

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 436

97TH GENERAL ASSEMBLY

1204H.03P

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal sections 21.750, 571.030, 571.101, 571.107, 571.117, and 590.010, RSMo, and to enact in lieu thereof fourteen new sections relating to firearms, with a penalty provision.

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

Section A. Sections 21.750, 571.030, 571.101, 571.107, 571.117, and 590.010, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 1.320, 21.750, 160.665, 571.011, 571.012, 571.018, 571.030, 571.101, 571.107, 571.117, 590.010, 590.200, 590.205, and 590.207, to read as follows:

**1.320. 1. This section shall be known and may be cited as the "Second Amendment Preservation Act".**

**2. The general assembly finds and declares that:**

**(1) The general assembly of the state of Missouri is firmly resolved to support and defend the United States Constitution against every aggression, either foreign or domestic, and the general assembly is duty bound to watch over and oppose every infraction of those principles which constitute the basis of the Union of the States, because only a faithful observance of those principles can secure the nation's existence and the public happiness;**

**(2) Acting through the United States Constitution, the people of the several states created the federal government to be their agent in the exercise of a few defined powers, while reserving to the state governments the power to legislate on matters which concern the lives, liberties, and properties of citizens in the ordinary course of affairs;**

**(3) The limitation of the federal government's power is affirmed under the Tenth Amendment to the United States Constitution, which defines the total scope of federal power as being that which has been delegated by the people of the several states to the**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 federal government, and all power not delegated to the federal government in the  
17 Constitution of the United States is reserved to the states respectively, or to the people  
18 themselves;

19 (4) Whenever the federal government assumes powers that the people did not grant  
20 it in the Constitution, its acts are unauthoritative, void, and of no force;

21 (5) The several states of the United States of America are not united on the  
22 principle of unlimited submission to their federal government. If the government created  
23 by the compact among the states were the exclusive or final judge of the extent of the  
24 powers granted to it by the Constitution, the federal government's discretion, and not the  
25 Constitution, would be the measure of those powers. To the contrary, as in all other cases  
26 of compacts among powers having no common judge, each party has an equal right to  
27 judge itself, as well as infractions of the mode and measure of redress. Although the  
28 several states have granted supremacy to laws and treaties made pursuant to the powers  
29 granted in the Constitution, such supremacy does not apply to various federal statutes,  
30 orders, rules, regulations, or other actions which restrict or prohibit the manufacture,  
31 ownership, and use of firearms, firearm accessories, or ammunition exclusively within the  
32 borders of Missouri; such statutes, orders, rules, regulations, and other actions exceed the  
33 powers granted to the federal government except to the extent they are necessary and  
34 proper for the government and regulation of the land and naval forces of the United States  
35 or for the organizing, arming, and disciplining of militia forces actively employed in the  
36 service of the United States Armed Forces;

37 (6) The people of the several states have given Congress the power "to regulate  
38 commerce with foreign nations, and among the several states, and with the Indian tribes",  
39 but "regulating commerce" does not include the power to limit citizens' right to keep and  
40 bear arms in defense of their families, neighbors, persons, or property, or to dictate to what  
41 sort of arms and accessories law-abiding mentally competent Missourians may buy, sell,  
42 exchange, or otherwise possess within the borders of this state;

43 (7) The people of the several states have also given Congress the power "to lay and  
44 collect taxes, duties, imports, and excises, to pay the debts, and provide for the common  
45 defense and general welfare of the United States" and "to make all laws which shall be  
46 necessary and proper for carrying into execution the powers vested by the Constitution in  
47 the government of the United States, or in any department or officer thereof". These  
48 constitutional provisions merely identify the means by which the federal government may  
49 execute its limited powers and ought not to be so construed as themselves to give unlimited  
50 powers because to do so would be to destroy the balance of power between the federal  
51 government and the state governments. We deny any claim that the taxing and spending

52 powers of Congress can be used to diminish in any way the people's right to keep and bear  
53 arms; and

54 (8) The people of Missouri have vested the general assembly with the authority to  
55 regulate the manufacture, possession, exchange, and use of firearms within this state's  
56 borders, subject only to the limits imposed by the Second Amendment to the United States  
57 Constitution and the Missouri Constitution.

58 3. (1) All federal acts, laws, orders, rules, and regulations, whether past, present,  
59 or future, which infringe on the people's right to keep and bear arms as guaranteed by the  
60 Second Amendment to the United States Constitution and Article I, Section 23 of the  
61 Missouri Constitution shall be invalid in this state, shall not be recognized by this state,  
62 shall be specifically rejected by this state, and shall be considered null and void and of no  
63 effect in this state.

