



# Missouri Revised Statutes

## Chapter 571 - Weapons Offenses

28 August, 2020



**571.010. Definitions.** — As used in this chapter, the following terms shall mean:

(1) "**Antique, curio or relic firearm**", any firearm so defined by the National Gun Control Act, 18 U.S.C. Title 26, Section 5845, and the United States Treasury/Bureau of Alcohol Tobacco and Firearms, 27 CFR Section 178.11:

(a) "**Antique firearm**" is any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, said ammunition not being manufactured any longer; this includes any matchlock, wheel lock, flintlock, percussion cap or similar type ignition system, or replica thereof;

(b) "**Curio or relic firearm**" is any firearm deriving value as a collectible weapon due to its unique design, ignition system, operation or at least fifty years old, associated with a historical event, renown personage or major war;

(2) "**Blackjack**", any instrument that is designed or adapted for the purpose of stunning or inflicting physical injury by striking a person, and which is readily capable of lethal use;

(3) "**Blasting agent**", any material or mixture, consisting of fuel and oxidizer that is intended for blasting, but not otherwise defined as an explosive under this section, provided that the finished product, as mixed for use of shipment, cannot be detonated by means of a numbered 8 test blasting cap when unconfined;

(4) "**Concealable firearm**", any firearm with a barrel less than sixteen inches in length, measured from the face of the bolt or standing breech;

(5) "**Deface**", to alter or destroy the manufacturer's or importer's serial number or any other distinguishing number or identification mark;

(6) "**Detonator**", any device containing a detonating charge that is used for initiating detonation in an explosive, including but not limited to, electric blasting caps of instantaneous and delay types, nonelectric blasting caps for use with safety fuse or shock tube and detonating cord delay connectors;

(7) "**Explosive weapon**", any explosive, incendiary, or poison gas bomb or similar device designed or adapted for the purpose of inflicting death, serious physical injury, or substantial property damage; or any device designed or adapted for delivering or shooting such a weapon. For the purposes of this subdivision, the term "**explosive**" shall mean any chemical compound mixture or device, the primary or common purpose of which is to function by explosion, including but not limited to, dynamite and other high explosives, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cords, igniter cords, and igniters or blasting agents;

(8) "**Firearm**", any weapon that is designed or adapted to expel a projectile by the action of an explosive;

(9) "**Firearm silencer**", any instrument, attachment, or appliance that is designed or adapted to muffle the noise made by the firing of any firearm;

(10) "**Gas gun**", any gas ejection device, weapon, cartridge, container or contrivance other than a gas bomb that is designed or adapted for the purpose of ejecting any poison gas that will cause death or serious physical injury, but not any device that ejects a repellant or temporary incapacitating substance;

(11) "**Intoxicated**", substantially impaired mental or physical capacity resulting from introduction of any substance into the body;

(12) "**Knife**", any dagger, dirk, stiletto, or bladed hand instrument that is readily capable of inflicting serious physical injury or death by cutting or stabbing a person. For purposes of this chapter, "knife" does not include any ordinary pocketknife with no blade more than four inches in length;

(13) "**Knuckles**", any instrument that consists of finger rings or guards made of a hard substance that is designed or adapted for the purpose of inflicting serious physical injury or death by striking a person with a fist enclosed in the knuckles;

(14) "**Machine gun**", any firearm that is capable of firing more than one shot automatically, without manual reloading, by a single function of the trigger;

(15) "**Projectile weapon**", any bow, crossbow, pellet gun, slingshot or other weapon that is not a firearm, which is capable of expelling a projectile that could inflict serious physical injury or death by striking or piercing a person;

(16) "**Rifle**", any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed metallic cartridge to fire a projectile through a rifled bore by a single function of the trigger;

(17) "**Short barrel**", a barrel length of less than sixteen inches for a rifle and eighteen inches for a shotgun, both measured from the face of the bolt or standing breech, or an overall rifle or shotgun length of less than twenty-six inches;

(18) "**Shotgun**", any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed shotgun shell to fire a number of shot or a single projectile through a smooth bore barrel by a single function of the trigger;

(19) "**Spring gun**", any fused, timed or nonmanually controlled trap or device designed or adapted to set off an explosion for the purpose of inflicting serious physical injury or death;

(20) "**Switchblade knife**", any knife which has a blade that folds or closes into the handle or sheath, and: (a) That opens automatically by pressure applied to a button or other device located on the handle; or (b) That opens or releases from the handle or sheath by the force of gravity or by the application of centrifugal force.

----- (L. 1981 H.B. 296, A.L. 1998 S.B. 496, A.L. 2008 H.B. 2034) **571.010 8/28/2008**

**\*571.012. Health care professionals not required to disclose patient firearm information, when.** — 1. No health care professional licensed in this state, nor anyone under his or her supervision, shall be required by law to:

(1) Inquire as to whether a patient owns or has access to a firearm;

(2) Document or maintain in a patient's medical records whether such patient owns or has access to a firearm; or

(3) Notify any governmental entity of the identity of a patient based solely on the patient's status as an owner of, or the patient's access to, a firearm.

2. No health care professional licensed in this state, nor anyone under his or her supervision, nor any person or entity that has possession or control of medical records, may disclose information gathered in a doctor/patient relationship about the status of a patient as an owner of a firearm, unless by order of a court of appropriate jurisdiction, in response to a threat to the health or safety of that patient or another person, as part of a referral to a mental health professional, or with the patient's express consent on a separate document dealing solely with firearm ownership. The separate document shall not be filled out as a matter of routine, but only when, in the judgment of the health care professional, it is medically indicated or necessitated.

3. Nothing in this section shall be construed as prohibiting or otherwise restricting a health care professional from inquiring about and documenting whether a patient owns or has access to a firearm if such inquiry or documentation is necessitated or medically indicated by the health care professional's judgment and such inquiry or documentation does not violate any other state or federal law.

4. No health care professional licensed in this state shall use an electronic medical record program that requires, in order to complete and save a medical record, entry of data regarding whether a patient owns, has

access to, or lives in a home containing a firearm. (L. 2014 S.B. 656) \*Effective 10-10-14, see § 21.250. S.B. 656 was vetoed July 14, 2014. The veto was overridden on September 10, 2014. **571.012 8/28/2014**

**571.013. Ownership of firearms records, closed records — violation, penalty.** — 1. Any records of ownership of a firearm or applications for ownership, licensing, certification, permitting, or an endorsement that allows a person to own, acquire, possess, or carry a firearm shall not be open records under chapter 610 and shall not be open for inspection or their contents disclosed except by order of the court to persons having a legitimate interest therein.

2. Any person or entity who violates the provisions of this section is guilty of a class A misdemeanor. (L. 2013 S.B. 75 § 571.011) **571.013 8/28/2013** ↑

**571.014. Unlawful refusal to transfer by denying sale of a firearm to a nonlicensee, crime of — violation, penalty — inapplicability, when.** — 1. A person commits the crime of unlawful refusal to transfer by denying sale of a firearm to a nonlicensee, who is otherwise not prohibited from possessing a firearm under state or federal law, solely on the basis that the nonlicensee purchased a firearm that was later the subject of a trace request by law enforcement.

2. Violation of subsection 1 of this section shall be a class A misdemeanor.

3. Notwithstanding any other provision of law to the contrary, no federal firearms dealer licensed under 18 U.S.C. Section 923 who engages in the sale of firearms within this state shall fail or refuse to complete the sale of a firearm to a customer in every case in which the sale is authorized by federal law.

4. The provisions of this section shall not apply to any individual federal firearms license holder, his agents, or employees to the extent they chose in their individual judgment to not complete the sale or transfer of a firearm for articulable reasons specific to that transaction, so long as those reasons are not based on the race, gender, religion, creed of the buyer. (L. 2008 H.B. 2034) **571.014 8/28/2008**

**571.015. Armed criminal action, offense of — penalty.** — 1. Any person who commits any felony under the laws of this state by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon is also guilty of the offense of armed criminal action and, upon conviction, shall be punished by imprisonment by the department of corrections for a term of not less than three years and not to exceed fifteen years, unless the person is unlawfully possessing a firearm, in which case the term of imprisonment shall be for a term of not less than five years. The punishment imposed pursuant to this subsection shall be in addition to and consecutive to any punishment provided by law for the crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon. No person convicted under this subsection shall be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence for a period of three calendar years.

2. Any person convicted of a second offense of armed criminal action under subsection 1 of this section shall be punished by imprisonment by the department of corrections for a term of not less than five years and not to exceed thirty years, unless the person is unlawfully possessing a firearm, in which case the term of imprisonment shall be for a term not less than fifteen years. The punishment imposed pursuant to this subsection shall be in addition to and consecutive to any punishment provided by law for the crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon. No person convicted under this subsection shall be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence for a period of five calendar years.

3. Any person convicted of a third or subsequent offense of armed criminal action under subsection 1 of this section shall be punished by imprisonment by the department of corrections for a term of not less than ten years, unless the person is unlawfully possessing a firearm, in which case the term of imprisonment shall be not less than fifteen years. The punishment imposed pursuant to this subsection shall be in addition to and consecutive to any punishment provided by law for the crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon. No person convicted under this subsection shall be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence for a period of ten calendar years. (L. 1977 S.B. 60, A.L. 2020 S.B. 600)

(1980) Armed criminal action statute which permitted conviction on charge of robbery first degree and on the same facts permitted conviction for armed criminal action was unconstitutional in that it violated the double jeopardy clause of the fifth amendment to the U.S. Constitution. *Sours v. State (Mo.)*, 603 S.W.2d 592.

