

SECOND REGULAR SESSION

# HOUSE BILL NO. 2442

## 101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DAVIS.

4157H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To repeal sections 21.750, 571.030, 571.070, 571.101, and 571.107, RSMo, and to enact in lieu thereof five new sections relating to firearms, with penalty provisions.

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

Section A. Sections 21.750, 571.030, 571.070, 571.101, and 571.107, RSMo, are  
2 repealed and five new sections enacted in lieu thereof, to be known as sections 21.750,  
3 571.030, 571.070, 571.101, and 571.107, to read as follows:

21.750. 1. The general assembly hereby occupies and preempts the entire field of  
2 legislation touching in any way firearms, components, ammunition and supplies to the  
3 complete exclusion of any order, ordinance or regulation by any political subdivision of this  
4 state. Any existing or future orders, ordinances or regulations in this field are hereby and  
5 shall be null and void [~~except as provided in subsection 3 of this section~~].

6 2. No county, city, town, village, municipality, or other political subdivision of this  
7 state shall adopt any order, ordinance or regulation concerning in any way the sale, purchase,  
8 purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation,  
9 licensing, permit, registration, taxation other than sales and compensating use taxes or other  
10 controls on firearms, components, ammunition, and supplies [~~except as provided in  
11 subsection 3 of this section~~].

12 3. [~~(1) Except as provided in subdivision (2) of this subsection, nothing contained in  
13 this section shall prohibit any ordinance of any political subdivision which conforms exactly  
14 with any of the provisions of sections 571.010 to 571.070, with appropriate penalty  
15 provisions, or which regulates the open carrying of firearms readily capable of lethal use or  
16 the discharge of firearms within a jurisdiction, provided such ordinance complies with the~~]

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.

17 ~~provisions of section 252.243. No ordinance shall be construed to preclude the use of a~~  
18 ~~firearm in the defense of person or property, subject to the provisions of chapter 563.~~

19 ~~(2) In any jurisdiction in which the open carrying of firearms is prohibited by~~  
20 ~~ordinance, the open carrying of firearms shall not be prohibited in accordance with the~~  
21 ~~following:~~

22 ~~(a) Any person with a valid concealed carry endorsement or permit who is open~~  
23 ~~carrying a firearm shall be required to have a valid concealed carry endorsement or permit~~  
24 ~~from this state, or a permit from another state that is recognized by this state, in his or her~~  
25 ~~possession at all times;~~

26 ~~(b) Any person open carrying a firearm in such jurisdiction shall display his or her~~  
27 ~~concealed carry endorsement or permit upon demand of a law enforcement officer;~~

28 ~~(c) In the absence of any reasonable and articulable suspicion of criminal activity, no~~  
29 ~~person carrying a concealed or unconcealed firearm shall be disarmed or physically restrained~~  
30 ~~by a law enforcement officer unless under arrest; and~~

31 ~~(d) Any person who violates this subdivision shall be subject to the penalty provided~~  
32 ~~in section 571.121.~~

33 ~~4.]~~ The lawful design, marketing, manufacture, distribution, or sale of firearms or  
34 ammunition to the public is not an abnormally dangerous activity and does not constitute a  
35 public or private nuisance.

36 ~~[5.]~~ 4. No county, city, town, village or any other political subdivision nor the state  
37 shall bring suit or have any right to recover against any firearms or ammunition manufacturer,  
38 trade association or dealer for damages, abatement or injunctive relief resulting from or  
39 relating to the lawful design, manufacture, marketing, distribution, or sale of firearms or  
40 ammunition to the public. This subsection shall apply to any suit pending as of October 12,  
41 2003, as well as any suit which may be brought in the future. Provided, however, that nothing  
42 in this section shall restrict the rights of individual citizens to recover for injury or death  
43 caused by the negligent or defective design or manufacture of firearms or ammunition.

