

FIRST REGULAR SESSION

SENATE BILL NO. 568

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR WHITE.

2224S.01H

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 571.101 and 571.111, RSMo, and to enact in lieu thereof two new sections relating to concealed carry permits, with existing penalty provisions.

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

Section A. Sections 571.101 and 571.111, RSMo, are
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 571.101 and 571.111, to read as follows:

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

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

19 dealers. A concealed carry endorsement issued prior to
20 August 28, 2013, shall continue from the date of issuance or
21 renewal until three years from the last day of the month in
22 which the endorsement was issued or renewed to authorize the
23 carrying of a concealed firearm on or about the applicant's
24 person or within a vehicle in the same manner as a concealed
25 carry permit issued under subsection 7 of this section on or
26 after August 28, 2013.

27 2. A concealed carry permit issued pursuant to
28 subsection 7 of this section shall be issued by the sheriff
29 or his or her designee of the county or city in which the
30 applicant resides, **or in the county or city in which the**
31 **applicant's qualified firearm safety instructor resides**, if
32 the applicant:

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

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

36 (b) Is a member of the Armed Forces stationed in
37 Missouri, or the spouse of such member of the military];

38 (2) Is at least nineteen years of age, or is at least
39 eighteen years of age and a member of the United States
40 Armed Forces or honorably discharged from the United States
41 Armed Forces, and is a citizen of the United States[and
42 either:

43 (a) Has assumed residency in this state;

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

46 (c) The spouse of such member of the military
47 stationed in Missouri and nineteen years of age];

48 (3) Has not pled guilty to or entered a plea of nolo
49 contendere or been convicted of a crime punishable by
50 imprisonment for a term exceeding one year under the laws of

51 any state or of the United States other than a crime
52 classified as a misdemeanor under the laws of any state and
53 punishable by a term of imprisonment of two years or less
54 that does not involve an explosive weapon, firearm, firearm
55 silencer or gas gun;

56 (4) Has not been convicted of, pled guilty to or
57 entered a plea of nolo contendere to one or more misdemeanor
58 offenses involving crimes of violence within a five-year
59 period immediately preceding application for a concealed
60 carry permit or if the applicant has not been convicted of
61 two or more misdemeanor offenses involving driving while
62 under the influence of intoxicating liquor or drugs or the
63 possession or abuse of a controlled substance within a five-
64 year period immediately preceding application for a
65 concealed carry permit;

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

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

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

80 (8) Is not adjudged mentally incompetent at the time
81 of application or for five years prior to application, or
82 has not been committed to a mental health facility, as

83 defined in section 632.005, or a similar institution located
84 in another state following a hearing at which the defendant
85 was represented by counsel or a representative;

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

88 (10) Submits an affidavit attesting that the applicant
89 complies with the concealed carry safety training
90 requirement pursuant to subsections 1 and 2 of section
91 571.111;

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

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

96 3. The application for a concealed carry permit issued
97 by the sheriff of the county of the applicant's residence **or**
98 **by the sheriff of the county of the applicant's qualified**
99 **firearm safety instructor's residence**, shall contain only
100 the following information:

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

107 (2) [An affirmation that the applicant has assumed
108 residency in Missouri or is a member of the Armed Forces
109 stationed in Missouri or the spouse of such a member of the
110 Armed Forces and is a citizen or permanent resident of the
111 United States;

112 (3)] An affirmation that the applicant is at least
113 nineteen years of age or is eighteen years of age or older

114 and a member of the United States Armed Forces or honorably
115 discharged from the United States Armed Forces;

116 [(4)] (3) An affirmation that the applicant has not
117 pled guilty to or been convicted of a crime punishable by
118 imprisonment for a term exceeding one year under the laws of
119 any state or of the United States other than a crime
120 classified as a misdemeanor under the laws of any state and
121 punishable by a term of imprisonment of two years or less
122 that does not involve an explosive weapon, firearm, firearm
123 silencer, or gas gun;

124 [(5)] (4) An affirmation that the applicant has not
125 been convicted of, pled guilty to, or entered a plea of nolo
126 contendere to one or more misdemeanor offenses involving
127 crimes of violence within a five-year period immediately
128 preceding application for a permit or if the applicant has
129 not been convicted of two or more misdemeanor offenses
130 involving driving while under the influence of intoxicating
131 liquor or drugs or the possession or abuse of a controlled
132 substance within a five-year period immediately preceding
133 application for a permit;