64 (2) Such federal acts, laws, orders, rules, and regulations include, but are not  
65 limited to:

66 (a) The provisions of the federal Gun Control Act of 1934;

67 (b) The provisions of the federal Gun Control Act of 1968;

68 (c) Any tax, levy, fee, or stamp imposed on firearms, firearm accessories, or  
69 ammunition not common to all other goods and services which could have a chilling effect  
70 on the purchase or ownership of those items by law-abiding citizens;

71 (d) Any registering or tracking of firearms, firearm accessories, or ammunition  
72 which could have a chilling effect on the purchase or ownership of those items by law-  
73 abiding citizens;

74 (e) Any registering or tracking of the owners of firearms, firearm accessories, or  
75 ammunition which could have a chilling effect on the purchase or ownership of those items  
76 by law-abiding citizens;

77 (f) Any act forbidding the possession, ownership, or use or transfer of any type of  
78 firearm, firearm accessory, or ammunition by law-abiding citizens; and

79 (g) Any act ordering the confiscation of firearms, firearm accessories, or  
80 ammunition from law-abiding citizens.

81 4. It shall be the duty of the courts and law enforcement agencies of this state to  
82 protect the rights of law-abiding citizens to keep and bear arms within the borders of this  
83 state and from the infringements in subsection 3 of this section.

84 5. No public officer or employee of this state shall have any authority to enforce or  
85 attempt to enforce any of the infringements on the right to keep and bear arms included  
86 in subsection 3 of this section.

87           **6. Any official, agent, or employee of the United States government who enforces**  
88 **or attempts to enforce any of the infringements on the right to keep and bear arms**  
89 **included in subsection 3 of this section is guilty of a class A misdemeanor.**

90           **7. Any Missouri citizen who has been subject to an effort to enforce any of the**  
91 **infringements on the right to keep and bear arms included in subsection 3 of this section**  
92 **shall have a private cause of action for declaratory judgment and for damages against any**  
93 **person or entity attempting such enforcement.**

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

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

11           **3. (1) Except as provided in subdivision (2) of this subsection,** nothing contained in  
12 this section shall prohibit any ordinance of any political subdivision which conforms exactly with  
13 any of the provisions of sections 571.010 to 571.070, with appropriate penalty provisions, or  
14 which regulates the open carrying of firearms readily capable of lethal use or the discharge of  
15 firearms within a jurisdiction, provided such ordinance complies with the provisions of section  
16 252.243.

17           **(2) In any jurisdiction in which open carry of firearms is prohibited by ordinance,**  
18 **open carry of a firearm shall not be prohibited in accordance with the following:**

19           **(a) Any person with a valid concealed carry endorsement who is open carrying a**  
20 **firearm shall be required to have a valid concealed carry endorsement from this state or**  
21 **a permit from another state permit which is recognized by this state in his or her possession**  
22 **at all times;**

23           **(b) The open carrying of a firearm shall be limited to a firearm sixteen inches or**  
24 **less in overall length;**

25           **(c) Any person open carrying a firearm in such jurisdiction shall display his or her**  
26 **concealed carry endorsement upon demand of a law enforcement officer;**

27           **(d) In the absence of any reasonable and articular suspicion of criminal activity,**  
28 **no person carrying a concealed or unconcealed handgun shall be disarmed or physically**  
29 **restrained by a law enforcement officer unless under arrest; and**

30           **(e) Any person who violates this subdivision shall be subject to the penalty provided**  
31 **in section 571.121.**

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

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

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

**160.665. 1. Any school district within the state may designate one or more**  
2 **elementary or secondary school teachers or administrators as a school protection officer.**  
3 **The responsibilities and duties of a school protection officer are voluntary and shall be in**  
4 **addition to the normal responsibilities and duties of the teacher or administrator. Any**  
5 **compensation for additional duties relating to service as a school protection officer shall**  
6 **be funded by the local school district, with no state funds used for such purpose.**

7           **2. Any person designated by a school district as a school protection officer shall be**  
8 **authorized to carry concealed firearms in any school in the district and shall be required**  
9 **to keep such firearm on his or her person at all times while on school property. Any school**  
10 **protection officer who violates this subsection shall be removed immediately from the**  
11 **classroom and subject to employment termination proceedings.**

