

SECOND REGULAR SESSION

HOUSE BILL NO. 2816

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MERIDETH.

5827H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 563.031, 571.205, 571.210, 571.215, 571.220, 571.225, and 571.230, RSMo, and to enact in lieu thereof one new section relating to public safety.

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

Section A. Sections 563.031, 571.205, 571.210, 571.215, 571.220, 571.225, and
2 571.230, RSMo, are repealed and one new section enacted in lieu thereof, to be known as
3 section 563.031, to read as follows:

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

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

8 (a) He or she has withdrawn from the encounter and effectively communicated such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

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

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

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

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

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

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

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

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

32 3. A person does not have a duty to retreat:

33 (1) From a dwelling, residence, or vehicle where the person is not unlawfully entering
34 or unlawfully remaining; **or**

35 (2) From private property that is owned or leased by such individual~~]; or~~

36 ~~(3) If the person is in any other location such person has the right to be].~~

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

40 5. The defendant shall have the burden of injecting the issue of justification under this
41 section. If a defendant asserts that his or her use of force is described under subdivision (2) of
42 subsection 2 of this section, the burden shall then be on the state to prove beyond a reasonable
43 doubt that the defendant did not reasonably believe that the use of such force was necessary to
44 defend against what he or she reasonably believed was the use or imminent use of unlawful
45 force.

2 ~~[571.205. 1. Upon request and payment of the required fee, the sheriff~~
3 ~~shall issue a concealed carry permit that is valid through the state of Missouri~~
4 ~~for the lifetime of the permit holder to a Missouri resident who meets the~~
5 ~~requirements of sections 571.205 to 571.230, known as a Missouri lifetime~~
6 ~~concealed carry permit. A person may also request, and the sheriff shall issue~~
7 ~~upon payment of the required fee, a concealed carry permit that is valid~~
8 ~~through the state of Missouri for a period of either ten years or twenty-five~~
9 ~~years from the date of issuance or renewal to a Missouri resident who meets~~
~~the requirements of sections 571.205 to 571.230. Such permit shall be known~~

10 as a Missouri extended concealed carry permit. A person issued a Missouri
11 lifetime or extended concealed carry permit shall be required to comply with
12 the provisions of sections 571.205 to 571.230. If the applicant can show
13 qualification as provided by sections 571.205 to 571.230, the sheriff shall issue
14 a Missouri lifetime or extended concealed carry permit authorizing the
15 carrying of a concealed firearm on or about the applicant's person or within a
16 vehicle.

17 ~~2. A Missouri lifetime or extended concealed carry permit shall be~~
18 ~~suspended if the permit holder becomes a resident of another state. The permit~~
19 ~~may be reactivated upon reestablishment of Missouri residency if the applicant~~
20 ~~meets the requirements of sections 571.205 to 571.230, and upon successful~~
21 ~~completion of a name-based inquiry of the National Instant Background Check~~
22 ~~System.~~

23 ~~3. A Missouri lifetime or extended concealed carry permit shall be~~
24 ~~issued by the sheriff or his or her designee of the county or city in which the~~
25 ~~applicant resides, if the applicant:~~

26 (1) ~~Is at least nineteen years of age, is a citizen or permanent resident~~
27 ~~of the United States and has assumed residency in this state, or is at least~~
28 ~~eighteen years of age and a member of the United States Armed Forces or~~
29 ~~honorably discharged from the United States Armed Forces, and is a citizen of~~
30 ~~the United States and has assumed residency in this state;~~

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

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

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

51 (5) ~~Has not been discharged under dishonorable conditions from the~~
52 ~~United States Armed Forces;~~

53 (6) ~~Has not engaged in a pattern of behavior, documented in public or~~
54 ~~closed records, that causes the sheriff to have a reasonable belief that the~~
55 ~~applicant presents a danger to himself or herself or others;~~

56 (7) ~~Is not adjudged mentally incompetent at the time of application or~~
57 ~~for five years prior to application, or has not been committed to a mental~~

58 health facility, as defined in section 632.005, or a similar institution located in
59 another state following a hearing at which the defendant was represented by
60 counsel or a representative;

61 (8) ~~Submits a completed application for a permit as described in~~
62 ~~subsection 4 of this section;~~

63 (9) ~~Submits an affidavit attesting that the applicant complies with the~~
64 ~~concealed carry safety training requirement under subsections 1 and 2 of~~
65 ~~section 571.111;~~

66 (10) ~~Is not the respondent of a valid full order of protection which is~~
67 ~~still in effect;~~

68 (11) ~~Is not otherwise prohibited from possessing a firearm under~~
69 ~~section 571.070 or 18 U.S.C. Section 922(g).~~

70 4. ~~The application for a Missouri lifetime or extended concealed carry~~
71 ~~permit issued by the sheriff of the county of the applicant's residence shall~~
72 ~~contain only the following information:~~