44 ~~[6.]~~ 5. Nothing in this section shall prevent the state, a county, city, town, village or  
45 any other political subdivision from bringing an action against a firearms or ammunition  
46 manufacturer or dealer for breach of contract or warranty as to firearms or ammunition  
47 purchased by the state or such political subdivision.

571.030. 1. A person commits the offense of unlawful use of weapons, except as  
2 otherwise 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~~  
4 ~~or 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)]~~ **(2)** Discharges or shoots a firearm into a dwelling house, a railroad train, boat,  
8 aircraft, or motor vehicle as defined in section 302.010, or any building or structure used for  
9 the assembling of people; or

10           ~~[(4)]~~ **(3)** Exhibits, in the presence of one or more persons, any weapon readily capable  
11 of lethal use in an angry or threatening manner; or

12           ~~[(5)]~~ **(4)** Has a firearm or projectile weapon readily capable of lethal use on his or her  
13 person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile  
14 weapon in either a negligent or unlawful manner or discharges such firearm or projectile  
15 weapon unless acting in self-defense; or

16           ~~[(6)]~~ **(5)** Discharges a firearm within one hundred yards of any occupied schoolhouse,  
17 courthouse, or church building; or

18           ~~[(7)]~~ **(6)** Discharges or shoots a firearm at a mark, at any object, or at random, on,  
19 along or across a public highway or discharges or shoots a firearm into any outbuilding; or

20           ~~[(8)]~~ **(7)** Carries a firearm or any other weapon readily capable of lethal use into any  
21 church or place where people have assembled for worship, or into any election precinct on  
22 any election day, or into any building owned or occupied by any agency of the federal  
23 government, state government, or political subdivision thereof; or

24           ~~[(9)]~~ **(8)** Discharges or shoots a firearm at or from a motor vehicle, as defined in  
25 section 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle,  
26 or at any building or habitable structure, unless the person was lawfully acting in self-defense;  
27 or

28           ~~[(10)]~~ **(9)** Carries a firearm, whether loaded or unloaded, or any other weapon readily  
29 capable of lethal use into any school, onto any school bus, or onto the premises of any  
30 function or activity sponsored or sanctioned by school officials or the district school board; or

31           ~~[(11)]~~ **(10)** Possesses a firearm while also knowingly in possession of a controlled  
32 substance that is sufficient for a felony violation of section 579.015.

33           2. Subdivisions ~~[(1), (8), and (10)]~~ **(9) and (11)** of subsection 1 of this section shall  
34 not apply to the persons described in this subsection, regardless of whether such uses are  
35 reasonably associated with or are necessary to the fulfillment of such person's official duties  
36 except as otherwise provided in this subsection. Subdivisions ~~[(3), (4), (6), (7), and (9)]~~ **(4),**  
37 **(5), (7), (8), and (10)** of subsection 1 of this section shall not apply to or affect any of the  
38 following persons, when such uses are reasonably associated with or are necessary to the  
39 fulfillment of such person's official duties, except as otherwise provided in this subsection:

40           (1) All state, county and municipal peace officers who have completed the training  
41 required by the police officer standards and training commission pursuant to sections 590.030  
42 to 590.050 and who possess the duty and power of arrest for violation of the general criminal  
43 laws of the state or for violation of ordinances of counties or municipalities of the state,

44 whether such officers are on or off duty, and whether such officers are within or outside of the  
45 law enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in  
46 subsection 12 of this section, and who carry the identification defined in subsection 13 of this  
47 section, or any person summoned by such officers to assist in making arrests or preserving the  
48 peace while actually engaged in assisting such officer;

