit and his or her action thereon. Any record
209 of an application that is incomplete or denied for any reason shall be kept for a
210 period not to exceed one year. Any record of an application that was approved
211 shall be kept for a period of one year after the expiration and nonrenewal of the
212 permit.

213 (2) The sheriff shall report the issuance of a concealed carry permit or
214 provisional permit to the concealed carry permit system. All information on any
215 such permit that is protected information on any driver's or nondriver's license
216 shall have the same personal protection for purposes of sections 571.101 to
217 571.121. An applicant's status as a holder of a concealed carry permit,
218 provisional permit, or a concealed carry endorsement issued prior to August 28,
219 2013, shall not be public information and shall be considered personal protected
220 information. Information retained in the concealed carry permit system under
221 this subsection shall not be distributed to any federal, state, or private entities
222 and shall only be made available for a single entry query of an individual in the
223 event the individual is a subject of interest in an active criminal investigation or
224 is arrested for a crime. A sheriff may access the concealed carry permit system
225 for administrative purposes to issue a permit, verify the accuracy of permit holder
226 information, change the name or address of a permit holder, suspend or revoke
227 a permit, cancel an expired permit, or cancel a permit upon receipt of a certified
228 death certificate for the permit holder. Any person who violates the provisions
229 of this subdivision by disclosing protected information shall be guilty of a class
230 A misdemeanor.

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

238 11. For processing an application for a concealed carry permit pursuant

239 to sections 571.101 to 571.121, the sheriff in each county shall charge a
240 nonrefundable fee not to exceed one hundred dollars which shall be paid to the
241 treasury of the county to the credit of the sheriff's revolving fund. **No**
242 **additional fee shall be charged, including any fee to cover the costs of**
243 **fingerprinting or the criminal background checks.**

244 12. For processing a renewal for a concealed carry permit pursuant to
245 sections 571.101 to 571.121, the sheriff in each county shall charge a
246 nonrefundable fee not to exceed fifty dollars which shall be paid to the treasury
247 of the county to the credit of the sheriff's revolving fund.

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

252 14. For the purposes of this chapter, "concealed carry permit" shall
253 include any concealed carry endorsement issued by the department of revenue
254 before January 1, 2014, and any concealed carry document issued by any sheriff
255 or under the authority of any sheriff after December 31, 2013.

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