(1981) After reexamination in light of *Albernaz v. United States*, 450 U.S. 333, 101 S.Ct. 1137, 67 L.Ed.2d 275 (1981), the position of the Supreme Court expressed in *Sours v. State*, 603 S.W.2d 592 is affirmed, that by enacting statutes proscribing armed criminal action and robbery in the first degree with a dangerous and deadly weapon, the legislature intended to twice punish defendant for the same offense in violation of the double jeopardy clause of the Fifth Amendment. *State v. Haggard (Mo.)*, 619 S.W.2d 44.

(1981) If evidence in case supports both crime of armed criminal action and underlying felony, jury may convict of only one, and jury must be instructed that the two offenses are submitted in the alternative and jury may not convict defendant of more than one of them. *State ex rel. Westfall v. Ruddy (Mo.)*, 621 S.W.2d 42.

(1983) Conviction and sentence for both armed criminal action and first degree robbery in a single trial is not violative of the double jeopardy clause of the Fifth Amendment to the U.S. Constitution where the Missouri General Assembly intended that the punishment be cumulative, regardless of whether the statutes proscribed the same conduct under the test in *Blockburger v. United States*, 284 U.S. 299, 52 S.Ct. 180, 76 L.Ed. 306 (1932). *Missouri v. Hunter (U.S.)*, 103 S.Ct. 673.

(1991) Where defendant was convicted of involuntary manslaughter and armed criminal action for causing the death of a person while driving in an intoxicated state, conviction was reversed because an armed criminal action requires a culpable mental state of acting purposely, knowingly or recklessly. Criminal negligence will not support an armed criminal action charge. *State v. Hernandez*, 815 S.W.2d 67 (Mo. App.).

(1993) In order for an automobile to become a dangerous instrument for purposes of this section, the operator or user of the automobile must possess an intent and motive for the automobile to be an instrument of harm. Mere recklessness in the operation of an automobile does not give rise to armed criminal action. *State v. Pogue*, 851 S.W.2d 702 (Mo. App. S.D.). (1996) Statute is written in prohibitive sense and not as a grant of a right. *McDermott v. Carnahan*, 934 S.W.2d (Mo.banc). (1998) Defendant may be convicted of armed criminal action and underlying crime without violating double jeopardy. *State v. Blackman*, 968 S.W.2d 138 (Mo.banc), *State v. Flenoy*, 968 S.W.2d 141 (Mo.banc).

(2001) Three-year statute of limitations applies to charges of armed criminal action. *State v. Hyman*, 37 S.W.3d 384 (Mo.App.W.D.).

#### **571.015 8/28/2020**

**571.017. Imposition of sentences for both armed criminal action and crime committed with deadly weapon authorized, exception.** — Nothing contained in any other provision of law, except as provided in subsection 4 of section 571.015, shall prevent imposition of sentences for both armed criminal action and the crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon. (L. 1982 H.B. 1201) **571.017 8/28/1982** 

**571.020. Possession--manufacture--transport--repair--sale of certain weapons a crime--exceptions--penalties.** — 1. A person commits an offense if such person knowingly possesses, manufactures, transports, repairs, or sells:

- (1) An explosive weapon;
- (2) An explosive, incendiary or poison substance or material with the purpose to possess, manufacture or sell an explosive weapon;
- (3) A gas gun;
- (4) A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm; or
- (5) Knuckles; or
- (6) Any of the following in violation of federal law:
  - (a) A machine gun;
  - (b) A short-barreled rifle or shotgun;
  - (c) A firearm silencer; or
  - (d) A switchblade knife.

2. A person does not commit an offense pursuant to this section if his or her conduct involved any of the items in subdivisions (1) to (5) of subsection 1, the item was possessed in conformity with any applicable federal law, and the conduct:

- (1) Was incident to the performance of official duty by the Armed Forces, National Guard, a governmental law enforcement agency, or a penal institution; or

(2) Was incident to engaging in a lawful commercial or business transaction with an organization enumerated in subdivision (1) of this section; or

(3) Was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise; or

(4) Was incident to displaying the weapon in a public museum or exhibition; or

(5) Was incident to using the weapon in a manner reasonably related to a lawful dramatic performance.

3. An offense pursuant to subdivision (1), (2), (3) or (6) of subsection 1 of this section is a class D felony; a crime pursuant to subdivision (4) or (5) of subsection 1 of this section is a class A misdemeanor.

(L. 1981 H.B. 296, A.L. 2002 S.B. 712, A.L. 2008 H.B. 2034, A.L. 2011 H.B. 294, et al., A.L. 2012 H.B. 1647 merged with S.B. 489 & 637, A.L. 2016 H.B. 2332) Effective 1-01-17 CROSS REFERENCE:

Illegal fireworks, possession, sale, manufacture or transportation of, penalty, 320.136 **571.020 1/1/2017**

**\*571.030. Unlawful use of weapons — exceptions — penalties.** — 1. A person commits the offense of unlawful use of weapons, except as otherwise provided by sections 571.101 to 571.121, if he or she knowingly:

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

(2) Sets a spring gun; or

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

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

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

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

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

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

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

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

(11) Possesses a firearm while also knowingly in possession of a controlled substance that is sufficient for a felony violation of section 579.015.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any person who has a valid concealed carry permit issued pursuant to sections 571.101 to 571.121, a valid concealed carry endorsement

issued before August 28, 2013, or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.

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

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

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

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

(1) Subdivision (2), (3), (4), or (11) of subsection 1 of this section shall be guilty of a class E felony;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(RSMo 1939 § 4425, A.L. 1959 H.B. 43, A.L. 1981 H.B. 296, A.L. 1993 H.B. 562 merged with S.B. 250, A.L. 1995 H.B. 160, A.L. 1997 S.B. 367, A.L. 1998 S.B. 478, A.L. 2000 S.B. 944, A.L. 2003 H.B. 349, et al. merged with S.B. 5, A.L. 2007 S.B. 62 & 41, A.L. 2010 H.B. 1692, et al., A.L. 2011 H.B. 294, et al., A.L. 2012 H.B. 1647, A.L. 2013 H.B. 533 merged with S.B. 75, A.L. 2014 S.B. 656 merged with S.B. 745 merged with S.B. 852, A.L. 2016 S.B. 656)

Prior revisions: 1929 § 4031; 1919 § 3277; 1909 § 4498 \*Effective 1-01-17. S.B. 656 was vetoed June 27, 2016. The veto was overridden on September 14, 2016. (1986) A weapon is "on or about a person" if it is within his "easy reach and convenient control". State v. Nebbitt, 713 S.W.2d 49 (Mo. App.). **571.030 1/1/2017**

**571.037. Open display of firearm permitted, when.** — Any person who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit, and who is lawfully carrying a firearm in a concealed manner, may briefly and openly display the firearm to the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner, not in necessary self defense.

(L. 2012 H.B. 1647, A.L. 2013 S.B. 75) **571.037 8/28/2013** ↑

**571.045. Defacing firearm, penalty.** — 1. A person commits the crime of defacing a firearm if he knowingly defaces any firearm.

2. Defacing a firearm is a class A misdemeanor.

(L. 1981 H.B. 296 § 571.040) **571.045 8/28/1981**

**571.050. Possession of defaced firearm, penalty.** — 1. A person commits the crime of possession of a defaced firearm if he knowingly possesses a firearm which is defaced.

2. Possession of a defaced firearm is a class B misdemeanor.

(L. 1981 H.B. 296) **571.050 8/28/1981**

**571.060. Unlawful transfer of weapons, penalty.** — 1. A person commits the offense of unlawful transfer of weapons if he:

(1) Knowingly sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to any person who, under the provisions of section 571.070, is not lawfully entitled to possess such;

(2) Knowingly sells, leases, loans, gives away or delivers a blackjack to a person less than eighteen years old without the consent of the child's custodial parent or guardian, or recklessly, as defined in section 562.016, sells, leases, loans, gives away or delivers any firearm to a person less than eighteen years old without the consent of the child's custodial parent or guardian; provided, that this does not prohibit the delivery of such weapons to any peace officer or member of the Armed Forces or National Guard while performing his official duty; or

(3) Recklessly, as defined in section 562.016, sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to a person who is intoxicated.

2. Unlawful transfer of weapons under subdivision (1) of subsection 1 of this section is a class E felony; unlawful transfer of weapons under subdivisions (2) and (3) of subsection 1 of this section is a class A misdemeanor.

(L. 1981 H.B. 296, A.L. 2016 H.B. 2332) Effective 1-01-17 **571.060 1/1/2017**



**571.063. Fraudulent purchase of a firearm, crime of — definitions — penalty — exceptions.** — 1. As used in this section the following terms shall mean:

(1) "**Ammunition**", any cartridge, shell, or projectile designed for use in a firearm;

(2) "**Licensed dealer**", a person who is licensed under 18 U.S.C. Section 923 to engage in the business of dealing in firearms;

(3) "**Materially false information**", any information that portrays an illegal transaction as legal or a legal transaction as illegal;

(4) "**Private seller**", a person who sells or offers for sale any firearm, as defined in section 571.010, or ammunition.