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

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

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

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

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

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

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

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

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

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

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

81           3. Subdivisions [~~(1), (5), (8), and (10)~~] **(6), (9), and (11)** of subsection 1 of this  
82 section do not apply when the actor is transporting such weapons in a nonfunctioning state or  
83 in an unloaded state when ammunition is not readily accessible or when such weapons are not  
84 readily accessible. [~~Subdivision (1) of subsection 1 of this section does not apply to any~~  
85 ~~person nineteen years of age or older or eighteen years of age or older and a member of the~~  
86 ~~United States Armed Forces, or honorably discharged from the United States Armed Forces,~~  
87 ~~transporting a concealable firearm in the passenger compartment of a motor vehicle, so long~~  
88 ~~as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in~~  
89 ~~possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in~~  
90 ~~his or her dwelling unit or upon premises over which the actor has possession, authority or~~  
91 ~~control, or is traveling in a continuous journey peaceably through this state]. Subdivision  
92 [~~(10)~~] **(11)** of subsection 1 of this section does not apply if the firearm is otherwise lawfully  
93 possessed by a person while traversing school premises for the purposes of transporting a  
94 student to or from school, or possessed by an adult for the purposes of facilitation of a school-  
95 sanctioned firearm-related event or club event.~~

96           4. Subdivisions [~~(1), (8), and (10)~~] **(9) and (11)** of subsection 1 of this section shall  
97 not apply to any person who has a valid concealed carry permit issued pursuant to sections  
98 571.101 to 571.121, a valid concealed carry endorsement issued before August 28, 2013, or a  
99 valid permit or endorsement to carry concealed firearms issued by another state or political  
100 subdivision of another state.

101           5. Subdivisions [~~(3),~~] (4), (5), (6), (7), (8), (9), [~~and~~](10), **and (11)** of subsection 1 of  
102 this section shall not apply to persons who are engaged in a lawful act of defense pursuant to  
103 section 563.031.

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

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

118 8. A person who commits the crime of unlawful use of weapons under:

119 (1) Subdivision ~~[(2);~~ (3), (4), **(5)**, or (11) of subsection 1 of this section shall be  
120 guilty of a class E felony;

121 (2) Subdivision ~~[(1), (6);~~ (7)~~], or~~ , (8), **or (9)** of subsection 1 of this section shall be  
122 guilty of a class B misdemeanor, ~~[except when a concealed weapon is carried onto any private~~  
123 ~~property whose owner has posted the premises as being off limits to concealed firearms by~~  
124 ~~means of one or more signs displayed in a conspicuous place of a minimum size of eleven~~  
125 ~~inches by fourteen inches with the writing thereon in letters of not less than one inch, in which~~  
126 ~~case the penalties of subsection 2 of section 571.107 shall apply];~~

127 (3) Subdivision ~~[(5) or (10)]~~ **(6) or (11)** of subsection 1 of this section shall be guilty  
128 of a class A misdemeanor if the firearm is unloaded and a class E felony if the firearm is  
129 loaded;

130 (4) Subdivision ~~[(9)]~~ **(10)** of subsection 1 of this section shall be guilty of a class B  
131 felony, except that if the violation of subdivision ~~[(9)]~~ **(10)** of subsection 1 of this section  
132 results in injury or death to another person, it is a class A felony.

133 9. Violations of subdivision ~~[(9)]~~ **(10)** of subsection 1 of this section shall be punished  
134 as follows:

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

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

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

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

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

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

152 12. As used in this section "qualified retired peace officer" means an individual who:

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

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

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

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

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

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

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

170 13. The identification required by subdivision (1) of subsection 2 of this section is:

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

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

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

571.070. 1. A person commits the offense of unlawful possession of a firearm if such  
2 person knowingly has any firearm in his or her possession and:

3 (1) Such person has been convicted of a **dangerous** felony under the laws of this state  
4 [;] or of a crime under the laws of any state or of the United States [~~which~~] **that**, if committed  
5 within this state, would be a **dangerous** felony; [~~or~~]

6 (2) **Such person is on probation or parole for an offense that is a felony under the**  
7 **laws of this state or for a crime under the laws of any state or the United States that, if**

8 committed within this state, would be a felony, regardless of whether the offense is a  
9 dangerous felony; or

10 (3) Such person is a fugitive from justice, is habitually in an intoxicated or drugged  
11 condition, or is currently adjudged mentally incompetent.