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

77 (2) ~~An affirmation that the applicant has assumed residency in~~
78 ~~Missouri and is a citizen or permanent resident of the United States;~~

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

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

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

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

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

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

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

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

118 ~~(11) A conspicuous warning that false statements made by the~~
119 ~~applicant will result in prosecution for perjury under the laws of the state of~~
120 ~~Missouri; and~~

121 ~~(12) A government-issued photo identification. This photograph shall~~
122 ~~not be included on the permit and shall only be used to verify the person's~~
123 ~~identity for the issuance of a new permit, issuance of a new permit due to~~
124 ~~change of name or address, renewal of an extended permit, or for a lost or~~
125 ~~destroyed permit, or reactivation under subsection 2 of this section.~~

126 ~~5. An application for a Missouri lifetime or extended concealed carry~~
127 ~~permit shall be made to the sheriff of the county in which the applicant resides.~~
128 ~~An application shall be filed in writing, signed under oath and under the~~
129 ~~penalties of perjury, and shall state whether the applicant complies with each~~
130 ~~of the requirements specified in subsection 3 of this section. In addition to the~~
131 ~~completed application, the applicant for a Missouri lifetime or extended~~
132 ~~concealed carry permit shall also submit the following:~~

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

136 ~~(2) A nonrefundable permit fee as provided by subsection 12 of this~~
137 ~~section.~~

138 ~~6. (1) Before an application for a Missouri lifetime or extended~~
139 ~~concealed carry permit is approved, the sheriff shall make only such inquiries~~
140 ~~as he or she deems necessary into the accuracy of the statements made in the~~
141 ~~application. The sheriff may require that the applicant display a Missouri~~
142 ~~driver's license or nondriver's license or military identification. No biometric~~
143 ~~data shall be collected from the applicant. The sheriff shall conduct an inquiry~~
144 ~~of the National Instant Criminal Background Check System within three~~
145 ~~working days after submission of the properly completed application for a~~
146 ~~Missouri lifetime or extended concealed carry permit. Upon receipt of the~~
147 ~~completed report from the National Instant Criminal Background Check~~
148 ~~System, the sheriff shall examine the results and, if no disqualifying~~
149 ~~information is identified, shall issue a Missouri lifetime or extended~~
150 ~~concealed carry permit within three working days.~~

151 ~~(2) In the event the report from the National Instant Criminal~~
152 ~~Background Check System and the response from the Federal Bureau of~~

153 Investigation national criminal history record check prescribed by subdivision
154 (1) of this subsection are not completed within forty five calendar days and no
155 disqualifying information concerning the applicant has otherwise come to the
156 sheriff's attention, the sheriff shall issue a provisional permit, clearly
157 designated on the certificate as such, which the applicant shall sign in the
158 presence of the sheriff or the sheriff's designee. This permit, when carried
159 with a valid Missouri driver's or nondriver's license, shall permit the applicant
160 to exercise the same rights in accordance with the same conditions as pertain
161 to a Missouri lifetime or extended concealed carry permit issued under this
162 section, provided that it shall not serve as an alternative to a national instant
163 criminal background check required by 18 U.S.C. Section 922(t). The
164 provisional permit shall remain valid until such time as the sheriff either issues
165 or denies the permit under subsection 7 or 8 of this section. The sheriff shall
166 revoke a provisional permit issued under this subsection within twenty-four
167 hours of receipt of any report that identifies a disqualifying record, and shall
168 notify the concealed carry permit system established under subsection 5 of
169 section 650.350. The revocation of a provisional permit issued under this
170 section shall be prescribed in a manner consistent to the denial and review of
171 an application under subsection 7 of this section.

172 7. The sheriff may refuse to approve an application for a Missouri
173 lifetime or extended concealed carry permit if he or she determines that any of
174 the requirements specified in subsection 3 of this section have not been met, or
175 if he or she has a substantial and demonstrable reason to believe that the
176 applicant has rendered a false statement regarding any of the provisions of
177 sections 571.205 to 571.230. If the applicant is found to be ineligible, the
178 sheriff is required to deny the application, and notify the applicant in writing,
179 stating the grounds for denial and informing the applicant of the right to
180 submit, within thirty days, any additional documentation relating to the
181 grounds of the denial. Upon receiving any additional documentation, the
182 sheriff shall reconsider his or her decision and inform the applicant within
183 thirty days of the result of the reconsideration. The applicant shall further be
184 informed in writing of the right to appeal the denial under section 571.220.
185 After two additional reviews and denials by the sheriff, the person submitting
186 the application shall appeal the denial under section 571.220.