2. A person commits the crime of fraudulent purchase of a firearm if such person:

(1) Knowingly solicits, persuades, encourages or entices a licensed dealer or private seller of firearms or ammunition to transfer a firearm or ammunition under circumstances which the person knows would violate the laws of this state or the United States; or

(2) Provides to a licensed dealer or private seller of firearms or ammunition what the person knows to be materially false information with intent to deceive the dealer or seller about the legality of a transfer of a firearm or ammunition; or

(3) Willfully procures another to violate the provisions of subdivision (1) or (2) of this subsection.

3. Fraudulent purchase of a firearm is a class E felony.

4. This section shall not apply to criminal investigations conducted by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives, authorized agents of such investigations, or to a peace officer, as defined in section 542.261, acting at the explicit direction of the United States Bureau of Alcohol, Tobacco, Firearms and Explosives.

(L. 2011 H.B. 294, et al., A.L. 2016 H.B. 2332) Effective 1-01-17 **571.063 1/1/2017**

**571.067. Surrendering a firearm to a political subdivision, valuable consideration prohibited, exceptions.** — No county, municipality, or other governmental body, or an agent of a county, municipality, or other governmental body, may participate in any program in which individuals are given a thing of value in exchange for surrendering a firearm to the county, municipality, or other governmental body unless:

(1) The county, municipality, or governmental body has adopted a resolution, ordinance, or rule authorizing the participation of the county, municipality, or governmental body, or participation by an agent of the county, municipality, or governmental body, in such a program; and

(2) The resolution, ordinance, or rule enacted pursuant to this section provides that any firearm received shall be offered for sale or trade to a licensed firearms dealer. The proceeds from any sale or gains from trade shall be the property of the county, municipality, or governmental body. Any proceeds collected under this

subdivision shall be deposited with the municipality, county, or governmental body unless the proceeds are collected by a sheriff, in which case the proceeds shall be deposited in the county sheriff's revolving fund under section 50.535. Any firearm remaining in the possession of the county, municipality, or governmental body after the firearm has been offered for sale or trade to at least two licensed firearms dealers may be destroyed.

(L. 2013 H.B. 533) **571.067 8/28/2013**

**571.070. Possession of firearm unlawful for certain persons — penalty — exception.** — 1. A person commits the offense of unlawful possession of a firearm if such person knowingly has any firearm in his or her possession and:

(1) Such person has been convicted of a felony under the laws of this state, or of a crime under the laws of any state or of the United States which, if committed within this state, would be a felony; or

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

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

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

(L. 1981 H.B. 296, A.L. 1982 H.B. 1201, A.L. 2008 H.B. 2034, A.L. 2010 H.B. 1692, et al., A.L. 2016 H.B. 2332, A.L. 2020 S.B. 600) (2013) Section prohibiting persons convicted of certain felonies from possessing firearms is not an ex post facto law because it does not apply to conduct completed before its enactment. *State v. Harris*, 414 S.W.3d 447 (Mo.banc).

(2015) Section criminalizing possession of a firearm by a convicted felon does not violate state constitutional right to bear arms. *State v. Merritt*, 467 S.W.3d 808 (Mo.). (2015) Section is narrowly tailored to achieve a compelling governmental interest in ensuring public safety and reducing firearm-related crime and thus passes strict scrutiny. *State v. McCoy*, 468 S.W.3d 892 (Mo.). (2015) Section is a constitutional restriction of a convicted nonviolent felon's right to bear arms. *State v. Clay*, 481 S.W.3d 531 (Mo.). (2018) Section does not violate Second Amendment of the U.S. Constitution as applied to person who had committed two serious felonies for which he served prison time, even if his federal right to possess a firearm had been restored. *Alpert v. State*, 543 S.W.3d 589 (Mo. banc).

**571.070 8/28/2020** ↑

**571.072. Unlawful possession of an explosive weapon, offense of — penalty.** — 1. A person commits the offense of unlawful possession of an explosive weapon if he or she has any explosive weapon in his or her possession and:

(1) He or she has pled guilty to or has been convicted of a dangerous felony, as defined in section 556.061, or of an attempt to commit a dangerous felony, or of an offense under the laws of any state or of the United States which, if committed within this state, would be a dangerous felony, or confined therefor in this state or elsewhere during the five-year period immediately preceding the date of such possession; or

(2) He or she is a fugitive from justice, is habitually in an intoxicated or drugged condition, or is currently adjudged mentally incompetent.

2. Unlawful possession of an explosive weapon is a class D felony.

(L. 2008 H.B. 2034, A.L. 2016 H.B. 2332) Effective 1-01-17 **571.072 1/1/2017**

**571.080. Transfer of concealable firearms.** — A person commits the crime of transfer of a concealable firearm if such person violates 18 U.S.C. Section 922(b) or 18 U.S.C. Section 922(x).

(L. 1981 H.B. 296 subsecs. 1, 2, 3, A.L. 1998 S.B. 496, A.L. 2007 S.B. 62 & 41) **571.080 8/28/2007**

**571.085. Purchase in another state by Missouri residents, permitted when.** — Residents of the state of Missouri may purchase firearms in any state, provided that such residents conform to the applicable provisions of the Federal Gun Control Act of 1968, and regulations thereunder, and provided further that such residents conform to the provisions of law applicable to such purchase in the state of Missouri and in the state in which the purchase is made.(L. 2011 H.B. 294, et al.) **571.085 8/28/2011** ↑

**571.087. Purchase in Missouri by nonresident, permitted when.** — Residents of any state may purchase firearms in the state of Missouri, provided that such residents conform to the applicable provisions of the Federal Gun Control Act of 1968, and regulations thereunder, and provided further that such residents

conform to the provisions of law applicable to such purchase in the state of Missouri and in the state in which such persons reside.

(L. 2011 H.B. 294, et al.) **571.087 8/28/2011**

**571.092. Restriction on transfer and possession of firearms, petition for removal of, when, requirements.**

– 1. Any individual who has been adjudged incapacitated under [chapter 475](#), who has been involuntarily committed under [chapter 632](#), or who is otherwise subject to the firearms-related disabilities of 18 U.S.C. Section 922(d)(4) or (g)(4) as a result of an adjudication or commitment that occurred in this state may file a petition for the removal of the disqualification to ship, transport, receive, purchase, possess, or transfer a firearm imposed under 18 U.S.C. Section 922(d)(4) or (g)(4) and the laws of this state.

2. The petition shall be filed in the circuit court with jurisdiction in the petitioner's place of residence or that entered the letters of guardianship or the most recent order for involuntary commitment, or the most recent disqualifying order, whichever is later. The petition shall include:

- (1) The circumstances regarding the firearms disabilities;
- (2) The applicant's record which at a minimum shall include the applicant's mental health and criminal history records, if any;
- (3) The applicant's reputation through character witness statements, testimony, or other character evidence; and
- (4) Any other information or evidence relevant to the relief sought, including but not limited to evidence concerning any changes in the petitioner's condition since the disqualifying commitment or adjudication occurred.

Upon receipt of the petition, the clerk shall schedule a hearing and provide notice of the hearing to the petitioner.

3. The court shall grant the requested relief if it finds by clear and convincing evidence that:

- (1) The petitioner will not be likely to act in a manner dangerous to public safety; and
- (2) Granting the relief is not contrary to the public interest.

4. In order to determine whether to grant relief under this section, the court may request the local prosecuting attorney, circuit attorney, or attorney general to provide a written recommendation as to whether relief should be granted. In any order requiring such review the court may grant access to any and all mental health records, juvenile records, and criminal history of the petitioner wherever maintained. The court may allow presentation of evidence at the hearing if requested by the petitioner or by the local prosecuting attorney, circuit attorney, or attorney general. A record shall be kept of the proceedings.

5. If the petitioner is filing the petition as a result of an involuntary commitment under [chapter 632](#), the hearing and records shall be closed to the public, unless the court finds that public interest would be better served by conducting the hearing in public. If the court determines the hearing should be open to the public, upon motion by the petitioner, the court may allow for the in-camera inspection of mental health records. The court may allow the use of the record but shall restrict it from public disclosure, unless it finds that the public interest would be better served by making the record public.

6. The court shall include in its order the specific findings of fact on which it bases its decision.

7. Upon a judicial determination to grant a petition under this section, the clerk in the county where the petition was granted shall forward the order to the Missouri state highway patrol for updating of the petitioner's record with the National Instant Criminal Background Check System (NICS). The Missouri state highway patrol shall contact the Federal Bureau of Investigation to effect this updating no later than twenty-one days from receipt of the order.

8. Any person who has been denied a petition for the removal of the disqualification to ship, transport, receive, purchase, possess, or transfer a firearm under this section shall not be eligible to file another petition for removal of such disqualification until the expiration of one year from the date of such denial.