12

13 For purposes of this section, a "dangerous felony" has the same meaning as defined  
14 under section 556.061.

15 2. Unlawful possession of a firearm is a class D felony, unless a person has been  
16 convicted of a dangerous felony as defined in section 556.061, in which case it is a class C  
17 felony.

18 3. The provisions of subdivision (1) of subsection 1 of this section shall not apply to  
19 the possession of an antique firearm.

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

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

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

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

25 (2) ~~Is at least nineteen years of age, or is at least eighteen years of age and a member~~  
26 ~~of the United States Armed Forces or honorably discharged from the United States Armed~~  
27 ~~Forces, 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~~  
31 ~~years 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  
34 or of the United States other than a crime classified as a misdemeanor under the laws of any  
35 state and punishable by a term of imprisonment of two years or less that does not involve an  
36 explosive weapon, firearm, firearm silencer or gas gun;

37 (4) (3) Has not been convicted of, pled guilty to or entered a plea of nolo contendere  
38 to one 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  
40 been convicted of two or more misdemeanor offenses involving driving while under the  
41 influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance  
42 within a five-year period immediately preceding application for a concealed carry permit;

43 (5) (4) Is not a fugitive from justice or currently charged in an information or  
44 indictment with the commission of a crime punishable by imprisonment for a term exceeding  
45 one year under the laws of any state of the United States other than a crime classified as a  
46 misdemeanor under the laws of any state and punishable by a term of imprisonment of two  
47 years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

48 (6) (5) Has not been discharged under dishonorable conditions from the United  
49 States Armed Forces;

50 (7) (6) Has not engaged in a pattern of behavior, documented in public or closed  
51 records, that causes the sheriff to have a reasonable belief that the applicant presents a danger  
52 to himself or others;

53 (8) (7) Is not adjudged mentally incompetent at the time of application or for five  
54 years prior to application, or has not been committed to a mental health facility, as defined in  
55 section 632.005, or a similar institution located in another state following a hearing at which  
56 the defendant was represented by counsel or a representative;

57 (9) (8) Submits a completed application for a permit as described in subsection 3 of  
58 this section;

59 (10) (9) Submits an affidavit attesting that the applicant complies with the  
60 concealed carry safety training requirement pursuant to subsections 1 and 2 of section  
61 571.111;

62           ~~[(11)]~~ **(10)** Is not the respondent of a valid full order of protection which is still in  
63 effect;

64           ~~[(12)]~~ **(11)** Is not otherwise prohibited from possessing a firearm under section  
65 571.070 or 18 U.S.C. Section 922(g).

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

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

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

75           (3) An affirmation that the applicant is at least ~~[nineteen]~~ **eighteen** years of age ~~[or is~~  
76 ~~eighteen years of age or older and a member of the United States Armed Forces or honorably~~  
77 ~~discharged from the United States Armed Forces];~~

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

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

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

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

98 (8) An affirmation that the applicant is not adjudged mentally incompetent at the time  
99 of application or for five years prior to application, or has not been committed to a mental  
100 health facility, as defined in section 632.005, or a similar institution located in another state,  
101 except that a person whose release or discharge from a facility in this state pursuant to chapter  
102 632, or a similar discharge from a facility in another state, occurred more than five years ago  
103 without subsequent recommitment may apply;

104 (9) An affirmation that the applicant has received firearms safety training that meets  
105 the standards of applicant firearms safety training defined in subsection 1 or 2 of section  
106 571.111;

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

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

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

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

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

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

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

135 Investigation for a national criminal history record check. Upon receipt of the completed  
136 report from the National Instant Criminal Background Check System and the response from  
137 the Federal Bureau of Investigation national criminal history record check, the sheriff shall  
138 examine the results and, if no disqualifying information is identified, shall issue a concealed  
139 carry permit within three working days.