12           **3. Any person designated as a school protection officer may detain, on view, any**  
13 **person the officer sees violating or who such officer has reasonable grounds to believe has**  
14 **violated any law of this state, including a misdemeanor or infraction, or any policy of the**  
15 **school.**

16           **4. Any person detained by a school protection officer for violation of any state law**  
17 **shall, as soon as practically possible, be turned over to a law enforcement officer.**  
18 **However, in no case shall a person detained under the provisions of this section be detained**  
19 **by a school protection officer for more than four hours.**

20           **5. Any person detained by a school protection officer for violation of any school**  
21 **policy shall, as soon as practically possible, be turned over to a school administrator.**  
22 **However, in no case shall a person detained under the provisions of this section be detained**  
23 **by a school protection officer for more than four hours.**

24           **6. Any teacher or administrator of an elementary or secondary school who seeks**  
25 **to be designated as a school protection officer shall request such designation, in writing,**  
26 **and submit it to the superintendent of the school district which employs him or her as a**  
27 **teacher or administrator. Along with this request the teacher or administrator shall also**  
28 **submit proof that he or she has a valid concealed carry endorsement and shall submit a**  
29 **certificate of school protection officer training program completion from a training**  
30 **program approved by the director of the department of public safety which demonstrates**  
31 **that such person has successfully completed the training requirements established by the**  
32 **POST commission under chapter 590 for school protection officers.**

33           **7. No school district may designate a teacher or administrator as a school**  
34 **protection officer unless such person has a valid concealed carry endorsement and has**  
35 **successfully completed a school protection officer training program which has been**  
36 **approved by the director of the department of public safety.**

37           **8. Any school district which designates a teacher or administrator as a school**  
38 **protection officer shall, within thirty days, notify, in writing, the director of the department**  
39 **of public safety of the designation which shall include the following:**  
40

- 41           **(1) The full name, date of birth, and address of the officer;**  
42           **(2) The name of the school district; and**  
43           **(3) The date such person was designated as a school protection officer.**  
44

45 **Notwithstanding any other law, any identifying information collected under the authority**  
46 **of this subsection shall not be considered public information and shall not be subject to a**  
47 **sunshine request made under chapter 610.**

48           **9. A school district may revoke the designation of a person as a school protection**  
49 **officer for any reason and shall immediately notify the designated school protection officer,**  
50 **in writing, of the revocation. The school district shall also within thirty days of the**  
51 **revocation notify the director of the department of public safety, in writing, of the**  
52 **revocation of the designation of such person as a school protection officer.**

53           **10. The director of the department of public safety shall maintain a listing of all**  
54 **persons designated by school districts as school protection officers and shall make this list**  
55 **available to all law enforcement agencies.**

571.011. 1. No person or entity shall publish the name, address, or other identifying information of any individual who owns a firearm or who is an applicant for or holder of any license, certificate, permit, or endorsement which allows such individual to own, acquire, possess, or carry a firearm.

2. For purposes of this section, "publish" means to issue information or material in printed or electronic form for distribution or sale to the public.

3. Any person or entity who violates the provisions of this section by publishing identifying information protected under this section is guilty of a class A misdemeanor.

571.012. 1. No health care professional licensed in this state shall be required by law to:

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

(2) Document or maintain in a patient's medical records whether such patient owns 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 a firearm.

2. Nothing in this section shall be construed as prohibiting or otherwise restricting a health care professional from inquiring, documenting, or otherwise disclosing a patient's status as an owner of a firearm if such inquiry, documentation, or disclosure is necessitated or medically indicated by the health care professional's scope of practice and such inquiry, documentation, or disclosure does not violate any other state or federal law.

571.018. 1. Any person who has been found guilty or pleaded guilty or nolo contendere to a prior felony offense and who commits a subsequent felony offense, regardless of whether use of a firearm is an element of the subsequent felony offense, and during the commission of such felony offense the person possesses, displays, brandishes, threatens to use, attempts to use, or discharges any firearm is guilty of the offense of unlawful possession or use of a firearm during the commission of a felony. Such offense shall be in addition to and not in lieu of any underlying felony offense or any other offense for which such person may be charged and found guilty of or plead guilty or nolo contendere to.