9. In the event a petition is denied under this section, the petitioner may appeal such denial, and review shall be de novo. (L. 2012 H.B. 1647) **571.092 8/28/2012**

**571.093. Certain records closed to the public.** — If any sheriff retains records of permits to obtain concealable firearms issued under former section 571.090, as repealed by senate bills nos. 62 and 41 of the ninety-fourth general assembly, then such records shall be closed to the public. No such record shall be made available for any purpose whatsoever unless its disclosure is mandated by a valid court order relating to a criminal investigation. (L. 2008 H.B. 2034) **571.093 8/28/2008** ↑

**571.095. Confiscation of firearms and ammunition, when — exceptions.** — Upon conviction for or attempting to commit a felony in violation of any law perpetrated in whole or in part by the use of a firearm, the court may, in addition to the penalty provided by law for such offense, order the confiscation and disposal or sale or trade to a licensed firearms dealer of firearms and ammunition used in the commission of the crime or found in the possession or under the immediate control of the defendant at the time of his or her arrest. The proceeds of any sale or gains from trade shall be the property of the police department or sheriff's department responsible for the defendant's arrest or the confiscation of the firearms and ammunition. If such firearms or ammunition are not the property of the convicted felon, they shall be returned to their rightful owner if he or she is known and was not a participant in the crime. Any proceeds collected under this section shall be deposited with the municipality or by the county treasurer into the county sheriff's revolving fund established in section 50.535. (L. 1981 H.B. 296 § 571.080 subsec. 4, A.L. 2007 S.B. 62 & 41) **571.095 8/28/2007**

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

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

- (1) Is at least nineteen years of age, is a citizen or permanent resident of the United States and either:
  - (a) Has assumed residency in this state; or
  - (b) Is a member of the Armed Forces stationed in Missouri, or the spouse of such member of the military;
- (2) Is at least nineteen years of age, or is at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces, and is a citizen of the United States and either:
  - (a) Has assumed residency in this state;
  - (b) Is a member of the Armed Forces stationed in Missouri; or
  - (c) The spouse of such member of the military stationed in Missouri and nineteen years of age;
- (3) Has not pled guilty to or entered a plea of nolo contendere or been convicted of a crime punishable by imprisonment for a term exceeding one year 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 two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

(4) Has not 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 concealed carry permit or if the applicant has not 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;

(5) Is not 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;

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

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

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

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

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

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

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

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

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

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

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

(4) An affirmation that the applicant has not pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year 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 two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

(5) An affirmation that the applicant has not 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 permit or if the applicant has not 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 permit;

(6) An affirmation that the applicant is not 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 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 two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

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

(8) An affirmation that the applicant is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, 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, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply;

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

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

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

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

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

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

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

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

(2) In the event the report from the National Instant Criminal Background Check System and the response from the Federal Bureau of Investigation national criminal history record check prescribed by subdivision (1) of this subsection are not completed within forty-five calendar days and no disqualifying information concerning the applicant has otherwise come to the sheriff's attention, the sheriff shall issue a provisional permit, clearly designated on the certificate as such, which the applicant shall sign in the presence of the sheriff or the sheriff's designee. This permit, when carried with a valid Missouri driver's or nondriver's license or a valid military identification, shall permit the applicant to exercise the same rights in accordance with the same conditions as pertain to a concealed carry permit issued under this section, provided that it shall not serve as an alternative to an national instant criminal background check required by 18 U.S.C. Section 922(t). The provisional permit shall remain valid until such time as the sheriff either issues or denies the certificate of

qualification under subsection 6 or 7 of this section. The sheriff shall revoke a provisional permit issued under this subsection within twenty-four hours of receipt of any report that identifies a disqualifying record, and shall notify the concealed carry permit system established under subsection 5 of section 650.350. The revocation of a provisional permit issued under this section shall be proscribed in a manner consistent to the denial and review of an application under subsection 6 of this section.

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

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

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

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

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

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

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

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

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

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

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

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

(L. 2003 H.B. 349, et al., § 571.094, subsecs. 1 to 12, A.L. 2008 H.B. 2034, A.L. 2011 H.B. 294, et al., A.L. 2012 H.B. 1647, A.L. 2013 S.B. 75, A.L. 2014 S.B. 656 merged with S.B. 745, A.L. 2016 S.B. 656) \*Effective 10-14-16, see § 21.250. S.B. 656 was vetoed June 27, 2016. The veto was overridden on September 14, 2016. **571.101 10/14/2016**

**571.104. Suspension or revocation of endorsements and permits, when — renewal procedures — change of name or residence notification requirements — active military members, two-month renewal period.**

— 1. A concealed carry endorsement issued prior to August 28, 2013, shall be suspended or revoked if the concealed carry endorsement holder becomes ineligible for such endorsement under the criteria established in subdivisions (3), (4), (5), (8), and (11) of subsection 2 of section 571.101 or upon the issuance of a valid full order of protection. The following procedures shall be followed:

(1) When a valid full order of protection, or any arrest warrant, discharge, or commitment for the reasons listed in subdivision (3), (4), (5), (8), or (11) of subsection 2 of section 571.101, is issued against a person holding a concealed carry endorsement issued prior to August 28, 2013, upon notification of said order, warrant, discharge or commitment or upon an order of a court of competent jurisdiction in a criminal proceeding, a commitment proceeding or a full order of protection proceeding ruling that a person holding a concealed carry endorsement presents a risk of harm to themselves or others, then upon notification of such order, the holder of the concealed carry endorsement shall surrender the driver's license or nondriver's license containing the concealed carry endorsement to the court, officer, or other official serving the order, warrant, discharge, or commitment. The official to whom the driver's license or nondriver's license containing the concealed carry endorsement is surrendered shall issue a receipt to the licensee for the license upon a form, approved by the director of revenue, that serves as a driver's license or a nondriver's license and clearly states the concealed carry endorsement has been suspended. The official shall then transmit the driver's license or a nondriver's license containing the concealed carry endorsement to the circuit court of the county issuing the order, warrant, discharge, or commitment. The concealed carry endorsement issued prior to August 28, 2013, shall be suspended until the order is terminated or until the arrest results in a dismissal of all charges. The official to whom the endorsement is surrendered shall administratively suspend the endorsement in the concealed carry permit system established under subsection 5 of section 650.350 until such time as the order is terminated

or until the charges are dismissed. Upon dismissal, the court holding the driver's license or nondriver's license containing the concealed carry endorsement shall return such license to the individual, and the official to whom the endorsement was surrendered shall administratively return the endorsement to good standing within the concealed carry permit system.

(2) Any conviction, discharge, or commitment specified in sections 571.101 to 571.121 shall result in a revocation. Upon conviction, the court shall forward a notice of conviction or action and the driver's license or nondriver's license with the concealed carry endorsement to the department of revenue. The department of revenue shall notify the sheriff of the county which issued the certificate of qualification for a concealed carry endorsement. The sheriff who issued the certificate of qualification prior to August 28, 2013, shall report the change in status of the endorsement to the concealed carry permit system established under subsection 5 of section 650.350. The director of revenue shall immediately remove the endorsement issued prior to August 28, 2013, from the individual's driving record within three days of the receipt of the notice from the court. The director of revenue shall notify the licensee that he or she must apply for a new license pursuant to chapter 302 which does not contain such endorsement. This requirement does not affect the driving privileges of the licensee. The notice issued by the department of revenue shall be mailed to the last known address shown on the individual's driving record. The notice is deemed received three days after mailing.

2. A concealed carry permit issued pursuant to sections 571.101 to 571.121 after August 28, 2013, shall be suspended or revoked if the concealed carry permit holder becomes ineligible for such permit or endorsement under the criteria established in subdivisions (3), (4), (5), (8), and (11) of subsection 2 of section 571.101 or upon the issuance of a valid full order of protection. The following procedures shall be followed:

(1) When a valid full order of protection or any arrest warrant, discharge, or commitment for the reasons listed in subdivision (3), (4), (5), (8), or (11) of subsection 2 of section 571.101 is issued against a person holding a concealed carry permit, upon notification of said order, warrant, discharge, or commitment or upon an order of a court of competent jurisdiction in a criminal proceeding, a commitment proceeding, or a full order of protection proceeding ruling that a person holding a concealed carry permit presents a risk of harm to themselves or others, then upon notification of such order, the holder of the concealed carry permit shall surrender the permit to the court, officer, or other official serving the order, warrant, discharge, or commitment. The permit shall be suspended until the order is terminated or until the arrest results in a dismissal of all charges. The official to whom the permit is surrendered shall administratively suspend the permit in the concealed carry permit system until the order is terminated or the charges are dismissed. Upon dismissal, the court holding the permit shall return such permit to the individual and the official to whom the permit was surrendered shall administratively return the permit to good standing within the concealed carry permit system;

(2) Any conviction, discharge, or commitment specified in sections 571.101 to 571.121 shall result in a revocation. Upon conviction, the court shall forward a notice of conviction or action and the permit to the issuing county sheriff. The sheriff who issued the concealed carry permit shall report the change in status of the concealed carry permit to the concealed carry permit system.