140 (2) In the event the report from the National Instant Criminal Background Check  
141 System and the response from the Federal Bureau of Investigation national criminal history  
142 record check prescribed by subdivision (1) of this subsection are not completed within forty-  
143 five calendar days and no disqualifying information concerning the applicant has otherwise  
144 come to the sheriff's attention, the sheriff shall issue a provisional permit, clearly designated  
145 on the certificate as such, which the applicant shall sign in the presence of the sheriff or the  
146 sheriff's designee. This permit, when carried with a valid Missouri driver's or nondriver's  
147 license or a valid military identification, shall permit the applicant to exercise the same rights  
148 in accordance with the same conditions as pertain to a concealed carry permit issued under  
149 this section, provided that it shall not serve as an alternative to an national instant criminal  
150 background check required by 18 U.S.C. Section 922(t). The provisional permit shall remain  
151 valid until such time as the sheriff either issues or denies the certificate of qualification under  
152 subsection 6 or 7 of this section. The sheriff shall revoke a provisional permit issued under  
153 this subsection within twenty-four hours of receipt of any report that identifies a disqualifying  
154 record, and shall notify the concealed carry permit system established under subsection 5 of  
155 section 650.350. The revocation of a provisional permit issued under this section shall be  
156 proscribed in a manner consistent to the denial and review of an application under subsection  
157 6 of this section.

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

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

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

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

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

179           (3) The date of issuance; and

180           (4) The expiration date.

181

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

186           9. (1) The sheriff shall keep a record of all applications for a concealed carry permit  
187 or a provisional permit and his or her action thereon. Any record of an application that is  
188 incomplete or denied for any reason shall be kept for a period not to exceed one year. Any  
189 record of an application that was approved shall be kept for a period of one year after the  
190 expiration and nonrenewal of the permit.

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

206           10. Information regarding any holder of a concealed carry permit, or a concealed  
207 carry endorsement issued prior to August 28, 2013, is a closed record. No bulk download or

208 batch data shall be distributed to any federal, state, or private entity, except to MoSMART or a  
209 designee thereof. Any state agency that has retained any documents or records, including  
210 fingerprint records provided by an applicant for a concealed carry endorsement prior to  
211 August 28, 2013, shall destroy such documents or records, upon successful issuance of a  
212 permit.

213 11. For processing an application for a concealed carry permit pursuant to sections  
214 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed  
215 one hundred dollars which shall be paid to the treasury of the county to the credit of the  
216 sheriff's revolving fund. This fee shall include the cost to reimburse the Missouri state  
217 highway patrol for the costs of fingerprinting and criminal background checks. An additional  
218 fee shall be added to each credit card, debit card, or other electronic transaction equal to the  
219 charge paid by the state or the applicant for the use of the credit card, debit card, or other  
220 electronic payment method by the applicant.

221 12. For processing a renewal for a concealed carry permit pursuant to sections  
222 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed  
223 fifty dollars which shall be paid to the treasury of the county to the credit of the sheriff's  
224 revolving fund.

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

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

571.107. 1. A concealed carry permit issued pursuant to sections 571.101 to 571.121,  
2 a valid concealed carry endorsement issued prior to August 28, 2013, or a concealed carry  
3 endorsement or permit issued by another state or political subdivision of another state shall  
4 authorize the person in whose name the permit or endorsement is issued to carry concealed  
5 firearms on or about his or her person or vehicle throughout the state. No concealed carry  
6 permit issued pursuant to sections 571.101 to 571.121, valid concealed carry endorsement  
7 issued prior to August 28, 2013, or a concealed carry endorsement or permit issued by another  
8 state or political subdivision of another state shall authorize any person to carry concealed  
9 firearms into:

10 (1) ~~[Any police, sheriff, or highway patrol office or station without the consent of the~~  
11 ~~chief law enforcement officer in charge of that office or station. Possession of a firearm in a~~