187 8. If the application is approved, the sheriff shall issue a Missouri
188 lifetime or extended concealed carry permit to the applicant within a period
189 not to exceed three working days after his or her approval of the application.
190 The applicant shall sign the Missouri lifetime or extended concealed carry
191 permit in the presence of the sheriff or his or her designee.

192 9. The Missouri lifetime or extended concealed carry permit shall
193 specify only the following information:

- 194 (1) Name, address, date of birth, gender, height, weight, color of hair,
195 color of eyes, and signature of the permit holder;
- 196 (2) The signature of the sheriff issuing the permit;
- 197 (3) The date of issuance;
- 198 (4) A clear statement indicating that the permit is only valid within the
199 state of Missouri; and

200 (5) ~~If the permit is a Missouri extended concealed carry permit, the~~
201 ~~expiration date.~~

202
203 The permit shall be no larger than two and one eighth inches wide by three and
204 three eighths inches long and shall be of a uniform style prescribed by the
205 department of public safety. The permit shall also be assigned a concealed
206 carry permit system county code and shall be stored in sequential number.

207 ~~10. (1) The sheriff shall keep a record of all applications for a~~
208 ~~Missouri lifetime or extended concealed carry permit or a provisional permit~~
209 ~~and his or her action thereon. Any record of an application that is incomplete~~
210 ~~or denied for any reason shall be kept for a period not to exceed one year.~~

211 ~~(2) The sheriff shall report the issuance of a Missouri lifetime or~~
212 ~~extended concealed carry permit or provisional permit to the concealed carry~~
213 ~~permit system. All information on any such permit that is protected~~
214 ~~information on any driver's or nondriver's license shall have the same personal~~
215 ~~protection for purposes of sections 571.205 to 571.230. An applicant's status~~
216 ~~as a holder of a Missouri lifetime or extended concealed carry permit or~~
217 ~~provisional permit shall not be public information and shall be considered~~
218 ~~personal protected information. Information retained in the concealed carry~~
219 ~~permit system under this subsection shall not be distributed to any federal,~~
220 ~~state, or private entities and shall only be made available for a single entry~~
221 ~~query of an individual in the event the individual is a subject of interest in an~~
222 ~~active criminal investigation or is arrested for a crime. A sheriff may access~~
223 ~~the concealed carry permit system for administrative purposes to issue a~~
224 ~~permit, verify the accuracy of permit holder information, change the name or~~
225 ~~address of a permit holder, suspend or revoke a permit, cancel an expired~~
226 ~~permit, or cancel a permit upon receipt of a certified death certificate for the~~
227 ~~permit holder. Any person who violates the provisions of this subdivision by~~
228 ~~disclosing protected information shall be guilty of a class A misdemeanor.~~

229 ~~11. Information regarding any holder of a Missouri lifetime or~~
230 ~~extended concealed carry permit is a closed record. No bulk download or~~
231 ~~batch data shall be distributed to any federal, state, or private entity, except to~~
232 ~~MoSMART or a designee thereof.~~

233 ~~12. For processing an application, the sheriff in each county shall~~
234 ~~charge a nonrefundable fee not to exceed:~~

235 ~~(1) Two hundred dollars for a new Missouri extended concealed carry~~
236 ~~permit that is valid for ten years from the date of issuance or renewal;~~

237 ~~(2) Two hundred fifty dollars for a new Missouri extended concealed~~
238 ~~carry permit that is valid for twenty five years from the date of issuance or~~
239 ~~renewal;~~

240 ~~(3) Fifty dollars for a renewal of a Missouri extended concealed carry~~
241 ~~permit;~~

242 ~~(4) Five hundred dollars for a Missouri lifetime concealed carry~~
243 ~~permit,~~

244
245 which shall be paid to the treasury of the county to the credit of the sheriff's
246 revolving fund.]

2 ~~[571.210. 1. A Missouri lifetime or extended concealed carry permit~~
3 ~~issued under sections 571.205 to 571.230 shall be suspended or revoked if the~~
4 ~~Missouri lifetime or extended concealed carry permit holder becomes~~
5 ~~ineligible for such permit under the criteria established in subdivision (2),~~
6 ~~(3), (4), (5), (7), or (10) of subsection 3 of section 571.205. The following~~
7 ~~procedures shall be followed:~~