3. A concealed carry permit shall be renewed for a qualified applicant upon receipt of the properly completed renewal application and the required renewal fee by the sheriff of the county of the applicant's residence. The renewal application shall contain the same required information as set forth in subsection 3 of section 571.101, except that in lieu of the fingerprint requirement of subsection 5 of section 571.101 and the firearms safety training, the applicant need only display his or her current concealed carry permit. A name-based inquiry of the National Instant Criminal Background Check System shall be completed for each renewal application. The sheriff shall review the results of the report from the National Instant Criminal Background Check System, and when the sheriff has determined the applicant has successfully completed all renewal requirements and is not disqualified under any provision of section 571.101, the sheriff shall issue a new concealed carry permit which contains the date such permit was renewed. The process for renewing a

concealed carry endorsement issued prior to August 28, 2013, shall be the same as the process for renewing a permit, except that in lieu of the fingerprint requirement of subsection 5 of section 571.101 and the firearms safety training, the applicant need only display his or her current driver's license or nondriver's license containing an endorsement. Upon successful completion of all renewal requirements, the sheriff shall issue a new concealed carry permit as provided under this subsection.

4. A person who has been issued a concealed carry permit, or a certificate of qualification for a concealed carry endorsement prior to August 28, 2013, who fails to file a renewal application for a concealed carry permit on or before its expiration date must pay an additional late fee of ten dollars per month for each month it is expired for up to six months. After six months, the sheriff who issued the expired concealed carry permit or certificate of qualification shall notify the concealed carry permit system that such permit is expired and cancelled. If the person has a concealed carry endorsement issued prior to August 28, 2013, the sheriff who issued the certificate of qualification for the endorsement shall notify the director of revenue that such certificate is expired regardless of whether the endorsement holder has applied for a concealed carry permit under subsection 3 of this section. The director of revenue shall immediately remove such endorsement from the individual's driving record and notify the individual that his or her driver's license or nondriver's license has expired. The notice shall be conducted in the same manner as described in subsection 1 of this section. Any person who has been issued a concealed carry permit pursuant to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to August 28, 2013, who fails to renew his or her application within the six-month period must reapply for a new concealed carry permit and pay the fee for a new application.

5. Any person issued a concealed carry permit pursuant to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to August 28, 2013, shall notify the sheriff of the new jurisdiction of the permit or endorsement holder's change of residence within thirty days after the changing of a permanent residence to a location outside the county of permit issuance. The permit or endorsement holder shall furnish proof to the sheriff in the new jurisdiction that the permit or endorsement holder has changed his or her residence. The sheriff in the new jurisdiction shall notify the sheriff in the old jurisdiction of the permit holder's change of address and the sheriff in the old jurisdiction shall transfer any information on file for the permit holder to the sheriff in the new jurisdiction within thirty days. The sheriff of the new jurisdiction may charge a processing fee of not more than ten dollars for any costs associated with notification of a change in residence. The sheriff shall report the residence change to the concealed carry permit system, take possession and destroy the old permit, and then issue a new permit to the permit holder. The new address shall be accessible by the concealed carry permit system within three days of receipt of the information. If the person has a concealed carry endorsement issued prior to August 28, 2013, the endorsement holder shall also furnish proof to the department of revenue of his or her residence change. In such cases, the change of residence shall be made by the department of revenue onto the individual's driving record.

6. Any person issued a concealed carry permit pursuant to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to August 28, 2013, shall notify the sheriff or his or her designee of the permit or endorsement holder's county or city of residence within seven days after actual knowledge of the loss or destruction of his or her permit or driver's license or nondriver's license containing a concealed carry endorsement. The permit or endorsement holder shall furnish a statement to the sheriff that the permit or driver's license or nondriver's license containing the concealed carry endorsement has been lost or destroyed. After notification of the loss or destruction of a permit or driver's license or nondriver's license containing a concealed carry endorsement, the sheriff may charge a processing fee of ten dollars for costs associated with replacing a lost or destroyed permit or driver's license or nondriver's license containing a concealed carry endorsement and shall reissue a new concealed carry permit within three working days of being notified by the concealed carry permit or endorsement holder of its loss or destruction. The new concealed carry permit shall contain the same personal information, including expiration date, as the original concealed carry permit.

7. If a person issued a concealed carry permit, or endorsement issued prior to August 28, 2013, changes his or her name, the person to whom the permit or endorsement was issued shall obtain a corrected or new concealed carry permit with a change of name from the sheriff who issued the original concealed carry permit or the original certificate of qualification for an endorsement upon the sheriff's verification of the name change. The sheriff may charge a processing fee of not more than ten dollars for any costs associated with obtaining a corrected or new concealed carry permit. The permit or endorsement holder shall furnish proof of the name change to the sheriff within thirty days of changing his or her name and display his or her concealed carry permit or current driver's license or nondriver's license containing a concealed carry endorsement. The sheriff shall report the name change to the concealed carry permit system, and the new name shall be accessible by the concealed carry permit system within three days of receipt of the information.

8. The person with a concealed carry permit, or endorsement issued prior to August 28, 2013, shall notify the sheriff of a name or address change within thirty days of the change. A concealed carry permit and, if applicable, endorsement shall be automatically invalid after one hundred eighty days if the permit or endorsement holder has changed his or her name or changed his or her residence and not notified the sheriff as required in subsections 5 and 7 of this section. The sheriff shall assess a late penalty of ten dollars per month for each month, up to six months and not to exceed sixty dollars, for the failure to notify the sheriff of the change of name or address within thirty days.

9. (1) As used in this subsection, the term "active military member" means any person who is on active duty in the United States Armed Forces, on active state duty, on full-time National Guard duty under Title 32 of the United States Code.

(2) Notwithstanding any provision of this section to the contrary, if a concealed carry permit, or endorsement issued prior to August 28, 2013, expires while the person issued the permit or endorsement is an active military member, the permit shall be renewed if the person completes the renewal requirements under subsection 3 of this section within two months of returning to Missouri after discharge from such duty or recovery from such incapacitation. Once the two-month period has expired, the provisions of subsection 4 of this section shall apply except the penalties shall begin to accrue upon the expiration of the two-month period described in this subsection rather than on the expiration date of the permit or endorsement.

(3) Beginning August 28, 2020, an active military member may complete the renewal of his or her endorsement or permit under subdivision (2) of this subsection\* by mail. To renew an endorsement or permit by mail, an active military member shall mail to the sheriff who issued his or her permit a renewal application, a copy of his or her current concealed carry permit, a military identification acceptable for in-person renewal of permits, and the renewal fee. The active military member may pick up the renewed permit in person or may request the permit be mailed to a provided address by certified mail. The sheriff may require the active military member to pay the postage and insurance costs associated with mailing the permit, but the costs shall not exceed ten dollars.

(L. 2003 H.B. 349, et al., § 571.094, subsecs. 13 to 19, A.L. 2010 H.B. 1692, et al., A.L. 2013 S.B. 75, A.L. 2014 S.B. 745, A.L. 2016 S.B. 656, A.L. 2020 S.B. 656) \*Word "section" appears in original rolls. **571.104 8/28/2020** ↑

**\*571.107. Permit does not authorize concealed firearms, where – penalty for violation.** — 1. A concealed carry permit issued pursuant to sections 571.101 to 571.121, a valid concealed carry endorsement issued prior to August 28, 2013, or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize the person in whose name the permit or endorsement is issued to carry concealed firearms on or about his or her person or vehicle throughout the state. No concealed carry permit issued pursuant to sections 571.101 to 571.121, valid concealed carry endorsement issued prior to August 28, 2013, or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize any person to carry concealed firearms into:

(1) Any police, sheriff, or highway patrol office or station without the consent of the chief law enforcement officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or

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

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

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

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

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

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

(7) **Any establishment licensed to dispense intoxicating liquor for consumption on the premises, which portion is primarily devoted to that purpose,** without the consent of the owner or manager. The provisions of

this subdivision shall not apply to the licensee of said establishment. The provisions of this subdivision shall not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty persons and that receives at least fifty-one percent of its gross annual income from the dining facilities by the sale of food. This subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision authorizes any individual who has been issued a concealed carry permit or endorsement to possess any firearm while intoxicated;

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

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

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

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

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

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

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

(15) **Any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one or more signs displayed in a conspicuous place of a minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less than one inch.** The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity, or person may prohibit persons holding a concealed carry permit or endorsement from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a concealed carry permit or endorsement from carrying concealed firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a concealed carry permit or endorsement from carrying a concealed firearm in vehicles owned by the employer;

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

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

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

(L. 2003 H.B. 349, et al., § 571.094, subsecs. 20, 21, A.L. 2009 H.B. 132, A.L. 2010 H.B. 1692, et al., A.L. 2011 H.B. 294, et al., A.L. 2013 S.B. 75, A.L. 2014 S.B. 656) \*Effective 10-10-14, see § 21.250. S.B. 656 was vetoed July 14, 2014. The veto was overridden on September 10, 2014. **571.107 8/28/2014**

**\*571.111. Firearms training requirements — safety instructor requirements — penalty for violations.**

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

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

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

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

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

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

(6) Submits proof that the applicant is currently certified as any class of corrections officer by the Missouri department of corrections and has passed at least one eight-hour firearms training course, approved by the

director of the Missouri department of corrections under the authority granted to him or her, that includes instruction on the justifiable use of force as prescribed in [chapter 563](#); or

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

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

- (1) Handgun safety in the classroom, at home, on the firing range and while carrying the firearm;
- (2) A physical demonstration performed by the applicant that demonstrated his or her ability to safely load and unload either a revolver or a semiautomatic pistol and demonstrated his or her marksmanship with either firearm;
- (3) The basic principles of marksmanship;
- (4) Care and cleaning of concealable firearms;
- (5) Safe storage of firearms at home;
- (6) The requirements of this state for obtaining a concealed carry permit from the sheriff of the individual's county of residence;
- (7) The laws relating to firearms as prescribed in this chapter;
- (8) The laws relating to the justifiable use of force as prescribed in [chapter 563](#);
- (9) A live firing exercise of sufficient duration for each applicant to fire either a revolver or a semiautomatic pistol, from a standing position or its equivalent, a minimum of twenty rounds from the handgun at a distance of seven yards from a B-27 silhouette target or an equivalent target;
- (10) A live-fire test administered to the applicant while the instructor was present of twenty rounds from either a revolver or a semiautomatic pistol from a standing position or its equivalent at a distance from a B-27 silhouette target, or an equivalent target, of seven yards.