2. Any person who violates the provisions of this section shall be subject to the following terms of imprisonment:

(1) For possession of a firearm during the commission of a felony, a term of imprisonment of ten years;

(2) For displaying, brandishing, threatening to use, or attempting to use a firearm during the commission of a felony, a term of imprisonment of twenty years; and

16           **(3) For discharging a firearm during the commission of a felony, a term of**  
17 **imprisonment of life.**

18

19 **The terms of imprisonment in this subsection shall be imposed consecutively to any other**  
20 **terms of imprisonment imposed for any other felony offense.**

21           **3. For purposes of this section, the following terms shall mean:**

22           **(1) "Firearm", any weapon that is designed or adapted to expel a projectile by the**  
23 **action of an explosion;**

24           **(2) "Possession", with respect to a firearm, carrying it on the person. Possession**  
25 **may also be established by demonstrating that the person had a firearm within immediate**  
26 **physical reach with ready access and the intent to use the firearm during the commission**  
27 **of a felony.**

28           **4. This section shall not apply to law enforcement officers or United States military**  
29 **personnel who are performing their lawful duties or who are traveling to or from their**  
30 **places of employment or assignment to perform their lawful duties.**

          571.030. 1. A person commits the crime of unlawful use of weapons if he or she  
2 knowingly:

3           (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or  
4 any other weapon readily capable of lethal use; or

5           (2) Sets a spring gun; or

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

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

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

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

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

19           (8) Carries a firearm or any other weapon readily capable of lethal use into any church  
20 or place where people have assembled for worship, or into any election precinct on any election



21 day, or into any building owned or occupied by any agency of the federal government, state  
22 government, or political subdivision thereof; or

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

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

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

36 (1) All state, county and municipal peace officers who have completed the training  
37 required by the police officer standards and training commission pursuant to sections 590.030  
38 to 590.050 and who possess the duty and power of arrest for violation of the general criminal  
39 laws of the state or for violation of ordinances of counties or municipalities of the state, whether  
40 such officers are on or off duty, and whether such officers are within or outside of the law  
41 enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection  
42 11 of this section, and who carry the identification defined in subsection 12 of this section, or  
43 any person summoned by such officers to assist in making arrests or preserving the peace while  
44 actually engaged in assisting such officer;

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

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

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

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

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

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

58 (8) Any corporate security advisor meeting the definition and fulfilling the requirements  
59 of the regulations established by the board of police commissioners under section 84.340;

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

61 (10) Any prosecuting attorney or assistant prosecuting attorney or any circuit attorney  
62 or assistant circuit attorney who has completed the firearms safety training course required under  
63 subsection 2 of section 571.111; and

64 (11) Any member of a fire department or fire protection district who is employed on a  
65 full-time basis as a fire investigator and who has a valid concealed carry endorsement under  
66 section 571.111 when such uses are reasonably associated with or are necessary to the fulfillment  
67 of such person's official duties.

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

83 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any  
84 person who has a valid concealed carry endorsement issued pursuant to sections 571.101 to  
85 571.121 or a valid permit or endorsement to carry concealed firearms issued by another state or  
86 political subdivision of another state.

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

89 6. Nothing in this section shall make it unlawful for a student to actually participate in  
90 school-sanctioned gun safety courses, student military or ROTC courses, or other school-  
91 sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm

92 or other weapon readily capable of lethal use into any school, onto any school bus, or onto the  
93 premises of any other function or activity sponsored or sanctioned by school officials or the  
94 district school board.

95 7. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision  
96 (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or  
97 subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor  
98 if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of  
99 subsection 1 of this section, in which case it is a class B felony, except that if the violation of  
100 subdivision (9) of subsection 1 of this section results in injury or death to another person, it is  
101 a class A felony.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

151 571.101. 1. All applicants for concealed carry endorsements issued pursuant to  
152 subsection 7 of this section must satisfy the requirements of sections 571.101 to 571.121. If the  
153 said applicant can show qualification as provided by sections 571.101 to 571.121, the county or  
154 city sheriff shall issue a certificate of qualification for a concealed carry endorsement. Upon  
155 receipt of such certificate, the certificate holder shall apply for a driver's license or nondriver's  
156 license with the director of revenue in order to obtain a concealed carry endorsement. Any  
157 person who has been issued a concealed carry endorsement on a driver's license or nondriver's  
158 license and such endorsement or license has not been suspended, revoked, cancelled, or denied  
159 may carry concealed firearms on or about his or her person or within a vehicle. A concealed  
160 carry endorsement shall be valid for a period of three years from the date of issuance or renewal.  
161 The concealed carry endorsement is valid throughout this state.

2. A certificate of qualification for a concealed carry endorsement 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 [twenty-one] **nineteen** years of age, is a citizen 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 [twenty-one] **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 [twenty-one] **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 one year 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 certificate of qualification for a concealed carry endorsement 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 certificate of qualification for a concealed carry endorsement;

(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 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 certificate of qualification 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.