8 ~~(1) When a valid full order of protection or any arrest warrant,~~
9 ~~discharge, or commitment for the reasons listed in subdivision (2), (3), (4), (5),~~
10 ~~(7), or (10) of subsection 3 of section 571.205 is issued against a person~~
11 ~~holding a Missouri lifetime or extended concealed carry permit, upon~~
12 ~~notification of said order, warrant, discharge, or commitment or upon an order~~
13 ~~of a court of competent jurisdiction in a criminal proceeding, a commitment~~
14 ~~proceeding, or a full order of protection proceeding ruling that a person~~
15 ~~holding a Missouri lifetime or extended concealed carry permit presents a risk~~
16 ~~of harm to themselves or others, then upon notification of such order, the~~
17 ~~holder of the Missouri lifetime or extended concealed carry permit shall~~
18 ~~surrender the permit to the court, officer, or other official serving the order,~~
19 ~~warrant, discharge, or commitment. The permit shall be suspended until the~~
20 ~~order is terminated or until the arrest results in a dismissal of all charges. The~~
21 ~~official to whom the permit is surrendered shall administratively suspend the~~
22 ~~permit in the concealed carry permit system until the order is terminated or the~~
23 ~~charges are dismissed. Upon dismissal, the court holding the permit shall~~
24 ~~return such permit to the individual and the official to whom the permit was~~
25 ~~surrendered shall administratively return the permit to good standing within~~
26 ~~the concealed carry permit system;~~

27 ~~(2) Any conviction, discharge, or commitment specified in sections~~
28 ~~571.205 to 571.230 shall result in a revocation. Upon conviction, the court~~
29 ~~shall forward a notice of conviction or action and the permit to the issuing~~
30 ~~county sheriff. The sheriff who issued the Missouri lifetime or extended~~
31 ~~concealed carry permit shall report the change in status of the concealed carry~~
32 ~~permit to the concealed carry permit system.~~

33 ~~2. A Missouri lifetime or extended concealed carry permit shall be~~
34 ~~reactivated for a qualified applicant upon receipt of the properly completed~~
35 ~~application by the sheriff of the county of the applicant's residence and in~~
36 ~~accordance with subsection 2 of section 571.205. A name-based inquiry of the~~
37 ~~National Instant Criminal Background Check System shall be completed for~~
38 ~~each reactivation application. The sheriff shall review the results of the report~~
39 ~~from the National Instant Criminal Background Check System, and when the~~
40 ~~sheriff has determined the applicant has successfully completed all~~
41 ~~reactivation requirements and is not disqualified under any provision of~~
42 ~~section 571.205, the sheriff shall issue a new Missouri lifetime or extended~~
43 ~~concealed carry permit, which contains the date such permit was reactivated.~~

44 ~~3. Any person issued a Missouri lifetime or extended concealed carry~~
45 ~~permit shall notify the sheriff or his or her designee where the permit was~~
46 ~~issued within seven days after actual knowledge of the loss or destruction of~~
47 ~~his or her permit. The permit holder shall furnish a statement to the sheriff that~~
48 ~~the permit has been lost or destroyed. After notification of the loss or~~
~~destruction of a permit, the sheriff may charge a processing fee of ten dollars~~

49 for costs associated with replacing a lost or destroyed permit and shall reissue
50 a new Missouri lifetime or extended concealed carry permit within three
51 working days of being notified by the permit holder of its loss or destruction.
52 The new Missouri lifetime or extended concealed carry permit shall contain
53 the same personal information as the original concealed carry permit.

54 4. If a person issued a Missouri lifetime or extended concealed carry
55 permit changes his or her name, the person to whom the permit was issued
56 shall obtain a corrected or new Missouri lifetime or extended concealed carry
57 permit with a change of name from the sheriff who issued the Missouri
58 lifetime or extended concealed carry permit or upon the sheriff's verification of
59 the name change. The sheriff may charge a processing fee of not more than
60 ten dollars for any costs associated with obtaining a corrected or new Missouri
61 lifetime or extended concealed carry permit. The permit holder shall furnish
62 proof of the name change to the sheriff within thirty days of changing his or
63 her name and display his or her Missouri lifetime or extended concealed carry
64 permit. The sheriff shall report the name change to the concealed carry permit
65 system, and the new name shall be accessible by the concealed carry permit
66 system within three days of receipt of the information.

67 5. Any person issued a Missouri lifetime or extended concealed carry
68 permit shall notify the sheriff of the new jurisdiction of the permit holder's
69 change of residence within thirty days after the changing of a permanent
70 residence to a location outside the county of permit issuance. The permit
71 holder shall furnish proof to the sheriff in the new jurisdiction that the permit
72 holder has changed his or her residence. The sheriff shall report the residence
73 change to the concealed carry permit system, take possession and destroy the
74 old permit, and then issue a new permit to the permit holder. The new address
75 shall be accessible by the concealed carry permit system within three days of
76 receipt of the information.