134 [(6)] (5) An affirmation that the applicant is not a
135 fugitive from justice or currently charged in an information
136 or indictment with the commission of a crime punishable by
137 imprisonment for a term exceeding one year under the laws of
138 any state or of the United States other than a crime
139 classified as a misdemeanor under the laws of any state and
140 punishable by a term of imprisonment of two years or less
141 that does not involve an explosive weapon, firearm, firearm
142 silencer or gas gun;

143 [(7)] (6) An affirmation that the applicant has not
144 been discharged under dishonorable conditions from the
145 United States Armed Forces;

146 [(8)] (7) An affirmation that the applicant is not
147 adjudged mentally incompetent at the time of application or
148 for five years prior to application, or has not been
149 committed to a mental health facility, as defined in section
150 632.005, or a similar institution located in another state,
151 except that a person whose release or discharge from a
152 facility in this state pursuant to chapter 632, or a similar
153 discharge from a facility in another state, occurred more
154 than five years ago without subsequent recommitment may
155 apply;

156 [(9)] (8) An affirmation that the applicant has
157 received firearms safety training that meets the standards
158 of applicant firearms safety training defined in subsection
159 1 or 2 of section 571.111;

160 [(10)] (9) An affirmation that the applicant, to the
161 applicant's best knowledge and belief, is not the respondent
162 of a valid full order of protection which is still in effect;

163 [(11)] (10) A conspicuous warning that false
164 statements made by the applicant will result in prosecution
165 for perjury pursuant to the laws of the state of Missouri;
166 and

167 [(12)] (11) A government-issued photo identification.
168 This photograph shall not be included on the permit and
169 shall only be used to verify the person's identity for
170 permit renewal, or for the issuance of a new permit due to
171 change of address, or for a lost or destroyed permit.

172 4. An application for a concealed carry permit shall
173 be made to the sheriff of the county or any city not within
174 a county in which the applicant resides, **or in which the**
175 **applicant's qualified safety instructor resides.** An
176 application shall be filed in writing, signed under oath and
177 under the penalties of perjury, and shall state whether the

178 applicant complies with each of the requirements specified
179 in subsection 2 of this section. In addition to the
180 completed application, the applicant for a concealed carry
181 permit must also submit the following:

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

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

188 5. (1) Before an application for a concealed carry
189 permit is approved, the sheriff shall make only such
190 inquiries as he or she deems necessary into the accuracy of
191 the statements made in the application. [The sheriff may
192 require that the applicant display a Missouri driver's
193 license or nondriver's license or military identification
194 and orders showing the person being stationed in Missouri.]
195 In order to determine the applicant's suitability for a
196 concealed carry permit, the applicant shall be
197 fingerprinted. No other biometric data shall be collected
198 from the applicant. The sheriff shall conduct an inquiry of
199 the National Instant Criminal Background Check System within
200 three working days after submission of the properly
201 completed application for a concealed carry permit. If no
202 disqualifying record is identified by these checks at the
203 state level, the fingerprints shall be forwarded to the
204 Federal Bureau of Investigation for a national criminal
205 history record check. Upon receipt of the completed report
206 from the National Instant Criminal Background Check System
207 and the response from the Federal Bureau of Investigation
208 national criminal history record check, the sheriff shall
209 examine the results and, if no disqualifying information is

210 identified, shall issue a concealed carry permit within
211 three working days.

212 (2) In the event the report from the National Instant
213 Criminal Background Check System and the response from the
214 Federal Bureau of Investigation national criminal history
215 record check prescribed by subdivision (1) of this
216 subsection are not completed within forty-five calendar days
217 and no disqualifying information concerning the applicant
218 has otherwise come to the sheriff's attention, the sheriff
219 shall issue a provisional permit, clearly designated on the
220 certificate as such, which the applicant shall sign in the
221 presence of the sheriff or the sheriff's designee. This
222 permit, when carried with a valid [Missouri] **state** driver's
223 or nondriver's license or a valid military identification,
224 shall permit the applicant to exercise the same rights in
225 accordance with the same conditions as pertain to a
226 concealed carry permit issued under this section, provided
227 that it shall not serve as an alternative to an national
228 instant criminal background check required by 18 U.S.C.
229 Section 922(t). The provisional permit shall remain valid
230 until such time as the sheriff either issues or denies the
231 certificate of qualification under subsection 6 or 7 of this
232 section. The sheriff shall revoke a provisional permit
233 issued under this subsection within twenty-four hours of
234 receipt of any report that identifies a disqualifying
235 record, and shall notify the concealed carry permit system
236 established under subsection 5 of section 650.350. The
237 revocation of a provisional permit issued under this section
238 shall be proscribed in a manner consistent to the denial and
239 review of an application under subsection 6 of this section.