3. A certificate of firearms safety training course completion may also be issued to an applicant who presents proof to a qualified firearms safety instructor that the applicant has passed a regular or online course on firearm safety conducted by an instructor certified by the National Rifle Association that is at least one hour in length and who also passes the requirements of subdivisions (1), (2), (6), (7), (8), (9), and (10) of subsection 2 of this section in a course, not restricted by a period of hours, that is taught by a qualified firearms safety instructor.

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

- (1) Does not follow the orders of the qualified firearms instructor or cognizant range officer; or
- (2) Handles a firearm in a manner that, in the judgment of the qualified firearm safety instructor, poses a danger to the applicant or to others; or
- (3) During the live-fire testing portion of the course fails to hit the silhouette portion of the targets with at least fifteen rounds.

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

- (1) Make the applicant's course records available upon request to the sheriff of the county in which the applicant resides;
- (2) Maintain all course records on students for a period of no less than four years from course completion date; and
- (3) Not have more than forty students per certified instructor in the classroom portion of the course or more than five students per range officer engaged in range firing.

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

- (1) Is a valid firearms safety instructor certified by the National Rifle Association holding a rating as a personal protection instructor or pistol marksmanship instructor; or
- (2) Submits a photocopy of a notarized certificate from a firearms safety instructor's course offered by a local, state, or federal governmental agency; or
- (3) Submits a photocopy of a notarized certificate from a firearms safety instructor course approved by the department of public safety; or
- (4) Has successfully completed a firearms safety instructor course given by or under the supervision of any state, county, municipal, or federal law enforcement agency; or
- (5) Is a certified police officer firearms safety instructor.

7. Any firearms safety instructor qualified under subsection 6 of this section may submit a copy of a training instructor certificate, course outline bearing the notarized signature of the instructor, and a recent photograph of the instructor to the sheriff of the county in which the instructor resides. The sheriff shall review the training instructor certificate along with the course outline and verify the firearms safety instructor is qualified and the course meets the requirements provided under this section. If the sheriff verifies the firearms safety instructor is qualified and the course meets the requirements provided under this section, the sheriff shall collect an annual registration fee of ten dollars from each qualified instructor who chooses to submit such information and submit the registration to the Missouri sheriff methamphetamine relief taskforce. The Missouri sheriff methamphetamine relief taskforce, or its designated agent, shall create and maintain a statewide database of qualified instructors. This information shall be a closed record except for access by any sheriff. Firearms safety instructors may register annually and the registration is only effective for the calendar year in which the instructor registered. Any sheriff may access the statewide database maintained by the Missouri sheriff methamphetamine relief taskforce to verify the firearms safety instructor is qualified and the course offered by the instructor meets the requirements provided under this section. Unless a sheriff has reason to believe otherwise, a sheriff shall presume a firearms safety instructor is qualified to provide firearms safety instruction in counties throughout the state under this section if the instructor is registered on the statewide database of qualified instructors.

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

(L. 2003 H.B. 349, et al., § 571.094, subsecs. 22 to 27, A.L. 2007 S.B. 62 & 41, A.L. 2011 H.B. 294, et al., A.L. 2012 H.B. 1647 merged with S.B. 489 & 637, A.L. 2013 S.B. 75, A.L. 2014 S.B. 656 merged with S.B. 745, A.L. 2016 S.B. 656)

\*Effective 10-14-16, see § 21.250. S.B. 656 was vetoed June 27, 2016. The veto was overridden on September 14, 2016.

#### **571.111 10/14/2016**

**571.114. Denial of application, appeal procedures.** — 1. In any case when the sheriff refuses to issue a concealed carry permit or to act on an application for such permit, the denied applicant shall have the right to appeal the denial within thirty days of receiving written notice of the denial. Such appeals shall be heard in small claims court as defined in section 482.300, and the provisions of sections 482.300, 482.310 and 482.335 shall apply to such appeals.

2. A denial of or refusal to act on an application for a concealed carry permit may be appealed by filing with the clerk of the small claims court a copy of the sheriff's written refusal and a form substantially similar to the appeal form provided in this section. Appeal forms shall be provided by the clerk of the small claims court free of charge to any person:

### SMALL CLAIMS COURT

In the Circuit Court of \_\_\_\_\_, Missouri

\_\_\_\_\_, Denied Applicant  
)  
)  
vs. ) Case Number \_\_\_\_\_  
)  
)  
\_\_\_\_\_, Sheriff  
Return Date \_\_\_\_\_

APPEAL OF A DENIAL OF A CONCEALED CARRY PERMIT

The denied applicant states that his or her properly completed application for a concealed carry permit was denied by the sheriff of \_\_\_\_\_ County, Missouri, without just cause. The denied applicant affirms that all of the statements in the application are true.

\_\_\_\_\_, Denied Applicant

3. The notice of appeal in a denial of a concealed carry permit appeal shall be made to the sheriff in a manner and form determined by the small claims court judge.

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

5. Any person aggrieved by any final judgment rendered by a small claims court in a denial of a concealed carry permit appeal may have a right to trial de novo as provided in sections 512.180 to 512.320. ----- (L. 2003 H.B. 349, et al., § 571.094, subsecs. 28 to 32, A.L. 2013 S.B. 75) **571.114 8/28/2013** 

**\*571.117. Revocation procedure for ineligible permit holders — sheriff's immunity from liability, when.**

— 1. Any person who has knowledge that another person, who was issued a concealed carry permit pursuant to sections 571.101 to 571.121, or concealed carry endorsement prior to August 28, 2013, never was or no longer is eligible for such permit or endorsement under the criteria established in sections 571.101 to 571.121 may file a petition with the clerk of the small claims court to revoke that person's concealed carry permit or endorsement. The petition shall be in a form substantially similar to the petition for revocation of concealed carry permit or endorsement provided in this section. Appeal forms shall be provided by the clerk of the small claims court free of charge to any person:

SMALL CLAIMS COURT

In the Circuit Court of \_\_\_\_\_, Missouri  
\_\_\_\_\_, PLAINTIFF  
)  
)  
vs. ) Case Number \_\_\_\_\_  
)  
\_\_\_\_\_, DEFENDANT,  
Carry Permit or Endorsement Holder

\_\_\_\_\_, DEFENDANT,

Sheriff of Issuance

PETITION FOR REVOCATION OF A  
CONCEALED CARRY PERMIT OR CONCEALED CARRY  
ENDORSEMENT

Plaintiff states to the court that the defendant, \_\_\_\_\_, has a concealed carry permit issued pursuant to sections 571.101 to 571.121, RSMo, or a concealed carry endorsement issued prior to August 28, 2013, and that the defendant's concealed carry permit or concealed carry endorsement should now be revoked because the defendant either never was or no longer is eligible for such a permit or endorsement pursuant to the provisions of sections 571.101 to 571.121, RSMo, specifically plaintiff states that defendant, \_\_\_\_\_, never was or no longer is eligible for such permit or endorsement for one or more of the following reasons:

(CHECK BELOW EACH REASON THAT APPLIES TO THIS  
DEFENDANT)

<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.
<input type="checkbox"/>	Defendant is not a citizen or permanent resident of the United States.
<input type="checkbox"/>	Defendant had not resided in this state prior to issuance of the permit and does not qualify as a military member or spouse of a military member stationed in Missouri.
<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 not involve an explosive weapon, firearm, firearm silencer, or gas gun.
<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 concealed carry permit issued pursuant to sections 571.101 to 571.121, RSMo, or a concealed carry endorsement issued prior to August 28, 2013, or if the applicant 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 571.101 to 571.121, RSMo, or a concealed carry endorsement issued prior to August 28, 2013.
<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.
<input type="checkbox"/>	Defendant has been discharged under dishonorable conditions from the United States Armed Forces.
<input type="checkbox"/>	Defendant is reasonably believed by the sheriff to be a danger to self or others based on previous, documented pattern.
<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.
<input type="checkbox"/>	Defendant failed to submit a completed application for a concealed carry permit issued pursuant to sections 571.101 to 571.121, RSMo, or a concealed carry endorsement issued prior to August 28, 2013.
<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 5 of section 571.101, and the results of the background check are still pending.)
<input type="checkbox"/>	Defendant failed to submit an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsection 1 of section 571.111, RSMo.
<input type="checkbox"/>	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 concealed carry permit issued pursuant to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to August 28, 2013, at the time of issuance or renewal or is no longer eligible for a concealed carry permit or the concealed carry endorsement, the court shall issue an appropriate order to cause the revocation of the concealed carry permit and, if applicable, the concealed carry endorsement. Costs shall not be assessed against the sheriff.