77 6. A Missouri extended concealed carry permit shall be renewed for a
78 qualified applicant upon receipt of the properly completed renewal application
79 and payment of the required fee. The renewal application shall contain the
80 same required information as set forth in subsection 3 of section 571.205,
81 except that in lieu of the firearms safety training, the applicant need only
82 display his or her current Missouri extended concealed carry permit. A name-
83 based inquiry of the National Instant Criminal Background Check System
84 shall be completed for each renewal application. The sheriff shall review the
85 results of the report from the National Instant Criminal Background Check
86 System, and when the sheriff has determined the applicant has successfully
87 completed all renewal requirements and is not disqualified under any provision
88 of section 571.205, the sheriff shall issue a new Missouri extended concealed
89 carry permit which contains the date such permit was renewed. Upon
90 successful completion of all renewal requirements, the sheriff shall issue a new
91 Missouri extended concealed carry permit as provided under this subsection.

92 7. A person who has been issued a Missouri extended concealed carry
93 permit who fails to file a renewal application for a Missouri extended
94 concealed carry permit on or before its expiration date shall pay an additional
95 late fee of ten dollars per month for each month it is expired for up to six
96 months. After six months, the sheriff who issued the expired Missouri

97 ~~extended concealed carry permit shall notify the concealed carry permit~~
 98 ~~system that such permit is expired and cancelled. Any person who has been~~
 99 ~~issued a Missouri extended concealed carry permit under sections 571.101 to~~
 100 ~~571.121 who fails to renew his or her application within the six month period~~
 101 ~~shall reapply for a concealed carry permit and pay the fee for a new~~
 102 ~~application.~~

103 ~~8. The sheriff of the county that issued the Missouri lifetime or~~
 104 ~~extended concealed carry permit shall conduct a name based inquiry of the~~
 105 ~~National Instant Criminal Background Check System once every five years~~
 106 ~~from the date of issuance or renewal of the permit. The sheriff shall review the~~
 107 ~~results of the report from the National Instant Criminal Background Check~~
 108 ~~System. If the sheriff determines the permit holder is disqualified under any~~
 109 ~~provision of section 571.205, the sheriff shall revoke the Missouri lifetime or~~
 110 ~~extended concealed carry permit and shall report the revocation to the~~
 111 ~~concealed carry permit system.]~~

2 ~~[571.215. 1. A Missouri lifetime or extended concealed carry permit~~
 3 ~~issued under sections 571.205 to 571.230 shall authorize the person in whose~~
 4 ~~name the permit is issued to carry concealed firearms on or about his or her~~
 5 ~~person or vehicle throughout the state. No Missouri lifetime or extended~~
 6 ~~concealed carry permit shall authorize any person to carry concealed firearms~~
 7 ~~into:~~

8 ~~(1) Any police, sheriff, or highway patrol office or station without the~~
 9 ~~consent of the chief law enforcement officer in charge of that office or station.~~
 10 ~~Possession of a firearm in a vehicle on the premises of the office or station~~
 11 ~~shall not be a criminal offense so long as the firearm is not removed from the~~
 12 ~~vehicle or brandished while the vehicle is on the premises;~~

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

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

22 ~~(4) Any courthouse solely occupied by the circuit, appellate or~~
 23 ~~supreme court, or any courtrooms, administrative offices, libraries, or other~~
 24 ~~rooms of any such court whether or not such court solely occupies the building~~
 25 ~~in question. This subdivision shall also include, but not be limited to, any~~
 26 ~~juvenile, family, drug, or other court offices, any room or office wherein any of~~
 27 ~~the courts or offices listed in this subdivision are temporarily conducting any~~
 28 ~~business within the jurisdiction of such courts or offices, and such other~~
 29 ~~locations in such manner as may be specified by supreme court rule under~~
 30 ~~subdivision (6) of this subsection. Nothing in this subdivision shall preclude~~
 31 ~~those persons listed in subdivision (1) of subsection 2 of section 571.030 while~~
 32 ~~within their jurisdiction and on duty, those persons listed in subdivisions (2),~~
~~(4), and (10) of subsection 2 of section 571.030, or such other persons who~~

33 ~~serve in a law enforcement capacity for a court as may be specified by~~
34 ~~supreme court rule under subdivision (6) of this subsection from carrying a~~
35 ~~concealed firearm within any of the areas described in this subdivision.~~
36 ~~Possession of a firearm in a vehicle on the premises of any of the areas listed~~
37 ~~in this subdivision shall not be a criminal offense so long as the firearm is not~~
38 ~~removed from the vehicle or brandished while the vehicle is on the premises;~~

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

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

71 ~~(7) Any establishment licensed to dispense intoxicating liquor for~~
72 ~~consumption on the premises, which portion is primarily devoted to that~~
73 ~~purpose, without the consent of the owner or manager. The provisions of this~~
74 ~~subdivision shall not apply to the licensee of said establishment. The~~
75 ~~provisions of this subdivision shall not apply to any bona fide restaurant open~~
76 ~~to the general public having dining facilities for not less than fifty persons and~~
77 ~~that receives at least fifty one percent of its gross annual income from the~~
78 ~~dining facilities by the sale of food. This subdivision does not prohibit the~~
79 ~~possession of a firearm in a vehicle on the premises of the establishment and~~
80 ~~shall not be a criminal offense so long as the firearm is not removed from the~~

