

SECOND REGULAR SESSION

[CORRECTED]

[PERFECTED]

HOUSE BILL NO. 1468

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BURLISON.

4577H.01P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 563.031, 571.030, and 571.101, RSMo, and to enact in lieu thereof six new section relating to firearms, with penalty provisions.

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

Section A. Sections 563.031, 571.030, and 571.101, RSMo, are repealed and six new
2 sections enacted in lieu thereof, to be known as sections 537.785, 537.786, 537.787, 563.031,
3 571.030, and 571.101 to read as follows:

537.785. 1. Sections 537.785 to 537.787 may be referred to and cited as the
2 **"Business Premises Safety Act".**

3 **2. As used in sections 537.785 to 537.787, the following terms mean:**

4 **(1) "Business", any commercial or agricultural enterprise including, but not limited**
5 **to, sales, services, manufacturing, food service, property management or leasing company,**
6 **or any other entity, whether for profit or not for profit, which owns, operates, or leases**
7 **property that is open to the public. The term "business" shall not include commercial**
8 **residential operations including, but not limited to, hotels, motels, and apartment**
9 **complexes;**

10 **(2) "Person", any individual other than an employee or agent of the owner or**
11 **occupier of the property in question;**

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.

12 (3) "Injury", any personal injury including, but not limited to, physical injury,
13 sickness, disease, or death and all damages resulting therefrom including, but not limited
14 to, medical expenses, wage loss, and loss of service;

15 (4) "Criminal act", those offenses specified under chapters 565 to 571 that have
16 resulted in injury;

17 (5) "Intentional act", an act done with the object to cause injury.

**537.786. 1. An owner or operator of a business shall not restrict any person from
2 lawfully possessing a firearm in a motor vehicle in possession of such person except a
3 motor vehicle owned or leased by such business.**

4 **2. Any individual may bring a civil cause of action to enforce this section.**

**537.787. 1. There is no duty upon the owners or operators of a business,
2 individually or collectively, or upon merchants or shopkeepers to guard against the
3 criminal act of a third party unless:**

4 (1) They know or have reason to know that acts are then occurring or are about to
5 occur on the premises that pose imminent probability of injury to a person; or

6 (2) The same or similar criminal acts have occurred on the premises within the
7 prior twenty-four months such that there is reasonable foreseeability that such action will
8 occur again.

9

10 **If either of these conditions are met, a duty of reasonable care to protect against such acts
11 shall arise.**

12 **2. A business is not to be regarded as the insurer of the safety of its customers and
13 has no absolute duty to implement security measures for the protection of its customers.
14 Any measures implemented shall be determined by considering both the magnitude of the
15 burden to the business in implementing security measures and the reasonable foreseeability
16 of the injury to be prevented.**

17 **3. Any person injured by the criminal conduct of another shall have the burden to
18 prove that the breach of the owner's duty created by this section caused or contributed to
19 cause any injury sustained as a result of the intentional or criminal act of any person.**

20 **4. In the case of past criminal activities, remedial action to provide protection to
21 customers shall not be admissible in evidence to show prior negligence or breach of a duty
22 of a business in any action against the business for damages.**

23 **5. An owner or operator of a business shall not be liable for any injury or damage
24 resulting from his or her compliance with section 537.786.**

**563.031. 1. A person may, subject to the provisions of subsection 2 of this section, use
2 physical force upon another person when and to the extent he or she reasonably believes such**

3 force to be necessary to defend himself or herself or a third person from what he or she
4 reasonably believes to be the use or imminent use of unlawful force by such other person, unless:

5 (1) The actor was the initial aggressor; except that in such case his or her use of force
6 is nevertheless justifiable provided:

7 (a) He or she has withdrawn from the encounter and effectively communicated such
8 withdrawal to such other person but the latter persists in continuing the incident by the use or
9 threatened use of unlawful force; or

10 (b) He or she is a law enforcement officer and as such is an aggressor pursuant to section
11 563.046; or

12 (c) The aggressor is justified under some other provision of this chapter or other
13 provision of law;

14 (2) Under the circumstances as the actor reasonably believes them to be, the person
15 whom he or she seeks to protect would not be justified in using such protective force;

16 (3) The actor was attempting to commit, committing, or escaping after the commission
17 of a forcible felony.