3. The application for a certificate of qualification for a concealed carry endorsement 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, and date and place of birth;

(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 of the United States;

(3) An affirmation that the applicant is at least [twenty-one] **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 one year 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 certificate of qualification to obtain a concealed carry endorsement 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 certificate of qualification to obtain a concealed carry endorsement;

(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

233 imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm  
234 silencer or gas gun;

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

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

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

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

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

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

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

258 (2) A nonrefundable certificate of qualification fee as provided by subsection 10 or 11  
259 of this section.

260 5. Before an application for a certificate of qualification for a concealed carry  
261 endorsement is approved, the sheriff shall make only such inquiries as he or she deems necessary  
262 into the accuracy of the statements made in the application. The sheriff may require that the  
263 applicant display a Missouri driver's license or nondriver's license or military identification and  
264 orders showing the person being stationed in Missouri. In order to determine the applicant's  
265 suitability for a certificate of qualification for a concealed carry endorsement, the applicant shall  
266 be fingerprinted. The sheriff shall request a criminal background check through the appropriate  
267 law enforcement agency within three working days after submission of the properly completed  
268 application for a certificate of qualification for a concealed carry endorsement. If no

269 disqualifying record is identified by the fingerprint check at the state level, the fingerprints shall  
270 be forwarded to the Federal Bureau of Investigation for a national criminal history record check.  
271 Upon receipt of the completed background check, the sheriff shall issue a certificate of  
272 qualification for a concealed carry endorsement within three working days. The sheriff shall  
273 issue the certificate within forty-five calendar days if the criminal background check has not been  
274 received, provided that the sheriff shall revoke any such certificate and endorsement within  
275 twenty-four hours of receipt of any background check that results in a disqualifying record, and  
276 shall notify the department of revenue.

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

290         7. If the application is approved, the sheriff shall issue a certificate of qualification for  
291 a concealed carry endorsement to the applicant within a period not to exceed three working days  
292 after his or her approval of the application. The applicant shall sign the certificate of  
293 qualification in the presence of the sheriff or his or her designee and shall within seven days of  
294 receipt of the certificate of qualification take the certificate of qualification to the department of  
295 revenue. Upon verification of the certificate of qualification and completion of a driver's license  
296 or nondriver's license application pursuant to chapter 302, the director of revenue shall issue a  
297 new driver's license or nondriver's license with an endorsement which identifies that the  
298 applicant has received a certificate of qualification to carry concealed weapons issued pursuant  
299 to sections 571.101 to 571.121 if the applicant is otherwise qualified to receive such driver's  
300 license or nondriver's license. Notwithstanding any other provision of chapter 302, a nondriver's  
301 license with a concealed carry endorsement shall expire three years from the date the certificate  
302 of qualification was issued pursuant to this section. The requirements for the director of revenue  
303 to issue a concealed carry endorsement pursuant to this subsection shall not be effective until  
304 July 1, 2004, and the certificate of qualification issued by a county sheriff pursuant to subsection



305 1 of this section shall allow the person issued such certificate to carry a concealed weapon  
306 pursuant to the requirements of subsection 1 of section 571.107 in lieu of the concealed carry  
307 endorsement issued by the director of revenue from October 11, 2003, until the concealed carry  
308 endorsement is issued by the director of revenue on or after July 1, 2004, unless such certificate  
309 of qualification has been suspended or revoked for cause.

310 8. The sheriff shall keep a record of all applications for a certificate of qualification for  
311 a concealed carry endorsement and his or her action thereon. The sheriff shall report the issuance  
312 of a certificate of qualification to the Missouri uniform law enforcement system. All information  
313 on any such certificate that is protected information on any driver's or nondriver's license shall  
314 have the same personal protection for purposes of sections 571.101 to 571.121. An applicant's  
315 status as a holder of a certificate of qualification or a concealed carry endorsement shall not be  
316 public information and shall be considered personal protected information. Any person who  
317 violates the provisions of this subsection by disclosing protected information shall be guilty of  
318 a class A misdemeanor.

319 9. Information regarding any holder of a certificate of qualification or a concealed carry  
320 endorsement is a closed record.

321 10. For processing an application for a certificate of qualification for a concealed carry  
322 endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a  
323 nonrefundable fee not to exceed one hundred dollars which shall be paid to the treasury of the  
324 county to the credit of the sheriff's revolving fund.