81 ~~vehicle or brandished while the vehicle is on the premises. Nothing in this~~
82 ~~subdivision authorizes any individual who has been issued a Missouri lifetime~~
83 ~~or extended concealed carry permit to possess any firearm while intoxicated;~~

84 ~~(8) Any area of an airport to which access is controlled by the~~
85 ~~inspection of persons and property. Possession of a firearm in a vehicle on the~~
86 ~~premises of the airport shall not be a criminal offense so long as the firearm is~~
87 ~~not removed from the vehicle or brandished while the vehicle is on the~~
88 ~~premises;~~

89 ~~(9) Any place where the carrying of a firearm is prohibited by federal~~
90 ~~law;~~

91 ~~(10) Any higher education institution or elementary or secondary~~
92 ~~school facility without the consent of the governing body of the higher~~
93 ~~education institution or a school official or the district school board, unless the~~
94 ~~person with the Missouri lifetime or extended concealed carry permit is a~~
95 ~~teacher or administrator of an elementary or secondary school who has been~~
96 ~~designated by his or her school district as a school protection officer and is~~
97 ~~carrying a firearm in a school within that district, in which case no consent is~~
98 ~~required. Possession of a firearm in a vehicle on the premises of any higher~~
99 ~~education institution or elementary or secondary school facility shall not be a~~
100 ~~criminal offense so long as the firearm is not removed from the vehicle or~~
101 ~~brandished while the vehicle is on the premises;~~

102 ~~(11) Any portion of a building used as a child care facility without the~~
103 ~~consent of the manager. Nothing in this subdivision shall prevent the operator~~
104 ~~of a child care facility in a family home from owning or possessing a firearm~~
105 ~~or a Missouri lifetime or extended concealed carry permit;~~

106 ~~(12) Any riverboat gambling operation accessible by the public~~
107 ~~without the consent of the owner or manager under rules promulgated by the~~
108 ~~gaming commission. Possession of a firearm in a vehicle on the premises of a~~
109 ~~riverboat gambling operation shall not be a criminal offense so long as the~~
110 ~~firearm is not removed from the vehicle or brandished while the vehicle is on~~
111 ~~the premises;~~

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

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

122 ~~(15) Any private property whose owner has posted the premises as~~
123 ~~being off-limits to concealed firearms by means of one or more signs~~
124 ~~displayed in a conspicuous place of a minimum size of eleven inches by~~
125 ~~fourteen inches with the writing thereon in letters of not less than one inch.~~
126 ~~The owner, business or commercial lessee, manager of a private business~~
127 ~~enterprise, or any other organization, entity, or person may prohibit persons~~
128 ~~holding a Missouri lifetime or extended concealed carry permit from carrying~~

129 ~~concealed firearms on the premises and may prohibit employees, not~~
 130 ~~authorized by the employer, holding a Missouri lifetime or extended~~
 131 ~~concealed carry permit from carrying concealed firearms on the property of~~
 132 ~~the employer. If the building or the premises are open to the public, the~~
 133 ~~employer of the business enterprise shall post signs on or about the premises if~~
 134 ~~carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle~~
 135 ~~on the premises shall not be a criminal offense so long as the firearm is not~~
 136 ~~removed from the vehicle or brandished while the vehicle is on the premises.~~
 137 ~~An employer may prohibit employees or other persons holding a Missouri~~
 138 ~~lifetime or extended concealed carry permit from carrying a concealed firearm~~
 139 ~~in vehicles owned by the employer;~~

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

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

148 ~~2. Carrying of a concealed firearm in a location specified in~~
 149 ~~subdivisions (1) to (17) of subsection 1 of this section by any individual who~~
 150 ~~holds a Missouri lifetime or extended concealed carry permit shall not be a~~
 151 ~~criminal act but may subject the person to denial to the premises or removal~~
 152 ~~from the premises. If such person refuses to leave the premises and a peace~~
 153 ~~officer is summoned, such person may be issued a citation for an amount not to~~
 154 ~~exceed one hundred dollars for the first offense. If a second citation for a~~
 155 ~~similar violation occurs within a six-month period, such person shall be fined~~
 156 ~~an amount not to exceed two hundred dollars and his or her permit to carry~~
 157 ~~concealed firearms shall be suspended for a period of one year. If a third~~
 158 ~~citation for a similar violation is issued within one year of the first citation,~~
 159 ~~such person shall be fined an amount not to exceed five hundred dollars and~~
 160 ~~shall have his or her Missouri lifetime or extended concealed carry permit~~
 161 ~~revoked and such person shall not be eligible for a Missouri lifetime or~~
 162 ~~extended concealed carry permit or a concealed carry permit issued under~~
 163 ~~sections 571.101 to 571.121 for a period of three years. Upon conviction of~~
 164 ~~charges arising from a citation issued under this subsection, the court shall~~
 165 ~~notify the sheriff of the county which issued the Missouri lifetime or extended~~
 166 ~~concealed carry permit. The sheriff shall suspend or revoke the Missouri~~
 167 ~~lifetime or extended concealed carry permit.]~~

