

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 170, Page 1, Section A, Line 2, by
2 inserting after all of said line the following:

3 "571.030. 1. A person commits the crime of unlawful use of weapons if he or she
4 knowingly:

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

7 (2) Sets a spring gun; or

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

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

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

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

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

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

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

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

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

37 (1) All state, county and municipal peace officers who have completed the training required

Action Taken _____ Date _____

1 by the police officer standards and training commission pursuant to sections 590.030 to 590.050 and
2 who possess the duty and power of arrest for violation of the general criminal laws of the state or for
3 violation of ordinances of counties or municipalities of the state, whether such officers are on or off
4 duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or
5 all qualified retired peace officers, as defined in subsection 11 of this section, and who carry the
6 identification defined in subsection 12 of this section, or any person summoned by such officers to
7 assist in making arrests or preserving the peace while actually engaged in assisting such officer;

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

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

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

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

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

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

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

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

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

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

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

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

48 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall

1 not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13
 14 Further amend said bill, Page 3, Section 571.048, Line 25, by inserting after all of said line the
 15 following:

16 "571.101. 1. All applicants for concealed carry endorsements issued pursuant to subsection
 17 7 of this section must satisfy the requirements of sections 571.101 to 571.121. If the said applicant
 18 can show qualification as provided by sections 571.101 to 571.121, the county or city sheriff shall
 19 issue a certificate of qualification for a concealed carry endorsement. Upon receipt of such
 20 certificate, the certificate holder shall apply for a driver's license or nondriver's license with the
 21 director of revenue in order to obtain a concealed carry endorsement. Any person who has been
 22 issued a concealed carry endorsement on a driver's license or nondriver's license and such
 23 endorsement or license has not been suspended, revoked, cancelled, or denied may carry concealed
 24 firearms on or about his or her person or within a vehicle. A concealed carry endorsement shall be
 25 valid for a period of three years from the date of issuance or renewal. The concealed carry
 26 endorsement is valid throughout this state.

27 2. A certificate of qualification for a concealed carry endorsement issued pursuant to
 28 subsection 7 of this section shall be issued by the sheriff or his or her designee of the county or city
 29 in which the applicant resides, if the applicant:

30 (1) Is at least [twenty-one] nineteen years of age, is a citizen of the United States and either:

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

32 (b) Is a member of the Armed Forces stationed in Missouri, or the spouse of such member of
 33 the military;

34 (2) Is at least [twenty-one] nineteen years of age, or is at least eighteen years of age and a
 35 member of the United States Armed Forces or honorably discharged from the United States Armed
 36 Forces, and is a citizen of the United States and either:

37 (a) Has assumed residency in this state;

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

39 (c) The spouse of such member of the military stationed in Missouri and [twenty-one]
 40 nineteen years of age;

41 (3) Has not pled guilty to or entered a plea of nolo contendere or been convicted of a crime
 42 punishable by imprisonment for a term exceeding one year under the laws of any state or of the
 43 United States other than a crime classified as a misdemeanor under the laws of any state and
 44 punishable by a term of imprisonment of one year or less that does not involve an explosive weapon,
 45 firearm, firearm silencer or gas gun;

46 (4) Has not been convicted of, pled guilty to or entered a plea of nolo contendere to one or
 47 more misdemeanor offenses involving crimes of violence within a five-year period immediately
 48 preceding application for a certificate of qualification for a concealed carry endorsement or if the

1 applicant has not been convicted of two or more misdemeanor offenses involving driving while
2 under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled
3 substance within a five-year period immediately preceding application for a certificate of
4 qualification for a concealed carry endorsement;

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

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

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

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

18 (9) Submits a completed application for a certificate of qualification as described in
19 subsection 3 of this section;

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

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

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

25 (1) The applicant's name, address, telephone number, gender, and date and place of birth;

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

29 (3) An affirmation that the applicant is at least [twenty-one] nineteen years of age or is
30 eighteen years of age or older and a member of the United States Armed Forces or honorably
31 discharged from the United States Armed Forces;

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

37 (5) An affirmation that the applicant has not been convicted of, pled guilty to, or entered a
38 plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a
39 five-year period immediately preceding application for a certificate of qualification to obtain a
40 concealed carry endorsement or if the applicant has not been convicted of two or more misdemeanor
41 offenses involving driving while under the influence of intoxicating liquor or drugs or the possession
42 or abuse of a controlled substance within a five-year period immediately preceding application for a
43 certificate of qualification to obtain a concealed carry endorsement;

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

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

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

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

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

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

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

21 (1) A photocopy of a firearms safety training certificate of completion or other evidence of
22 completion of a firearms safety training course that meets the standards established in subsection 1 or
23 2 of section 571.111; and