325 11. For processing a renewal for a certificate of qualification for a concealed carry  
326 endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a  
327 nonrefundable fee not to exceed fifty dollars which shall be paid to the treasury of the county to  
328 the credit of the sheriff's revolving fund.

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

333 571.107. 1. A concealed carry endorsement issued pursuant to sections 571.101 to  
334 571.121 or a concealed carry endorsement or permit issued by another state or political  
335 subdivision of another state shall authorize the person in whose name the permit or endorsement  
336 is issued to carry concealed firearms on or about his or her person or vehicle throughout the state.  
337 No driver's license or nondriver's license containing a concealed carry endorsement issued  
338 pursuant to sections 571.101 to 571.121 or a concealed carry endorsement or permit issued by  
339 another state or political subdivision of another state shall authorize any person to carry  
340 concealed firearms into:

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

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

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

352 (4) Any courthouse solely occupied by the circuit, appellate or supreme court, or any  
353 courtrooms, administrative offices, libraries or other rooms of any such court whether or not such  
354 court solely occupies the building in question. This subdivision shall also include, but not be  
355 limited to, any juvenile, family, drug, or other court offices, any room or office wherein any of  
356 the courts or offices listed in this subdivision are temporarily conducting any business within the  
357 jurisdiction of such courts or offices, and such other locations in such manner as may be  
358 specified by supreme court rule pursuant to subdivision (6) of this subsection. Nothing in this  
359 subdivision shall preclude those persons listed in subdivision (1) of subsection 2 of section  
360 571.030 while within their jurisdiction and on duty, those persons listed in subdivisions (2), (4),  
361 and (10) of subsection 2 of section 571.030, or such other persons who serve in a law  
362 enforcement capacity for a court as may be specified by supreme court rule pursuant to  
363 subdivision (6) of this subsection from carrying a concealed firearm within any of the areas  
364 described in this subdivision. Possession of a firearm in a vehicle on the premises of any of the  
365 areas listed in this subdivision shall not be a criminal offense so long as the firearm is not  
366 removed from the vehicle or brandished while the vehicle is on the premises;

367 (5) Any meeting of the governing body of a unit of local government; or any meeting of  
368 the general assembly or a committee of the general assembly, except that nothing in this  
369 subdivision shall preclude a member of the body holding a valid concealed carry endorsement  
370 from carrying a concealed firearm at a meeting of the body which he or she is a member.  
371 Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the  
372 firearm is not removed from the vehicle or brandished while the vehicle is on the premises.  
373 Nothing in this subdivision shall preclude a member of the general assembly, a full-time  
374 employee of the general assembly employed under section 17, article III, Constitution of  
375 Missouri, legislative employees of the general assembly as determined under section 21.155, or  
376 statewide elected officials and their employees, holding a valid concealed carry endorsement,

377 from carrying a concealed firearm in the state capitol building or at a meeting whether of the full  
378 body of a house of the general assembly or a committee thereof, that is held in the state capitol  
379 building;

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

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

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

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

409 (10) Any higher education institution or elementary or secondary school facility without  
410 the consent of the governing body of the higher education institution or a school official or the  
411 district school board, **unless the person with the concealed carry endorsement or permit is**  
412 **a teacher or administrator of an elementary or secondary school who has been designated**

413 **by his or her school district as a school protection officer and is carrying a firearm in a**  
414 **school within that district, in which case no consent is required.** Possession of a firearm in  
415 a vehicle on the premises of any higher education institution or elementary or secondary school  
416 facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or  
417 brandished while the vehicle is on the premises;

418 (11) Any portion of a building used as a child care facility without the consent of the  
419 manager. Nothing in this subdivision shall prevent the operator of a child care facility in a  
420 family home from owning or possessing a firearm or a driver's license or nondriver's license  
421 containing a concealed carry endorsement;