240 6. The sheriff may refuse to approve an application
241 for a concealed carry permit if he or she determines that

242 any of the requirements specified in subsection 2 of this
243 section have not been met, or if he or she has a substantial
244 and demonstrable reason to believe that the applicant has
245 rendered a false statement regarding any of the provisions
246 of sections 571.101 to 571.121. If the applicant is found
247 to be ineligible, the sheriff is required to deny the
248 application, and notify the applicant in writing, stating
249 the grounds for denial and informing the applicant of the
250 right to submit, within thirty days, any additional
251 documentation relating to the grounds of the denial. Upon
252 receiving any additional documentation, the sheriff shall
253 reconsider his or her decision and inform the applicant
254 within thirty days of the result of the reconsideration.
255 The applicant shall further be informed in writing of the
256 right to appeal the denial pursuant to subsections 2, 3, 4,
257 and 5 of section 571.114. After two additional reviews and
258 denials by the sheriff, the person submitting the
259 application shall appeal the denial pursuant to subsections
260 2, 3, 4, and 5 of section 571.114.

261 7. If the application is approved, the sheriff shall
262 issue a concealed carry permit to the applicant within a
263 period not to exceed three working days after his or her
264 approval of the application. The applicant shall sign the
265 concealed carry permit in the presence of the sheriff or his
266 or her designee.

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

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

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

273 (3) The date of issuance; and

274 (4) The expiration date.

275 The permit shall be no larger than two and one-eighth inches
276 wide by three and three-eighths inches long and shall be of
277 a uniform style prescribed by the department of public
278 safety. The permit shall also be assigned a concealed carry
279 permit system county code and shall be stored in sequential
280 number.

281 9. (1) The sheriff shall keep a record of all
282 applications for a concealed carry permit or a provisional
283 permit and his or her action thereon. Any record of an
284 application that is incomplete or denied for any reason
285 shall be kept for a period not to exceed one year. Any
286 record of an application that was approved shall be kept for
287 a period of one year after the expiration and nonrenewal of
288 the permit.

289 (2) The sheriff shall report the issuance of a
290 concealed carry permit or provisional permit to the
291 concealed carry permit system. All information on any such
292 permit that is protected information on any driver's or
293 nondriver's license shall have the same personal protection
294 for purposes of sections 571.101 to 571.121. An applicant's
295 status as a holder of a concealed carry permit, provisional
296 permit, or a concealed carry endorsement issued prior to
297 August 28, 2013, shall not be public information and shall
298 be considered personal protected information. Information
299 retained in the concealed carry permit system under this
300 subsection shall not be distributed to any federal, state,
301 or private entities and shall only be made available for a
302 single entry query of an individual in the event the
303 individual is a subject of interest in an active criminal
304 investigation or is arrested for a crime. A sheriff may

305 access the concealed carry permit system for administrative
306 purposes to issue a permit, verify the accuracy of permit
307 holder information, change the name or address of a permit
308 holder, suspend or revoke a permit, cancel an expired
309 permit, or cancel a permit upon receipt of a certified death
310 certificate for the permit holder. Any person who violates
311 the provisions of this subdivision by disclosing protected
312 information shall be guilty of a class A misdemeanor.

313 10. Information regarding any holder of a concealed
314 carry permit, or a concealed carry endorsement issued prior
315 to August 28, 2013, is a closed record. No bulk download or
316 batch data shall be distributed to any federal, state, or
317 private entity, except to MoSMART or a designee thereof.
318 Any state agency that has retained any documents or records,
319 including fingerprint records provided by an applicant for a
320 concealed carry endorsement prior to August 28, 2013, shall
321 destroy such documents or records, upon successful issuance
322 of a permit.