18 2. A person may not use deadly force upon another person under the circumstances
19 specified in subsection 1 of this section unless:

20 (1) He or she reasonably believes that such deadly force is necessary to protect himself,
21 or herself or her unborn child, or another against death, serious physical injury, or any forcible
22 felony;

23 (2) Such force is used against a person who unlawfully enters, remains after unlawfully
24 entering, or attempts to unlawfully enter a dwelling, residence, or vehicle lawfully occupied by
25 such person; or

26 (3) Such force is used against a person who unlawfully enters, remains after unlawfully
27 entering, or attempts to unlawfully enter private property that is owned or leased by an
28 individual, **or is occupied by an individual who has been given specific authority by the**
29 **property owner to occupy the property**, claiming a justification of using protective force under
30 this section.

31 3. A person does not have a duty to retreat from a dwelling, residence, or vehicle where
32 the person is not unlawfully entering or unlawfully remaining. A person does not have a duty
33 to retreat from private property that is owned or leased by such individual.

34 4. The justification afforded by this section extends to the use of physical restraint as
35 protective force provided that the actor takes all reasonable measures to terminate the restraint
36 as soon as it is reasonable to do so.

37 5. The defendant shall have the burden of injecting the issue of justification under this
38 section. If a defendant asserts that his or her use of force is described under subdivision (2) of

39 subsection 2 of this section, the burden shall then be on the state to prove beyond a reasonable
40 doubt that the defendant did not reasonably believe that the use of such force was necessary to
41 defend against what he or she reasonably believed was the use or imminent use of unlawful
42 force.

571.030. 1. A person commits the crime of unlawful use of weapons, **except as provided by sections 571.101 to 571.121**, if he or she knowingly:

3 (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or
4 any other weapon readily capable of lethal use **into any area where firearms are restricted**
5 **under section 571.107**; or

6 (2) Sets a spring gun; or

7 (3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft,
8 or motor vehicle as defined in section 302.010, or any building or structure used for the
9 assembling of people; or

10 (4) Exhibits, in the presence of one or more persons, any weapon readily capable of
11 lethal use in an angry or threatening manner; or

12 (5) Has a firearm or projectile weapon readily capable of lethal use on his or her person,
13 while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon
14 in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless
15 acting in self-defense; or

16 (6) Discharges a firearm within one hundred yards of any occupied schoolhouse,
17 courthouse, or church building; or

18 (7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or
19 across a public highway or discharges or shoots a firearm into any outbuilding; or

20 (8) Carries a firearm or any other weapon readily capable of lethal use into any church
21 or place where people have assembled for worship, or into any election precinct on any election
22 day, or into any building owned or occupied by any agency of the federal government, state
23 government, or political subdivision thereof; or

24 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section
25 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any
26 building or habitable structure, unless the person was lawfully acting in self-defense; or

27 (10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable
28 of lethal use into any school, onto any school bus, or onto the premises of any function or activity
29 sponsored or sanctioned by school officials or the district school board; or

30 (11) Possesses a firearm while also knowingly in possession of a controlled substance
31 that is sufficient for a felony violation of section 195.202[.]; **or**

32 **(12) Carries a firearm or any other weapon readily capable of lethal use into any**
33 **meeting of the governing body of a unit of local government; or any meeting of the general**
34 **assembly or a committee of the general assembly.**

35 2. Subdivisions (1), (8), [and] (10), **and (12)** of subsection 1 of this section shall not
36 apply to the persons described in this subsection, regardless of whether such uses are reasonably
37 associated with or are necessary to the fulfillment of such person's official duties except as
38 otherwise provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of
39 this section shall not apply to or affect any of the following persons, when such uses are
40 reasonably associated with or are necessary to the fulfillment of such person's official duties,
41 except as otherwise provided in this subsection:

42 (1) All state, county and municipal peace officers who have completed the training
43 required by the police officer standards and training commission pursuant to sections 590.030
44 to 590.050 and who possess the duty and power of arrest for violation of the general criminal
45 laws of the state or for violation of ordinances of counties or municipalities of the state, whether
46 such officers are on or off duty, and whether such officers are within or outside of the law
47 enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection
48 12 of this section, and who carry the identification defined in subsection 13 of this section, or
49 any person summoned by such officers to assist in making arrests or preserving the peace while
50 actually engaged in assisting such officer;