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

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

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

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

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

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

455 2. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17) of  
456 subsection 1 of this section by any individual who holds a concealed carry endorsement issued  
457 pursuant to sections 571.101 to 571.121 shall not be a criminal act but may subject the person  
458 to denial to the premises or removal from the premises. If such person refuses to leave the  
459 premises and a peace officer is summoned, such person may be issued a citation for an amount  
460 not to exceed one hundred dollars for the first offense. If a second citation for a similar violation  
461 occurs within a six-month period, such person shall be fined an amount not to exceed two  
462 hundred dollars and his or her endorsement to carry concealed firearms shall be suspended for  
463 a period of one year. If a third citation for a similar violation is issued within one year of the first  
464 citation, such person shall be fined an amount not to exceed five hundred dollars and shall have  
465 his or her concealed carry endorsement revoked and such person shall not be eligible for a  
466 concealed carry endorsement for a period of three years. Upon conviction of charges arising  
467 from a citation issued pursuant to this subsection, the court shall notify the sheriff of the county  
468 which issued the certificate of qualification for a concealed carry endorsement and the  
469 department of revenue. The sheriff shall suspend or revoke the certificate of qualification for  
470 a concealed carry endorsement and the department of revenue shall issue a notice of such  
471 suspension or revocation of the concealed carry endorsement and take action to remove the  
472 concealed carry endorsement from the individual's driving record. The director of revenue shall  
473 notify the licensee that he or she must apply for a new license pursuant to chapter 302 which  
474 does not contain such endorsement. A concealed carry endorsement suspension pursuant to  
475 sections 571.101 to 571.121 shall be reinstated at the time of the renewal of his or her driver's  
476 license. The notice issued by the department of revenue shall be mailed to the last known  
477 address shown on the individual's driving record. The notice is deemed received three days after  
478 mailing.

571.117. 1. Any person who has knowledge that another person, who was issued a  
2 certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to  
3 571.121, never was or no longer is eligible for such endorsement under the criteria established  
4 in sections 571.101 to 571.121 may file a petition with the clerk of the small claims court to  
5 revoke that person's certificate of qualification for a concealed carry endorsement and such  
6 person's concealed carry endorsement. The petition shall be in a form substantially similar to the

petition for revocation of concealed carry 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 Endorsement Holder

....., DEFENDANT,

Sheriff of Issuance

PETITION FOR REVOCATION  
OF CERTIFICATE OF QUALIFICATION  
OR CONCEALED CARRY ENDORSEMENT

Plaintiff states to the court that the defendant, ....., has a certificate of qualification or a concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo, and that the defendant's certificate of qualification or concealed carry endorsement should now be revoked because the defendant either never was or no longer is eligible for such a certificate 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 certificate or endorsement for one or more of the following reasons:

(CHECK BELOW EACH REASON  
THAT APPLIES TO THIS DEFENDANT)

☐ Defendant is not at least [twenty-one] **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.

☐ Defendant is not a citizen of the United States.

☐ 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.

☐ Defendant has 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

42 imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm  
43 silencer, or gas gun.

44 ☐ Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere  
45 to one or more misdemeanor offenses involving crimes of violence within a five-year period  
46 immediately preceding application for a certificate of qualification or concealed carry  
47 endorsement issued pursuant to sections 571.101 to 571.121, RSMo, or if the applicant has been  
48 convicted of two or more misdemeanor offenses involving driving while under the influence of  
49 intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-  
50 year period immediately preceding application for a certificate of qualification or a concealed  
51 carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo.

52 ☐ Defendant is a fugitive from justice or currently charged in an information or  
53 indictment with the commission of a crime punishable by imprisonment for a term exceeding one  
54 year under the laws of any state of the United States other than a crime classified as a  
55 misdemeanor under the laws of any state and punishable by a term of imprisonment of one year  
56 or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.

57 ☐ Defendant has been discharged under dishonorable conditions from the United States  
58 Armed Forces.

59 ☐ Defendant is reasonably believed by the sheriff to be a danger to self or others based  
60 on previous, documented pattern.

61 ☐ Defendant is adjudged mentally incompetent at the time of application or for five years  
62 prior to application, or has been committed to a mental health facility, as defined in section  
63 632.005, RSMo, or a similar institution located in another state, except that a person whose  
64 release or discharge from a facility in this state pursuant to chapter 632, RSMo, or a similar  
65 discharge from a facility in another state, occurred more than five years ago without subsequent  
66 recommitment may apply.

67 ☐ Defendant failed to submit a completed application for a certificate of qualification or  
68 concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo.

69 ☐ Defendant failed to submit to or failed to clear the required background check.

70 ☐ Defendant failed to submit an affidavit attesting that the applicant complies with the  
71 concealed carry safety training requirement pursuant to subsection 1 of section 571.111, RSMo.