2 ~~[571.220. 1. In any case when the sheriff refuses to issue a Missouri~~
 3 ~~lifetime or extended concealed carry permit or to act on an application for such~~
 4 ~~permit, the denied applicant shall have the right to appeal the denial within~~
 5 ~~thirty days of receiving written notice of the denial. Such appeals shall be~~
 6 ~~heard in small claims court as defined in section 482.300, and the provisions of~~
 7 ~~sections 482.300, 482.310, and 482.335 shall apply to such appeals.~~

8 ~~2. A denial of or refusal to act on an application for a Missouri lifetime~~
~~or extended concealed carry permit may be appealed by filing with the clerk of~~

9 the small claims court a copy of the sheriff's written refusal and a form
10 substantially similar to the appeal form provided in this section. Appeal forms
11 shall be provided by the clerk of the small claims court free of charge to any
12 person:

13 ~~SMALL CLAIMS COURT~~

14 In the Circuit Court of _____, Missouri

15 _____, Denied Applicant

16)

17)

18 vs.) Case Number _____

19)

20)

21 _____, Sheriff

22 Return Date _____

23 ~~APPEAL OF A DENIAL OF A MISSOURI~~

24 ~~LIFETIME OR EXTENDED CONCEALED CARRY PERMIT~~

25 The denied applicant states that his or her properly completed
26 application for a Missouri lifetime or extended concealed carry permit
27 was denied by the sheriff of _____ County, Missouri, without just
28 cause. The denied applicant affirms that all of the statements in the
29 application are true.

30 _____, Denied Applicant

31 3. The notice of appeal in a denial of a Missouri lifetime or extended
32 concealed carry permit appeal shall be made to the sheriff in a manner and
33 form determined by the small claims court judge.

34 4. If at the hearing the person shows he or she is entitled to the
35 requested Missouri lifetime or extended concealed carry permit, the court shall
36 issue an appropriate order to cause the issuance of the Missouri lifetime or
37 extended concealed carry permit. Costs shall not be assessed against the
38 sheriff unless the action of the sheriff is determined by the judge to be arbitrary
39 and capricious.

40 5. Any person aggrieved by any final judgment rendered by a small
41 claims court in a denial of a Missouri lifetime or extended concealed carry
42 permit appeal may have a right to trial de novo as provided in sections 512.180
43 to 512.320.]

2 [571.225. 1. Any person who has knowledge that another person, who
3 was issued a Missouri lifetime or extended concealed carry permit under
4 sections 571.205 to 571.230, never was or no longer is eligible for such permit
5 under the criteria established in sections 571.205 to 571.230 may file a petition
6 with the clerk of the small claims court to revoke that person's Missouri
7 lifetime or extended concealed carry permit. The petition shall be in a form
substantially similar to the petition for revocation of a Missouri lifetime or

8 ~~extended concealed carry permit provided in this section. Appeal forms shall~~
9 ~~be provided by the clerk of the small claims court free of charge to any person:~~

10 ~~SMALL CLAIMS COURT~~

11 In the Circuit Court of _____, Missouri

12 _____, PLAINTIFF

13)

14)

15 vs.) Case Number _____

16)

17)

18 _____, DEFENDANT,

19 ~~Lifetime or Extended Carry Permit Holder~~

20 _____, DEFENDANT,

21 Sheriff of Issuance

22 ~~PETITION FOR REVOCATION OF A~~

23 ~~MISSOURI LIFETIME OR EXTENDED CONCEALED CARRY~~
24 ~~PERMIT~~

25 Plaintiff states to the court that the defendant, _____, has a Missouri
26 ~~lifetime or extended concealed carry permit issued pursuant to sections~~
27 ~~571.205 to 571.230, RSMo, and that the defendant's Missouri lifetime~~
28 ~~or extended concealed carry permit should now be revoked because the~~
29 ~~defendant either never was or no longer is eligible for such a permit~~
30 ~~pursuant to the provisions of sections 571.205 to 571.230, RSMo,~~
31 ~~specifically plaintiff states that defendant, _____, never was or no~~
32 ~~longer is eligible for such permit or endorsement for one or more of the~~
33 ~~following reasons:~~

34 (CHECK BELOW EACH REASON THAT APPLIES TO THIS
35 DEFENDANT)