51 (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other
52 institutions for the detention of persons accused or convicted of crime;

53 (3) Members of the Armed Forces or National Guard while performing their official
54 duty;

55 (4) Those persons vested by Article V, Section 1 of the Constitution of Missouri with
56 the judicial power of the state and those persons vested by Article III of the Constitution of the
57 United States with the judicial power of the United States, the members of the federal judiciary;

58 (5) Any person whose bona fide duty is to execute process, civil or criminal;

59 (6) Any federal probation officer or federal flight deck officer as defined under the
60 federal flight deck officer program, 49 U.S.C. Section 44921, regardless of whether such officers
61 are on duty, or within the law enforcement agency's jurisdiction;

62 (7) Any state probation or parole officer, including supervisors and members of the
63 board of probation and parole;

64 (8) Any corporate security advisor meeting the definition and fulfilling the requirements
65 of the regulations established by the department of public safety under section 590.750;

66 (9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

67 (10) Any prosecuting attorney or assistant prosecuting attorney, circuit attorney or
68 assistant circuit attorney, or any person appointed by a court to be a special prosecutor who has
69 completed the firearms safety training course required under subsection 2 of section 571.111;

70 (11) Any member of a fire department or fire protection district who is employed on a
71 full-time basis as a fire investigator and who has a valid concealed carry endorsement issued
72 prior to August 28, 2013, or a valid concealed carry permit under section 571.111 when such
73 uses are reasonably associated with or are necessary to the fulfillment of such person's official
74 duties; and

75 (12) Upon the written approval of the governing body of a fire department or fire
76 protection district, any fire department or fire protection district [chief] **member** who is
77 employed on a full-time basis and who has a valid concealed carry endorsement issued prior to
78 August 28, 2013, or a valid concealed carry permit, when such uses are reasonably associated
79 with or are necessary to the fulfillment of such person's official duties.

80 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when
81 the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when
82 ammunition is not readily accessible or when such weapons are not readily accessible.
83 Subdivision (1) of subsection 1 of this section does not apply to any person nineteen years of age
84 or older or eighteen years of age or older and a member of the United States Armed Forces, or
85 honorably discharged from the United States Armed Forces, transporting a concealable firearm
86 in the passenger compartment of a motor vehicle, so long as such concealable firearm is
87 otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or
88 projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon
89 premises over which the actor has possession, authority or control, or is traveling in a continuous
90 journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not
91 apply if the firearm is otherwise lawfully possessed by a person while traversing school premises
92 for the purposes of transporting a student to or from school, or possessed by an adult for the
93 purposes of facilitation of a school-sanctioned firearm-related event or club event.

94 4. [Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any
95 person who has a valid concealed carry permit issued pursuant to sections 571.101 to 571.121,
96 a valid concealed carry endorsement issued before August 28, 2013, or a valid permit or
97 endorsement to carry concealed firearms issued by another state or political subdivision of
98 another state.

99 5.] Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section
100 shall not apply to persons who are engaged in a lawful act of defense pursuant to section
101 563.031.

102 [6.] 5. Notwithstanding any provision of this section to the contrary, the state shall not
103 prohibit any state employee from having a firearm in the employee's vehicle on the state's
104 property provided that the vehicle is locked and the firearm is not visible. This subsection shall
105 only apply to the state as an employer when the state employee's vehicle is on property owned
106 or leased by the state and the state employee is conducting activities within the scope of his or
107 her employment. For the purposes of this subsection, "state employee" means an employee of
108 the executive, legislative, or judicial branch of the government of the state of Missouri.

109 [7.] 6. Nothing in this section shall make it unlawful for a student to actually participate
110 in school-sanctioned gun safety courses, student military or ROTC courses, or other
111 school-sponsored or club-sponsored firearm-related events, provided the student does not carry
112 a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or
113 onto the premises of any other function or activity sponsored or sanctioned by school officials
114 or the district school board.