72

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

77 ..... PLAINTIFF

78       2. If at the hearing the plaintiff shows that the defendant was not eligible for the  
79 certificate of qualification or the concealed carry endorsement issued pursuant to sections  
80 571.101 to 571.121 at the time of issuance or renewal or is no longer eligible for a certificate of  
81 qualification or the concealed carry endorsement issued pursuant to the provisions of sections  
82 571.101 to 571.121, the court shall issue an appropriate order to cause the revocation of the  
83 certificate of qualification or concealed carry endorsement. Costs shall not be assessed against  
84 the sheriff.

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

96       4. Any person aggrieved by any final judgment rendered by a small claims court in a  
97 petition for revocation of a certificate of qualification or concealed carry endorsement may have  
98 a right to trial de novo as provided in sections 512.180 to 512.320.

99       5. The office of the county sheriff or any employee or agent of the county sheriff shall  
100 not be liable for damages in any civil action arising from alleged wrongful or improper granting,  
101 renewing, or failure to revoke a certificate of qualification or a concealed carry endorsement  
102 issued pursuant to sections 571.101 to 571.121, so long as the sheriff acted in good faith.

590.010. As used in this chapter, the following terms mean:

2       (1) "Commission", when not obviously referring to the POST commission, means a grant  
3 of authority to act as a peace officer;

4       (2) "Director", the director of the Missouri department of public safety or his or her  
5 designated agent or representative;

6       (3) "Peace officer", a law enforcement officer of the state or any political subdivision of  
7 the state with the power of arrest for a violation of the criminal code or declared or deemed to  
8 be a peace officer by state statute;

9       (4) "POST commission", the peace officer standards and training commission;



10 (5) "Reserve peace officer", a peace officer who regularly works less than thirty hours  
11 per week;

12 (6) "School protection officer", an elementary or secondary school teacher or  
13 administrator who has been designated as a school protection officer by a school district.

**590.200. 1. The POST commission shall:**

2 (1) Establish minimum standards for the training of school protection officers;

3 (2) Set the minimum number of hours of training required for a school protection  
4 officer; and

5 (3) Set the curriculum for school protection officer training programs.

6 **2. At a minimum this training shall include:**

7 (1) Instruction specific to the prevention of incidents of violence in schools;

8 (2) The handling of emergency or violent crisis situations in school settings;

9 (3) A review of all state criminal laws;

10 (4) Training involving the use of defensive force; and

11 (5) Training involving the use of deadly force.

**590.205. 1. The POST commission shall establish minimum standards for school  
2 protection officer training instructors, training centers, and training programs.**

3 **2. The director shall develop and maintain a list of approved school protection  
4 officer training instructors, training centers, and training programs. The director shall not  
5 place any instructor, training center, or training program on its approved list unless such  
6 instructor, training center, or training program meets all of the POST commission  
7 requirements under this section and section 590.200. The director shall make this  
8 approved list available to every school district in the state.**

9 **3. Each person seeking entrance into a school protection officer training center or  
10 training program shall submit a fingerprint card and authorization for a criminal history  
11 background check to include the records of the Federal Bureau of Investigation to the  
12 training center or training program where such person is seeking entrance. The training  
13 center or training program shall cause a criminal history background check to be made  
14 and shall cause the resulting report to be forwarded to the school district where the  
15 elementary school teacher or administrator is seeking to be designated as a school  
16 protection officer.**

17 **4. No person shall be admitted to a school protection officer training center or  
18 training program unless such person submits proof to the training center or training  
19 program that he or she has a valid concealed carry endorsement.**

20 **5. A certificate of school protection officer training program completion may be  
21 issued to any applicant by any approved school protection officer training instructor. On**

22 the certificate of program completion the approved school protection officer training  
23 instructor shall affirm that the individual receiving instruction has taken and passed a  
24 school protection officer training program that meets the requirements of this section and  
25 section 590.200 and that the individual has a valid concealed carry endorsement. The  
26 instructor shall also provide a copy of such certificate to the director of the department of  
27 public safety.

590.207. 1. Notwithstanding any other provision of law, any person designated as  
2 a school protection officer under the provisions of section 160.665 who fails to properly  
3 carry his or her concealed weapon on his or her person at all times while on school  
4 property as proscribed under subsection 2 of section 160.655 shall be guilty of a class A  
5 misdemeanor and shall be subject to employment termination proceedings within the  
6 school district.

7 2. Any school employee who discloses any information collected under subsection  
8 8 of section 160.655 that contains identifying personal information about any person  
9 designated as a school protection officer to anyone other than those authorized to receive  
10 the information under subsection 8 of section 160.655 shall be guilty of a class B  
11 misdemeanor and shall be subject to employment termination proceedings within the  
12 school district.

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