- | | |
|----------------------------|--|
| 36
37
38 | <input type="checkbox"/> Defendant is not at least nineteen years of age or at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces. |
| 39
40 | <input type="checkbox"/> Defendant is not a citizen or permanent resident of the United States. |
| 41
42 | <input type="checkbox"/> Defendant had not resided in this state prior to issuance of the permit or is not a current resident of this state. |
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47 | <input type="checkbox"/> Defendant has pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding two years under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does |

<p>48 49</p>	<p>not involve an explosive weapon, firearm, firearm silencer, or gas gun.</p>
<p>50 51 52 53 54 55 56 57 58 59 60</p>	<p><input type="checkbox"/> Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a Missouri lifetime or extended concealed carry permit issued pursuant to sections 571.205 to 571.230, RSMo, or the defendant has been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a concealed carry permit issued pursuant to sections 571.205 to 571.230, RSMo.</p>
<p>61 62 63 64 65 66 67 68</p>	<p><input type="checkbox"/> Defendant is a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.</p>
<p>69 70</p>	<p><input type="checkbox"/> Defendant has been discharged under dishonorable conditions from the United States Armed Forces.</p>
<p>71 72</p>	<p><input type="checkbox"/> Defendant is reasonably believed by the sheriff to be a danger to self or others based on previous, documented pattern.</p>
<p>73 74 75 76 77 78 79 80</p>	<p><input type="checkbox"/> Defendant is adjudged mentally incompetent at the time of application or for five years prior to application, or has been committed to a mental health facility, as defined in section 632.005, RSMo, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, RSMo, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply.</p>
<p>81 82 83</p>	<p><input type="checkbox"/> Defendant failed to submit a completed application for a concealed carry permit issued pursuant to sections 571.205 to 571.230, RSMo.</p>
<p>84 85 86 87 88 89</p>	<p><input type="checkbox"/> Defendant failed to submit to or failed to clear the required background check. (Note: This does not apply if the defendant has submitted to a background check and been issued a provisional permit pursuant to subdivision (2) of subsection 6 of section 571.205, RSMo, and the results of the background check are still pending.)</p>

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- Defendant failed to submit an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsections 1 and 2 of section 571.111, RSMo.

- Defendant is otherwise disqualified from possessing a firearm pursuant to 18 U.S.C. Section 922(g) or section 571.070, RSMo, because _____ (specify reason):

The plaintiff subject to penalty for perjury states that the information contained in this petition is true and correct to the best of the plaintiff's knowledge, is reasonably based upon the petitioner's personal knowledge and is not primarily intended to harass the defendant/respondent named herein.

_____, PLAINTIFF

~~2. If at the hearing the plaintiff shows that the defendant was not eligible for the Missouri lifetime or extended concealed carry permit issued under sections 571.205 to 571.230 at the time of issuance or renewal or is no longer eligible for a Missouri lifetime or extended concealed carry permit the court shall issue an appropriate order to cause the revocation of the Missouri lifetime or extended concealed carry permit. Costs shall not be assessed against the sheriff.~~

~~3. The finder of fact, in any action brought against a permit holder under subsection 1 of this section, shall make findings of fact and the court shall make conclusions of law addressing the issues at dispute. If it is determined that the plaintiff in such an action acted without justification or with malice or primarily with an intent to harass the permit holder or that there was no reasonable basis to bring the action, the court shall order the plaintiff to pay the defendant/respondent all reasonable costs incurred in defending the action including, but not limited to, attorney's fees, deposition costs, and lost wages. Once the court determines that the plaintiff is liable to the defendant/respondent for costs and fees, the extent and type of fees and costs to be awarded should be liberally calculated in defendant/respondent's favor. Notwithstanding any other provision of law, reasonable attorney's fees shall be presumed to be at least one hundred fifty dollars per hour.~~

~~4. Any person aggrieved by any final judgment rendered by a small claims court in a petition for revocation of a Missouri lifetime or extended concealed carry permit may have a right to trial de novo as provided in sections 512.180 to 512.320.~~

~~5. The office of the county sheriff or any employee or agent of the county sheriff shall not be liable for damages in any civil action arising from alleged wrongful or improper granting, renewing, or failure to revoke a Missouri lifetime or extended concealed carry permit issued under sections 571.205 to 571.230 so long as the sheriff acted in good faith.]~~

~~[571.230. Any person issued a Missouri lifetime or extended concealed carry permit under sections 571.205 to 571.230, shall carry the permit at all times the person is carrying a concealed firearm and shall display the permit and a state or federal government issued photo identification upon~~

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5 ~~the request of any peace officer. Failure to comply with this section shall not~~
6 ~~be a criminal offense but the Missouri lifetime or extended concealed carry~~
7 ~~permit holder may be issued a citation for an amount not to exceed thirty five~~
8 ~~dollars.]~~

✓