323 11. For processing an application for a concealed
324 carry permit pursuant to sections 571.101 to 571.121, the
325 sheriff in each county shall charge a nonrefundable fee not
326 to exceed one hundred dollars which shall be paid to the
327 treasury of the county to the credit of the sheriff's
328 revolving fund. This fee shall include the cost to
329 reimburse the Missouri state highway patrol for the costs of
330 fingerprinting and criminal background checks. An
331 additional fee shall be added to each credit card, debit
332 card, or other electronic transaction equal to the charge
333 paid by the state or the applicant for the use of the credit
334 card, debit card, or other electronic payment method by the
335 applicant.

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

341 13. For the purposes of sections 571.101 to 571.121,
342 the term "sheriff" shall include the sheriff of any county
343 or city not within a county or his or her designee and in
344 counties of the first classification the sheriff may
345 designate the chief of police of any city, town, or
346 municipality within such county.

347 14. For the purposes of this chapter, "concealed carry
348 permit" shall include any concealed carry endorsement issued
349 by the department of revenue before January 1, 2014, and any
350 concealed carry document issued by any sheriff or under the
351 authority of any sheriff after December 31, 2013.

571.111. 1. An applicant for a concealed carry permit
2 shall demonstrate knowledge of firearms safety training.
3 This requirement shall be fully satisfied if the applicant
4 for a concealed carry permit:

5 (1) Submits a photocopy of a certificate of firearms
6 safety training course completion, as defined in subsection
7 2 of this section, signed by a qualified firearms safety
8 instructor as defined in subsection 6 of this section; or

9 (2) Submits a photocopy of a certificate that shows
10 the applicant completed a firearms safety course given by or
11 under the supervision of any state, county, municipal, or
12 federal law enforcement agency; or

13 (3) Is a qualified firearms safety instructor as
14 defined in subsection 6 of this section; or

15 (4) Submits proof that the applicant currently holds
16 any type of valid peace officer license issued under the
17 requirements of chapter 590; or

18 (5) Submits proof that the applicant is currently
19 allowed to carry firearms in accordance with the
20 certification requirements of section 217.710; or

21 (6) Submits proof that the applicant is currently
22 certified as any class of corrections officer by the
23 Missouri department of corrections and has passed at least
24 one eight-hour firearms training course, approved by the
25 director of the Missouri department of corrections under the
26 authority granted to him or her, that includes instruction
27 on the justifiable use of force as prescribed in chapter
28 563; or

29 (7) Submits a photocopy of a certificate of firearms
30 safety training course completion that was issued on August
31 27, 2011, or earlier so long as the certificate met the
32 requirements of subsection 2 of this section that were in
33 effect on the date it was issued.

34 2. A certificate of firearms safety training course
35 completion may be issued to any applicant by any qualified
36 firearms safety instructor. On the certificate of course
37 completion the qualified firearms safety instructor shall
38 affirm that the individual receiving instruction has taken
39 and passed a firearms safety course of at least eight hours
40 in length taught by the instructor that included:

41 (1) Handgun safety in the classroom, at home, on the
42 firing range and while carrying the firearm;

43 (2) A physical demonstration performed by the
44 applicant that demonstrated his or her ability to safely
45 load and unload either a revolver or a semiautomatic pistol
46 and demonstrated his or her marksmanship with either firearm;

- 47 (3) The basic principles of marksmanship;
- 48 (4) Care and cleaning of concealable firearms;
- 49 (5) Safe storage of firearms at home;
- 50 (6) The requirements of this state for obtaining a
51 concealed carry permit from the sheriff of the individual's
52 county of residence;
- 53 (7) The laws relating to firearms as prescribed in
54 this chapter;
- 55 (8) The laws relating to the justifiable use of force
56 as prescribed in chapter 563;
- 57 (9) A live firing exercise of sufficient duration for
58 each applicant to fire either a revolver or a semiautomatic
59 pistol, from a standing position or its equivalent, a
60 minimum of twenty rounds from the handgun at a distance of
61 seven yards from a B-27 silhouette target or an equivalent
62 target;
- 63 (10) A live-fire test administered to the applicant
64 while the instructor was present of twenty rounds from
65 either a revolver or a semiautomatic pistol from a standing
66 position or its equivalent at a distance from a B-27
67 silhouette target, or an equivalent target, of seven yards.
- 68 3. A certificate of firearms safety training course
69 completion may also be issued to an applicant who presents
70 proof to a qualified firearms safety instructor that the
71 applicant has passed a regular or online course on firearm
72 safety conducted by an instructor certified by the National
73 Rifle Association that is at least one hour in length and
74 who also passes the requirements of subdivisions (1), (2),
75 (6), (7), (8), (9), and (10) of subsection 2 of this section
76 in a course, not restricted by a period of hours, that is
77 taught by a qualified firearms safety instructor.