115 7. A person who commits the crime of unlawful use of weapons under:

116 (1) Subdivision (2), (3) or (4) of subsection 1 of this section shall be guilty of a class
117 D felony;

118 (2) Subdivision (1), (6), (7), (8), (11) or (12) of subsection 1 of this section shall be
119 guilty of a class B misdemeanor, except when a concealed weapon is carried onto any
120 private property whose owner has posted the premises as being off-limits to concealed
121 firearms by means of one or more signs displayed in a conspicuous place of a minimum size
122 of eleven inches by fourteen inches with the writing thereon in letters of not less than one
123 inch, in which case the penalties of subsection 2 of section 571.107 shall apply;

124 (3) Subdivision (5) or (10) of subsection 1 of this section shall be guilty of a class A
125 misdemeanor if the firearm is unloaded and a class D felony if the firearm is loaded;

126 (4) Subdivision (9) of subsection 1 of this section shall be guilty of a class B felony,
127 except that if the violation of subdivision (9) of subsection 1 of this section results in injury
128 or death to another person, it is a class A felony.

129 8. [Unlawful use of weapons is a class D felony unless committed pursuant to
130 subdivision (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B
131 misdemeanor, or subdivision (5) or (10) of subsection 1 of this section, in which case it is a class
132 A misdemeanor if the firearm is unloaded and a class D felony if the firearm is loaded, or
133 subdivision (9) of subsection 1 of this section, in which case it is a class B felony, except that
134 if the violation of subdivision (9) of subsection 1 of this section results in injury or death to
135 another person, it is a class A felony.

136 9.] Violations of subdivision (9) of subsection 1 of this section shall be punished as
137 follows:

138 (1) For the first violation a person shall be sentenced to the maximum authorized term
139 of imprisonment for a class B felony;

140 (2) For any violation by a prior offender as defined in section 558.016, a person shall be
141 sentenced to the maximum authorized term of imprisonment for a class B felony without the
142 possibility of parole, probation or conditional release for a term of ten years;

143 (3) For any violation by a persistent offender as defined in section 558.016, a person
144 shall be sentenced to the maximum authorized term of imprisonment for a class B felony without
145 the possibility of parole, probation, or conditional release;

146 (4) For any violation which results in injury or death to another person, a person shall
147 be sentenced to an authorized disposition for a class A felony.

148 [10.] **9.** Any person knowingly aiding or abetting any other person in the violation of
149 subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that
150 prescribed by this section for violations by other persons.

151 [11.] **10.** Notwithstanding any other provision of law, no person who pleads guilty to or
152 is found guilty of a felony violation of subsection 1 of this section shall receive a suspended
153 imposition of sentence if such person has previously received a suspended imposition of sentence
154 for any other firearms- or weapons-related felony offense.

155 [12.] **11.** As used in this section "qualified retired peace officer" means an individual
156 who:

157 (1) Retired in good standing from service with a public agency as a peace officer, other
158 than for reasons of mental instability;

159 (2) Before such retirement, was authorized by law to engage in or supervise the
160 prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any
161 violation of law, and had statutory powers of arrest;

162 (3) Before such retirement, was regularly employed as a peace officer for an aggregate
163 of fifteen years or more, or retired from service with such agency, after completing any
164 applicable probationary period of such service, due to a service-connected disability, as
165 determined by such agency;

166 (4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such
167 a plan is available;

168 (5) During the most recent twelve-month period, has met, at the expense of the
169 individual, the standards for training and qualification for active peace officers to carry firearms;

170 (6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or
171 substance; and

172 (7) Is not prohibited by federal law from receiving a firearm.

173 [13.] 12. The identification required by subdivision (1) of subsection 2 of this section
174 is:

175 (1) A photographic identification issued by the agency from which the individual retired
176 from service as a peace officer that indicates that the individual has, not less recently than one
177 year before the date the individual is carrying the concealed firearm, been tested or otherwise
178 found by the agency to meet the standards established by the agency for training and qualification
179 for active peace officers to carry a firearm of the same type as the concealed firearm; or

180 (2) A photographic identification issued by the agency from which the individual retired
181 from service as a peace officer; and

182 (3) A certification issued by the state in which the individual resides that indicates that
183 the individual has, not less recently than one year before the date the individual is carrying the
184 concealed firearm, been tested or otherwise found by the state to meet the standards established
185 by the state for training and qualification for active peace officers to carry a firearm of the same
186 type as the concealed firearm.