3. The finder of fact, in any action brought against a permit or endorsement holder pursuant to 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 or endorsement 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 concealed carry permit or concealed carry endorsement 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 concealed carry permit issued pursuant to sections 571.101 to 571.121, or a certificate of qualification for a concealed carry endorsement issued prior to August 28, 2013, so long as the sheriff acted in good faith.

(L. 2003 H.B. 349, et al., § 571.094, subsecs. 33 to 37, A.L. 2011 H.B. 294, et al., A.L. 2012 H.B. 1647, A.L. 2013 S.B. 75, A.L. 2014 S.B. 656)  
\*Effective 10-10-14, see § 21.250. S.B. 656 was vetoed July 14, 2014. The veto was overridden on September 10, 2014. **571.117 10/10/2014**

**571.121. Duty to carry and display permit, penalty for violation — director of revenue immunity from liability, when.** — 1. Any person issued a concealed carry permit pursuant to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to August 28, 2013, shall carry the concealed carry permit or endorsement at all times the person is carrying a concealed firearm and shall display the concealed carry permit and a state or federal government-issued photo identification or the endorsement or permit upon the request of any peace officer. Failure to comply with this subsection shall not be a criminal offense but the concealed carry permit or endorsement holder may be issued a citation for an amount not to exceed thirty-five dollars.

2. Notwithstanding any other provisions of law, the director of revenue, by carrying out his or her requirement to issue a driver's or nondriver's license reflecting that a concealed carry permit has been granted under the law as it existed prior to August 28, 2013, shall bear no liability and shall be immune from any claims for damages resulting from any determination made regarding the qualification of any person for such permit or for any actions stemming from the conduct of any person issued such a permit. By issuing the permit on the driver's or nondriver's license, the director of revenue was merely acting as a scrivener for any determination made by the sheriff that the person was qualified for the permit.

(L. 2003 H.B. 349, et al., § 571.094, subsecs. 38, 39, A.L. 2013 S.B. 75) **571.121 8/28/2013**

**\*571.126. List of persons who have obtained a concealed carry endorsement or permit, no disclosure to federal government.** — Notwithstanding any other state law to the contrary, no state agency shall disclose to the federal government the statewide list of persons who have obtained a concealed carry endorsement or permit, including Missouri lifetime and extended concealed carry permits. Nothing in this section shall be construed to restrict access to individual records by any criminal justice agency authorized to access the Missouri uniform law enforcement system.

**571.150. Use or possession of a metal-penetrating bullet during the commission of a crime — definition — penalty.** — 1. As used in this section, the term "**metal-penetrating bullet**" means handgun bullet or projectile of 9 mm, .25, .32, .38, .357, .41, .44, or .451 or other caliber which is comprised of a hardened core equal to the minimum of the maximum attainable hardness by solid red metal alloy which purposely reduces the normal expansion or mushrooming of the bullet's or projectile's shape upon impact. Metal-penetrating bullet does not include any bullet or projectile composed of copper or brass jacket with lead or lead alloy cores or any bullet or projectile composed of lead or lead alloys.

2. Any person who uses or possesses a metal-penetrating bullet during the commission of a crime is guilty of a class B felony. (L. 1986 S.B. 450 § 3) Effective 3-17-86 **571.150 3/17/1986**

**571.155. Regulation by municipalities permitted — no prohibition at shooting ranges.** — 1. A municipality may regulate, by order or ordinance, the shooting of pneumatic guns within its boundaries when the municipality is, in the opinion of the governing body, so heavily populated that such conduct is dangerous to the inhabitants thereof. The municipality may require supervision by a parent, guardian, or other adult supervisor who is approved by a parent or guardian of any minor below the age of twelve in all uses of pneumatic guns on public property. The ordinance may specify that minors twelve years of age or older may, with the consent of a parent or guardian, use a pneumatic gun at any place designated for such use by the local governing body or on private property with the consent of the owner. The ordinance may specify that any minor shall be responsible for obeying all laws, regulations, and restrictions governing such use, regardless of whether a parent or guardian has permitted such use.

2. No such ordinance shall prohibit the use pneumatic guns at facilities approved for shooting ranges. (L. 2011 H.B. 294, et al., § 1) **571.155 8/28/2011**

**\*571.205. Issuance of lifetime or extended permit, requirements — application contents — sheriff's duties — recordkeeping — confidentiality of information — fees.** — 1. Upon request and payment of the required fee, the sheriff shall issue a concealed carry permit that is valid through the state of Missouri for the lifetime of the permit holder to a Missouri resident who meets the requirements of sections [571.205 to 571.230](#), known as a Missouri lifetime concealed carry permit. A person may also request, and the sheriff shall issue upon payment of the required fee, a concealed carry permit that is valid through the state of Missouri for a period of either ten years or twenty-five 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 as a Missouri extended concealed carry permit. A person issued a Missouri lifetime or extended concealed carry permit shall be required to comply with the provisions of sections [571.205 to 571.230](#). If the applicant can show qualification as provided by sections [571.205 to 571.230](#), the sheriff shall issue a Missouri lifetime or extended concealed carry permit authorizing the carrying of a concealed firearm on or about the applicant's person or within a vehicle.

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

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

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

(2) Has not pled guilty to or entered a plea of nolo contendere or been convicted of a crime punishable by imprisonment for a term exceeding one year 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 two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

(3) Has not 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 or if the applicant has not 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 Missouri lifetime or extended concealed carry permit;

(4) Is not 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;

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

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

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

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

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

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

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

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

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

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

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

(4) An affirmation that the applicant has not pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year 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 two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

(5) An affirmation that the applicant has not 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 permit or that the applicant has not 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 permit;

(6) An affirmation that the applicant is not 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 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 two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

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

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

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

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

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

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

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

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

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

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

(2) In the event the report from the National Instant Criminal Background Check System and the response from the Federal Bureau of Investigation national criminal history record check prescribed by subdivision (1) of this subsection are not completed within forty-five calendar days and no disqualifying information concerning the applicant has otherwise come to the sheriff's attention, the sheriff shall issue a provisional permit, clearly designated on the certificate as such, which the applicant shall sign in the presence of the sheriff or the sheriff's designee. This permit, when carried with a valid Missouri driver's or nondriver's license, shall permit the applicant to exercise the same rights in accordance with the same conditions as pertain to a Missouri lifetime or extended concealed carry permit issued under this section, provided that it shall not serve as an alternative to a national instant criminal background check required by 18 U.S.C. Section 922(t). The provisional permit shall remain valid until such time as the sheriff either issues or denies the permit under subsection 7 or 8 of this section. The sheriff shall revoke a provisional permit issued under this subsection

within twenty-four hours of receipt of any report that identifies a disqualifying record, and shall notify the concealed carry permit system established under subsection 5 of section 650.350. The revocation of a provisional permit issued under this section shall be prescribed\*\* in a manner consistent to the denial and review of an application under subsection 7 of this section.

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

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

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

- (1) Name, address, date of birth, gender, height, weight, color of hair, color of eyes, and signature of the permit holder;
- (2) The signature of the sheriff issuing the permit;
- (3) The date of issuance;
- (4) A clear statement indicating that the permit is only valid within the state of Missouri; and
- (5) If the permit is a Missouri extended concealed carry permit, the expiration date.

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

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

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

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

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

- (1) Two hundred dollars for a new Missouri extended concealed carry permit that is valid for ten years from the date of issuance or renewal;
  - (2) Two hundred fifty dollars for a new Missouri extended concealed carry permit that is valid for twenty-five years from the date of issuance or renewal;
  - (3) Fifty dollars for a renewal of a Missouri extended concealed carry permit;
  - (4) Five hundred dollars for a Missouri lifetime concealed carry permit,
- which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

(L. 2016 S.B. 656) \*Effective 10-14-16, see § 21.250. S.B. 656 was vetoed June 27, 2016. The veto was overridden on September 14, 2016.

\*\*Word "proscribed" appears in original rolls. **571.205 10/14/2016** ↑

**\*571.210. Suspension or revocation, when — procedures — reactivation — notice to sheriff required, when — renewal — background check.** — 1. A Missouri lifetime or extended concealed carry permit issued under sections **571.205 to 571.230** shall be suspended or revoked if the Missouri lifetime or extended concealed carry permit holder becomes ineligible for such permit under the criteria established in subdivision (2), (3), (4), (5), (7), or (10) of subsection 3 of section **571.205**. The following procedures shall be followed:

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

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

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

3. Any person issued a Missouri lifetime or extended concealed carry permit shall notify the sheriff or his or her designee where the permit was issued within seven days after actual knowledge of the loss or destruction of his or her permit. The permit holder shall furnish a statement to the sheriff that 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 for costs associated with replacing a lost or destroyed permit and shall reissue a new Missouri lifetime or extended concealed carry permit within three working days of being notified by the permit holder of its loss or destruction. The new Missouri lifetime or extended concealed carry permit shall contain the same personal information as the original concealed carry permit.