12 ~~vehicle on the premises of the office or station shall not be a criminal offense so long as the~~  
13 ~~firearm is not removed from the vehicle or brandished while the vehicle is on the premises;~~

14 ~~(2) Within twenty five feet of any polling place on any election day. Possession of a~~  
15 ~~firearm in a vehicle on the premises of the polling place shall not be a criminal offense so~~  
16 ~~long as the firearm is not removed from the vehicle or brandished while the vehicle is on the~~  
17 ~~premises;~~

18 ~~(3) The facility of any adult or juvenile detention or correctional institution, prison or~~  
19 ~~jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention, or~~  
20 ~~correctional institution, prison or jail shall not be a criminal offense so long as the firearm is~~  
21 ~~not removed from the vehicle or brandished while the vehicle is on the premises;~~

22 ~~(4) Any courthouse solely occupied by the circuit, appellate or supreme court, or any~~  
23 ~~courtrooms, administrative offices, libraries or other rooms of any such court whether or not~~  
24 ~~such court solely occupies the building in question. This subdivision shall also include, but~~  
25 ~~not be limited to, any juvenile, family, drug, or other court offices, any room or office wherein~~  
26 ~~any of the courts or offices listed in this subdivision are temporarily conducting any business~~  
27 ~~within the jurisdiction of such courts or offices, and such other locations in such manner as~~  
28 ~~may be specified by supreme court rule pursuant to subdivision (6) of this subsection.~~  
29 ~~Nothing in this subdivision shall preclude those persons listed in subdivision (1) of subsection~~  
30 ~~2 of section 571.030 while within their jurisdiction and on duty, those persons listed in~~  
31 ~~subdivisions (2), (4), and (10) of subsection 2 of section 571.030, or such other persons who~~  
32 ~~serve in a law enforcement capacity for a court as may be specified by supreme court rule~~  
33 ~~pursuant to subdivision (6) of this subsection from carrying a concealed firearm within any of~~  
34 ~~the areas described in this subdivision. Possession of a firearm in a vehicle on the premises of~~  
35 ~~any of the areas listed in this subdivision shall not be a criminal offense so long as the firearm~~  
36 ~~is not removed from the vehicle or brandished while the vehicle is on the premises;~~

37 ~~(5) Any meeting of the governing body of a unit of local government; or any meeting~~  
38 ~~of the general assembly or a committee of the general assembly, except that nothing in this~~  
39 ~~subdivision shall preclude a member of the body holding a valid concealed carry permit or~~  
40 ~~endorsement from carrying a concealed firearm at a meeting of the body which he or she is a~~  
41 ~~member. Possession of a firearm in a vehicle on the premises shall not be a criminal offense~~  
42 ~~so long as the firearm is not removed from the vehicle or brandished while the vehicle is on~~  
43 ~~the premises. Nothing in this subdivision shall preclude a member of the general assembly, a~~  
44 ~~full-time employee of the general assembly employed under Section 17, Article III,~~  
45 ~~Constitution of Missouri, legislative employees of the general assembly as determined under~~  
46 ~~section 21.155, or statewide elected officials and their employees, holding a valid concealed~~  
47 ~~carry permit or endorsement, from carrying a concealed firearm in the state capitol building~~

48 or at a meeting whether of the full body of a house of the general assembly or a committee  
49 thereof, that is held in the state capitol building;

50 ~~(6) The general assembly, supreme court, county or municipality may by rule,~~  
51 ~~administrative regulation, or ordinance prohibit or limit the carrying of concealed firearms by~~  
52 ~~permit or endorsement holders in that portion of a building owned, leased or controlled by~~  
53 ~~that unit of government. Any portion of a building in which the carrying of concealed~~  
54 ~~firearms is prohibited or limited shall be clearly identified by signs posted at the entrance to~~  
55 ~~the restricted area. The statute, rule or ordinance shall exempt any building used for public~~  
56 ~~housing by private persons, highways or rest areas, firing ranges, and private dwellings~~  
57 ~~owned, leased, or controlled by that unit of government from any restriction on the carrying~~  
58 ~~or possession of a firearm. The statute, rule or ordinance shall not specify any criminal~~  
59 ~~penalty for its violation but may specify that persons violating the statute, rule or ordinance~~  
60 ~~may be denied entrance to the building, ordered to leave the building and if employees of the~~  
61 ~~unit of government, be subjected to disciplinary measures for violation of the provisions of~~  
62 ~~the statute, rule or ordinance. The provisions of this subdivision shall not apply to any other~~  
63 ~~unit of government;~~