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

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

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

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

- 23 (b) Is a member of the Armed Forces stationed in Missouri, or the spouse of such
24 member of the military;
- 25 (2) Is at least nineteen years of age, or is at least eighteen years of age and a member of
26 the United States Armed Forces or honorably discharged from the United States Armed Forces,
27 and is a citizen of the United States and either:
- 28 (a) Has assumed residency in this state;
- 29 (b) Is a member of the Armed Forces stationed in Missouri; or
- 30 (c) The spouse of such member of the military stationed in Missouri and nineteen years
31 of age;
- 32 (3) Has not [pled guilty to or entered a plea of nolo contendere or] been convicted of a
33 crime punishable by imprisonment for a term exceeding one year under the laws of any state or
34 of the United States other than a crime classified as a misdemeanor under the laws of any state
35 and punishable by a term of imprisonment of two years or less that does not involve an explosive
36 weapon, firearm, firearm silencer or gas gun;
- 37 (4) Has not been convicted of, pled guilty to or entered a plea of nolo contendere to one
38 or more misdemeanor offenses involving crimes of violence within a five-year period
39 immediately preceding application for a concealed carry permit or if the applicant has not been
40 convicted of two or more misdemeanor offenses involving driving while under the influence of
41 intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-
42 year period immediately preceding application for a concealed carry permit;
- 43 (5) Is not a fugitive from justice or currently charged in an information or indictment
44 with the commission of a crime punishable by imprisonment for a term exceeding one year under
45 the laws of any state of the United States other than a crime classified as a misdemeanor under
46 the laws of any state and punishable by a term of imprisonment of two years or less that does not
47 involve an explosive weapon, firearm, firearm silencer, or gas gun;
- 48 (6) Has not been discharged under dishonorable conditions from the United States
49 Armed Forces;
- 50 (7) Has not engaged in a pattern of behavior, documented in public or closed records,
51 that causes the sheriff to have a reasonable belief that the applicant presents a danger to himself
52 or others;
- 53 (8) Is not adjudged mentally incompetent at the time of application or for five years prior
54 to application, or has not been committed to a mental health facility, as defined in section
55 632.005, or a similar institution located in another state following a hearing at which the
56 defendant was represented by counsel or a representative;
- 57 (9) Submits a completed application for a permit as described in subsection 3 of this
58 section;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

120 5. (1) Before an application for a concealed carry permit is approved, the sheriff shall
121 make only such inquiries as he or she deems necessary into the accuracy of the statements made
122 in the application. The sheriff may require that the applicant display a Missouri driver's license
123 or nondriver's license or military identification and orders showing the person being stationed
124 in Missouri. In order to determine the applicant's suitability for a concealed carry permit, the
125 applicant shall be fingerprinted. No other biometric data shall be collected from the applicant.
126 The sheriff shall conduct an inquiry of the National Instant Criminal Background Check System
127 within three working days after submission of the properly completed application for a concealed
128 carry permit. If no disqualifying record is identified by these checks at the state level, the
129 fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal
130 history record check. Upon receipt of the completed report from the National Instant Criminal

131 Background Check System and the response from the Federal Bureau of Investigation national
132 criminal history record check, the sheriff shall examine the results and, if no disqualifying
133 information is identified, shall issue a concealed carry permit within three working days.

134 (2) In the event the report from the National Instant Criminal Background Check System
135 and the response from the Federal Bureau of Investigation national criminal history record check
136 prescribed by subdivision (1) of this subsection are not completed within forty-five calendar days
137 and no disqualifying information concerning the applicant has otherwise come to the sheriff's
138 attention, the sheriff shall issue a provisional permit, clearly designated on the certificate as such,
139 which the applicant shall sign in the presence of the sheriff or the sheriff's designee. This permit,
140 when carried with a valid Missouri driver's or nondriver's license or a valid military
141 identification, shall permit the applicant to exercise the same rights in accordance with the same
142 conditions as pertain to a concealed carry permit issued under this section, provided that it shall
143 not serve as an alternative to an national instant criminal background check required by 18
144 U.S.C. Section 922(t). The provisional permit shall remain valid until such time as the sheriff
145 either issues or denies the certificate of qualification under subsection 6 or 7 of this section. The
146 sheriff shall revoke a provisional permit issued under this subsection within twenty-four hours
147 of receipt of any report that identifies a disqualifying record, and shall notify the concealed carry
148 permit system established under subsection 5 of section 650.350. The revocation of a
149 provisional permit issued under this section shall be proscribed in a manner consistent to the
150 denial and review of an application under subsection 6 of this section.