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

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

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

7. A person who has been issued a Missouri extended concealed carry permit who fails to file a renewal application for a Missouri extended concealed carry permit on or before its expiration date shall pay an additional late fee of ten dollars per month for each month it is expired for up to six months. After six months, the sheriff who issued the expired Missouri extended concealed carry permit shall notify the concealed carry permit system that such permit is expired and cancelled. Any person who has been issued a Missouri extended concealed carry permit under sections 571.101 to 571.121 who fails to renew his or her application within the six-month period shall reapply for a concealed carry permit and pay the fee for a new application.

8. The sheriff of the county that issued the Missouri lifetime or extended concealed carry permit shall conduct a name-based inquiry of the National Instant Criminal Background Check System once every five years from the date of issuance or renewal of the permit. The sheriff shall review the results of the report from the National Instant Criminal Background Check System. If the sheriff determines the permit holder is disqualified under any provision of section 571.205, the sheriff shall revoke the Missouri lifetime or extended concealed carry permit and shall report the revocation to the concealed carry permit system. (L. 2016 S.B. 656)

\*Effective 10-14-16, see § 21.250. S.B. 656 was vetoed June 27, 2016. The veto was overridden on September 14, 2016. **571.210**  
**10/14/2016**

**\*571.215. Permit authorizes carrying on person or in vehicle — prohibited areas — penalty for violation.**  
— 1. A Missouri lifetime or extended concealed carry permit issued under sections 571.205 to 571.230 shall

authorize the person in whose name the permit is issued to carry concealed firearms on or about his or her person or vehicle throughout the state. No Missouri lifetime or extended concealed carry permit shall authorize any person to carry concealed firearms into:

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

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

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

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

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

(6) The general assembly, supreme court, county, or municipality may by rule, administrative regulation, or ordinance prohibit or limit the carrying of concealed firearms by permit holders in that portion of a building owned, leased, or controlled by that unit of government. Any portion of a building in which the carrying of concealed firearms is prohibited or limited shall be clearly identified by signs posted at the entrance to the restricted area. The statute, rule, or ordinance shall exempt any building used for public housing by private persons, highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled by that unit of government from any restriction on the carrying or possession of a firearm. The statute, rule, or ordinance shall not specify any criminal penalty for its violation but may specify that persons violating the statute, rule, or ordinance may be denied entrance to the building, ordered to leave the building and if employees of the

unit of government, be subjected to disciplinary measures for violation of the provisions of the statute, rule, or ordinance. The provisions of this subdivision shall not apply to any other unit of government;

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

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

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

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

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

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

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

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

(15) Any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one or more signs displayed in a conspicuous place of a minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less than one inch. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity, or person may prohibit persons holding a Missouri lifetime or extended concealed carry permit from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a Missouri lifetime or extended concealed carry permit from carrying concealed firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a

vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a Missouri lifetime or extended concealed carry permit from carrying a concealed firearm in vehicles owned by the employer;

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

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

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

(L. 2016 S.B. 656) \*Effective 10-14-16, see § 21.250. S.B. 656 was vetoed June 27, 2016. The veto was overridden on September 14, 2016.  
**571.215 10/14/2016**

**\*571.220. Denial of application, right of appeal — appeal forms — right to trial de novo, when.** — 1. In any case when the sheriff refuses to issue a Missouri lifetime or extended concealed carry permit or to act on an application for such permit, the denied applicant shall have the right to appeal the denial within thirty days of receiving written notice of the denial. Such appeals shall be heard in small claims court as defined in section 482.300, and the provisions of sections 482.300, 482.310, and 482.335 shall apply to such appeals.

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

SMALL CLAIMS COURT

In the Circuit Court of \_\_\_\_\_, Missouri

\_\_\_\_\_, Denied Applicant

)

)

vs. ) Case Number \_\_\_\_\_

)

)

\_\_\_\_\_, Sheriff

Return Date \_\_\_\_\_

APPEAL OF A DENIAL OF A MISSOURI

LIFETIME OR EXTENDED CONCEALED CARRY PERMIT

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

\_\_\_\_\_, Denied Applicant

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

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

5. Any person aggrieved by any final judgment rendered by a small claims court in a denial of a Missouri lifetime or extended concealed carry permit appeal may have a right to trial de novo as provided in sections 512.180 to 512.320. (L. 2016 S.B. 656) \*Effective 10-14-16, see § 21.250. S.B. 656 was vetoed June 27, 2016. The veto was overridden on September 14, 2016. **571.220 10/14/2016**

**\*571.225. Revocation, petition to revoke, when — revocation form — hearing — appeal — sheriff immune from liability, when.** — 1. Any person who has knowledge that another person, who was issued a Missouri lifetime or extended concealed carry permit under sections 571.205 to 571.230, never was or no longer is eligible for such permit under the criteria established in sections 571.205 to 571.230 may file a petition with the clerk of the small claims court to revoke that person's Missouri 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 extended concealed carry permit provided in this section. Appeal forms shall be provided by the clerk of the small claims court free of charge to any person:

SMALL CLAIMS COURT

In the Circuit Court of \_\_\_\_\_, Missouri

\_\_\_\_\_, PLAINTIFF

)

)

vs. ) Case Number \_\_\_\_\_

)

)

\_\_\_\_\_, DEFENDANT,

Lifetime or Extended Carry Permit Holder

\_\_\_\_\_, DEFENDANT,

Sheriff of Issuance

PETITION FOR REVOCATION OF A

MISSOURI LIFETIME OR EXTENDED CONCEALED CARRY  
PERMIT

Plaintiff states to the court that the defendant, \_\_\_\_\_, has a Missouri lifetime or extended concealed carry permit issued pursuant to sections 571.205 to 571.230, RSMo, and that the defendant's Missouri lifetime or extended concealed carry permit should now be revoked because the defendant either never was or no longer is eligible for such a permit pursuant to the provisions of sections 571.205 to 571.230, RSMo, specifically plaintiff states that defendant, \_\_\_\_\_, never was or no longer is eligible for such permit or endorsement for one or more of the following reasons:

(CHECK BELOW EACH REASON THAT APPLIES TO THIS  
DEFENDANT)

<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.
<input type="checkbox"/>	Defendant is not a citizen or permanent resident of the United States.
<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.
<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 not involve an explosive weapon, firearm, firearm silencer, or gas gun.
<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.
<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.
<input type="checkbox"/>	Defendant has been discharged under dishonorable conditions from the United States Armed Forces.
<input type="checkbox"/>	Defendant is reasonably believed by the sheriff to be a danger to self or others based on previous, documented pattern.
<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.
<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.
<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.)
<input type="checkbox"/>	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.
<input type="checkbox"/>	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.

(L. 2016 S.B. 656) \*Effective 10-14-16, see § 21.250. S.B. 656 was vetoed June 27, 2016. The veto was overridden on September 14, 2016.

**571.225 10/14/2016**

**\*571.230. Duty to carry permit — display of permit, when — citation for violation.** — 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 the request of any peace officer. Failure to comply with this section shall not be a criminal offense but the Missouri lifetime or extended concealed carry permit holder may be issued a citation for an amount not to exceed thirty-five dollars. (L. 2016 S.B. 656) \*Effective 10-14-16, see § 21.250. S.B. 656 was vetoed June 27, 2016. The veto was overridden on September 14, 2016. **571.230 10/14/2016**

**571.500. Database and certain records, enabling or cooperating with state or federal government in developing prohibited, when.** — No state agency or department, or contractor or agent working for the state, shall construct, enable by providing or sharing records to, maintain, participate in, or develop, or cooperate with or enable the state or\* federal government in developing a database or record of the number or type of firearms, ammunition, or firearms accessories that an individual possesses. (L. 2013 S.B. 75 merged with S.B. 252) Effective 7-01-13 (S.B. 252); 8-28-13 (S.B. 75) \*Words "state or" do not appear in original rolls of S.B. 252, 2013. **571.500 8/28/2013**

**\*571.510. Housing authorities not permitted to prohibit lessees from possessing firearms — definitions — immunity from liability, when.** — 1. For purposes of this section, the terms "authority" or "housing authority" shall mean any of the corporations created pursuant to the authority of section 99.040 and any entity or agent associated with such authority that administers or uses public moneys provided by the United States Department of Housing and Urban Development to fund very low, lower, and moderate income public rental housing assistance. For purposes of this section, the term "lessee" means a lessee of residential premises.

2. Notwithstanding any provision of law to the contrary, no housing authority, authority, or lessor receiving public funds from a housing authority or authority shall prohibit a lessee or a member of the lessee's immediate household or guest from personally possessing firearms within an individual residence, common areas, or from carrying or transporting firearms to and from such residence in a manner allowed by law. Any provision of a lease, policy, rule, or agreement in violation of this section shall be void and unenforceable.

3. No housing authority, authority, or lessor under this section shall be liable in tort or any other civil action for damages caused by a lessee's possession or use of a firearm on property owned by the lessor, unless a housing authority, authority, or lessor or an officer, agent, or employee of such housing authority, authority, or lessor:

(1) Violated section 571.060 or otherwise caused the lessee, the household member, or guest to engage in any unsafe or illegal actions with a firearm; or

(2) Engaged in acts or failures to act which were manifestly outside the scope of employment, duties, or responsibilities or were committed maliciously, in bad faith, or in a wanton and reckless manner. (L. 2014 S.B. 656) \*Effective 10-10-14, see § 21.250. S.B. 656 was vetoed July 14, 2014. The veto was overridden on September 10, 2014.