64 ~~(7)~~ Any establishment licensed to dispense intoxicating liquor for consumption on  
65 the premises, which portion is primarily devoted to that purpose, without the consent of the  
66 owner or manager. The provisions of this subdivision shall not apply to the licensee of said  
67 establishment. The provisions of this subdivision shall not apply to any bona fide restaurant  
68 open to the general public having dining facilities for not less than fifty persons and that  
69 receives at least fifty-one percent of its gross annual income from the dining facilities by the  
70 sale of food. This subdivision does not prohibit the possession of a firearm in a vehicle on the  
71 premises of the establishment and shall not be a criminal offense so long as the firearm is not  
72 removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this  
73 subdivision authorizes any individual who has been issued a concealed carry permit or  
74 endorsement to possess any firearm while intoxicated;

75 ~~[(8)]~~ (2) Any area of an airport to which access is controlled by the inspection of  
76 persons and property. Possession of a firearm in a vehicle on the premises of the airport shall  
77 not be a criminal offense so long as the firearm is not removed from the vehicle or brandished  
78 while the vehicle is on the premises;

79 ~~[(9)]~~ (3) Any place where the carrying of a firearm is prohibited by federal law;

80 ~~[(10)]~~ Any higher education institution or elementary or secondary school facility  
81 without the consent of the governing body of the higher education institution or a school  
82 official or the district school board, unless the person with the concealed carry endorsement or  
83 permit is a teacher or administrator of an elementary or secondary school who has been  
84 designated by his or her school district as a school protection officer and is carrying a firearm

85 ~~in a school within that district, in which case no consent is required. Possession of a firearm~~  
86 ~~in a vehicle on the premises of any higher education institution or elementary or secondary~~  
87 ~~school facility shall not be a criminal offense so long as the firearm is not removed from the~~  
88 ~~vehicle or brandished while the vehicle is on the premises;~~

89 ~~(11) Any portion of a building used as a child care facility without the consent of the~~  
90 ~~manager. Nothing in this subdivision shall prevent the operator of a child care facility in a~~  
91 ~~family home from owning or possessing a firearm or a concealed carry permit or~~  
92 ~~endorsement;~~

93 ~~(12) Any riverboat gambling operation accessible by the public without the consent~~  
94 ~~of the owner or manager pursuant to rules promulgated by the gaming commission.~~  
95 ~~Possession of a firearm in a vehicle on the premises of a riverboat gambling operation shall~~  
96 ~~not be a criminal offense so long as the firearm is not removed from the vehicle or brandished~~  
97 ~~while the vehicle is on the premises;~~

98 ~~(13) Any gated area of an amusement park. Possession of a firearm in a vehicle on~~  
99 ~~the premises of the amusement park shall not be a criminal offense so long as the firearm is~~  
100 ~~not removed from the vehicle or brandished while the vehicle is on the premises;~~

101 ~~(14) Any church or other place of religious worship without the consent of the~~  
102 ~~minister or person or persons representing the religious organization that exercises control~~  
103 ~~over the place of religious worship. Possession of a firearm in a vehicle on the premises shall~~  
104 ~~not be a criminal offense so long as the firearm is not removed from the vehicle or brandished~~  
105 ~~while the vehicle is on the premises;~~