151 6. The sheriff may refuse to approve an application for a concealed carry permit if he or
152 she determines that any of the requirements specified in subsection 2 of this section have not
153 been met, or if he or she has a substantial and demonstrable reason to believe that the applicant
154 has rendered a false statement regarding any of the provisions of sections 571.101 to 571.121.
155 If the applicant is found to be ineligible, the sheriff is required to deny the application, and notify
156 the applicant in writing, stating the grounds for denial and informing the applicant of the right
157 to submit, within thirty days, any additional documentation relating to the grounds of the denial.
158 Upon receiving any additional documentation, the sheriff shall reconsider his or her decision and
159 inform the applicant within thirty days of the result of the reconsideration. The applicant shall
160 further be informed in writing of the right to appeal the denial pursuant to subsections 2, 3, 4,
161 and 5 of section 571.114. After two additional reviews and denials by the sheriff, the person
162 submitting the application shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of section
163 571.114.

164 7. If the application is approved, the sheriff shall issue a concealed carry permit to the
165 applicant within a period not to exceed three working days after his or her approval of the

166 application. The applicant shall sign the concealed carry permit in the presence of the sheriff or
167 his or her designee.

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

169 (1) Name, address, date of birth, gender, height, weight, color of hair, color of eyes, and
170 signature of the permit holder;

171 (2) The signature of the sheriff issuing the permit;

172 (3) The date of issuance; and

173 (4) The expiration date.

174

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

179 9. (1) The sheriff shall keep a record of all applications for a concealed carry permit or
180 a provisional permit and his or her action thereon. Any record of an application that is
181 incomplete or denied for any reason shall be kept for a period not to exceed one year. Any
182 record of an application that was approved shall be kept for a period of one year after the
183 expiration and nonrenewal of the permit.

184 (2) The sheriff shall report the issuance of a concealed carry permit or provisional permit
185 to the concealed carry permit system. All information on any such permit that is protected
186 information on any driver's or nondriver's license shall have the same personal protection for
187 purposes of sections 571.101 to 571.121. An applicant's status as a holder of a concealed carry
188 permit, provisional permit, or a concealed carry endorsement issued prior to August 28, 2013,
189 shall not be public information and shall be considered personal protected information.
190 Information retained in the concealed carry permit system under this subsection shall not be
191 distributed to any federal, state, or private entities and shall only be made available for a single
192 entry query of an individual in the event the individual is a subject of interest in an active
193 criminal investigation or is arrested for a crime. A sheriff may access the concealed carry permit
194 system for administrative purposes to issue a permit, verify the accuracy of permit holder
195 information, change the name or address of a permit holder, suspend or revoke a permit, cancel
196 an expired permit, or cancel a permit upon receipt of a certified death certificate for the permit
197 holder. Any person who violates the provisions of this subdivision by disclosing protected
198 information shall be guilty of a class A misdemeanor.

199 10. Information regarding any holder of a concealed carry permit, or a concealed carry
200 endorsement issued prior to August 28, 2013, is a closed record. No bulk download or batch
201 data shall be distributed to any federal, state, or private entity, except to MoSMART or a

202 designee thereof. Any state agency that has retained any documents or records, including
203 fingerprint records provided by an applicant for a concealed carry endorsement prior to August
204 28, 2013, shall destroy such documents or records, upon successful issuance of a permit.

205 11. For processing an application for a concealed carry permit pursuant to sections
206 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed one
207 hundred dollars which shall be paid to the treasury of the county to the credit of the sheriff's
208 revolving fund.

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

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

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

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