78 4. A qualified firearms safety instructor shall not
79 give a grade of passing to an applicant for a concealed
80 carry permit who:

81 (1) Does not follow the orders of the qualified
82 firearms instructor or cognizant range officer; or

83 (2) Handles a firearm in a manner that, in the
84 judgment of the qualified firearm safety instructor, poses a
85 danger to the applicant or to others; or

86 (3) During the live-fire testing portion of the course
87 fails to hit the silhouette portion of the targets with at
88 least fifteen rounds.

89 5. Qualified firearms safety instructors who provide
90 firearms safety instruction to any person who applies for a
91 concealed carry permit shall:

92 (1) Make the applicant's course records available upon
93 request to the sheriff of the county in which the applicant
94 resides **or, if the applicant is from out of state, the**
95 **county in which the instructor resides;**

96 (2) Maintain all course records on students for a
97 period of no less than four years from course completion
98 date; and

99 (3) Not have more than forty students per certified
100 instructor in the classroom portion of the course or more
101 than five students per range officer engaged in range firing.

102 6. A firearms safety instructor shall be considered to
103 be a qualified firearms safety instructor by any sheriff
104 issuing a concealed carry permit pursuant to sections
105 571.101 to 571.121 if the instructor:

106 (1) Is a valid firearms safety instructor certified by
107 the National Rifle Association holding a rating as a
108 personal protection instructor or pistol marksmanship
109 instructor; or

110 (2) Submits a photocopy of a notarized certificate
111 from a firearms safety instructor's course offered by a
112 local, state, or federal governmental agency; or

113 (3) Submits a photocopy of a notarized certificate
114 from a firearms safety instructor course approved by the
115 department of public safety; or

116 (4) Has successfully completed a firearms safety
117 instructor course given by or under the supervision of any
118 state, county, municipal, or federal law enforcement agency;
119 or

120 (5) Is a certified police officer firearms safety
121 instructor.

122 7. Any firearms safety instructor qualified under
123 subsection 6 of this section may submit a copy of a training
124 instructor certificate, course outline bearing the notarized
125 signature of the instructor, and a recent photograph of the
126 instructor to the sheriff of the county in which the
127 instructor resides. The sheriff shall review the training
128 instructor certificate along with the course outline and
129 verify the firearms safety instructor is qualified and the
130 course meets the requirements provided under this section.
131 If the sheriff verifies the firearms safety instructor is
132 qualified and the course meets the requirements provided
133 under this section, the sheriff shall collect an annual
134 registration fee of ten dollars from each qualified
135 instructor who chooses to submit such information and submit
136 the registration to the Missouri sheriff methamphetamine
137 relief taskforce. The Missouri sheriff methamphetamine
138 relief taskforce, or its designated agent, shall create and
139 maintain a statewide database of qualified instructors.
140 This information shall be a closed record except for access
141 by any sheriff. Firearms safety instructors may register

142 annually and the registration is only effective for the
143 calendar year in which the instructor registered. Any
144 sheriff may access the statewide database maintained by the
145 Missouri sheriff methamphetamine relief taskforce to verify
146 the firearms safety instructor is qualified and the course
147 offered by the instructor meets the requirements provided
148 under this section. Unless a sheriff has reason to believe
149 otherwise, a sheriff shall presume a firearms safety
150 instructor is qualified to provide firearms safety
151 instruction in counties throughout the state under this
152 section if the instructor is registered on the statewide
153 database of qualified instructors.

154 8. Any firearms safety instructor who knowingly
155 provides any sheriff with any false information concerning
156 an applicant's performance on any portion of the required
157 training and qualification shall be guilty of a class C
158 misdemeanor. A violation of the provisions of this section
159 shall result in the person being prohibited from instructing
160 concealed carry permit classes and issuing certificates.

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