106 ~~(15)]~~ **(4)** Any private property whose owner has posted the premises as being off-  
107 limits to concealed firearms by means of one or more signs displayed in a conspicuous place  
108 of a minimum size of eleven inches by fourteen inches with the writing thereon in letters of  
109 not less than one inch. The owner, business or commercial lessee, manager of a private  
110 business enterprise, or any other organization, entity, or person may prohibit persons holding  
111 a concealed carry permit or endorsement from carrying concealed firearms on the premises  
112 and may prohibit employees, not authorized by the employer, holding a concealed carry  
113 permit or endorsement from carrying concealed firearms on the property of the employer. If  
114 the building or the premises are open to the public, the employer of the business enterprise  
115 shall post signs on or about the premises if carrying a concealed firearm is prohibited.  
116 **Churches or other places of worship, amusement parks, childcare facilities, private**  
117 **educational institutions of any kind, privately owned sports arenas or stadiums, and**  
118 **private hospitals are authorized to prohibit firearms on their private property by**  
119 **complying with the requirements of this section.** Possession of a firearm in a vehicle on  
120 the premises shall not be a criminal offense so long as the firearm is not removed from the  
121 vehicle or brandished while the vehicle is on the premises. An employer may prohibit

122 employees or other persons holding a concealed carry permit or endorsement from carrying a  
123 concealed firearm in vehicles owned by the employer[;

124 ~~(16) Any sports arena or stadium with a seating capacity of five thousand or more.~~  
125 ~~Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as~~  
126 ~~the firearm is not removed from the vehicle or brandished while the vehicle is on the~~  
127 ~~premises;~~

128 ~~(17) Any hospital accessible by the public. Possession of a firearm in a vehicle on the~~  
129 ~~premises of a hospital shall not be a criminal offense so long as the firearm is not removed~~  
130 ~~from the vehicle or brandished while the vehicle is on the premises].~~

131 2. Carrying of a concealed firearm in a location specified in subdivisions (1) to ~~[(17)]~~  
132 ~~(4)~~ of subsection 1 of this section by any individual who holds a concealed carry permit  
133 issued pursuant to sections 571.101 to 571.121, or a concealed carry endorsement issued prior  
134 to August 28, 2013, shall not be a criminal act but may subject the person to denial to the  
135 premises or removal from the premises. If such person refuses to leave the premises and a  
136 peace officer is summoned, such person may be issued a citation for an amount not to exceed  
137 one hundred dollars for the first offense. If a second citation for a similar violation occurs  
138 within a six-month period, such person shall be fined an amount not to exceed two hundred  
139 dollars and his or her permit, and, if applicable, endorsement to carry concealed firearms shall  
140 be suspended for a period of one year. If a third citation for a similar violation is issued  
141 within one year of the first citation, such person shall be fined an amount not to exceed five  
142 hundred dollars and shall have his or her concealed carry permit, and, if applicable,  
143 endorsement revoked and such person shall not be eligible for a concealed carry permit for a  
144 period of three years. Upon conviction of charges arising from a citation issued pursuant to  
145 this subsection, the court shall notify the sheriff of the county which issued the concealed  
146 carry permit, or, if the person is a holder of a concealed carry endorsement issued prior to  
147 August 28, 2013, the court shall notify the sheriff of the county which issued the certificate of  
148 qualification for a concealed carry endorsement and the department of revenue. The sheriff  
149 shall suspend or revoke the concealed carry permit or, if applicable, the certificate of  
150 qualification for a concealed carry endorsement. If the person holds an endorsement, the  
151 department of revenue shall issue a notice of such suspension or revocation of the concealed  
152 carry endorsement and take action to remove the concealed carry endorsement from the  
153 individual's driving record. The director of revenue shall notify the licensee that he or she  
154 must apply for a new license pursuant to chapter 302 which does not contain such  
155 endorsement. The notice issued by the department of revenue shall be mailed to the last  
156 known address shown on the individual's driving record. The notice is deemed received three  
157 days after mailing.