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

26 5. Before an application for a certificate of qualification for a concealed carry endorsement
27 is approved, the sheriff shall make only such inquiries as he or she deems necessary into the accuracy
28 of the statements made in the application. The sheriff may require that the applicant display a
29 Missouri driver's license or nondriver's license or military identification and orders showing the
30 person being stationed in Missouri. In order to determine the applicant's suitability for a certificate
31 of qualification for a concealed carry endorsement, the applicant shall be fingerprinted. The sheriff
32 shall request a criminal background check through the appropriate law enforcement agency within
33 three working days after submission of the properly completed application for a certificate of
34 qualification for a concealed carry endorsement. If no disqualifying record is identified by the
35 fingerprint check at the state level, the fingerprints shall be forwarded to the Federal Bureau of
36 Investigation for a national criminal history record check. Upon receipt of the completed
37 background check, the sheriff shall issue a certificate of qualification for a concealed carry
38 endorsement within three working days. The sheriff shall issue the certificate within forty-five
39 calendar days if the criminal background check has not been received, provided that the sheriff shall
40 revoke any such certificate and endorsement within twenty-four hours of receipt of any background
41 check that results in a disqualifying record, and shall notify the department of revenue.

42 6. The sheriff may refuse to approve an application for a certificate of qualification for a
43 concealed carry endorsement if he or she determines that any of the requirements specified in
44 subsection 2 of this section have not been met, or if he or she has a substantial and demonstrable
45 reason to believe that the applicant has rendered a false statement regarding any of the provisions of
46 sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff is required to deny
47 the application, and notify the applicant in writing, stating the grounds for denial and informing the
48 applicant of the right to submit, within thirty days, any additional documentation relating to the

1 grounds of the denial. Upon receiving any additional documentation, the sheriff shall reconsider his
2 or her decision and inform the applicant within thirty days of the result of the reconsideration. The
3 applicant shall further be informed in writing of the right to appeal the denial pursuant to subsections
4 2, 3, 4, and 5 of section 571.114. After two additional reviews and denials by the sheriff, the person
5 submitting the application shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of section
6 571.114.

7 7. If the application is approved, the sheriff shall issue a certificate of qualification for a
8 concealed carry endorsement to the applicant within a period not to exceed three working days after
9 his or her approval of the application. The applicant shall sign the certificate of qualification in the
10 presence of the sheriff or his or her designee and shall within seven days of receipt of the certificate
11 of qualification take the certificate of qualification to the department of revenue. Upon verification
12 of the certificate of qualification and completion of a driver's license or nondriver's license
13 application pursuant to chapter 302, the director of revenue shall issue a new driver's license or
14 nondriver's license with an endorsement which identifies that the applicant has received a certificate
15 of qualification to carry concealed weapons issued pursuant to sections 571.101 to 571.121 if the
16 applicant is otherwise qualified to receive such driver's license or nondriver's license.
17 Notwithstanding any other provision of chapter 302, a nondriver's license with a concealed carry
18 endorsement shall expire three years from the date the certificate of qualification was issued pursuant
19 to this section. The requirements for the director of revenue to issue a concealed carry endorsement
20 pursuant to this subsection shall not be effective until July 1, 2004, and the certificate of qualification
21 issued by a county sheriff pursuant to subsection 1 of this section shall allow the person issued such
22 certificate to carry a concealed weapon pursuant to the requirements of subsection 1 of section
23 571.107 in lieu of the concealed carry endorsement issued by the director of revenue from October
24 11, 2003, until the concealed carry endorsement is issued by the director of revenue on or after July
25 1, 2004, unless such certificate of qualification has been suspended or revoked for cause.

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

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

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

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

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

1 571.117. 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 in
4 sections 571.101 to 571.121 may file a petition with the clerk of the small claims court to revoke that
5 person's certificate of qualification for a concealed carry endorsement and such person's concealed
6 carry endorsement. The petition shall be in a form substantially similar to the petition for revocation
7 of concealed carry endorsement provided in this section. Appeal forms shall be provided by the
8 clerk of the small claims court free of charge to any person:

9 SMALL CLAIMS COURT

10 In the Circuit Court of, Missouri

11, PLAINTIFF

12)

13)

14 vs.) Case Number

15)

16, DEFENDANT,

17 Carry Endorsement Holder

18, DEFENDANT,

19 Sheriff of Issuance

20
21 PETITION FOR REVOCATION
22 OF CERTIFICATE OF QUALIFICATION
23 OR CONCEALED CARRY ENDORSEMENT

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

31 (CHECK BELOW EACH REASON
32 THAT APPLIES TO THIS DEFENDANT)

33 Defendant is not at least [twenty-one] nineteen years of age or at least eighteen years of
34 age and a member of the United States Armed Forces or honorably discharged from the United
35 States Armed Forces.

36 Defendant is not a citizen of the United States.

37 Defendant had not resided in this state prior to issuance of the permit and does not qualify
38 as a military member or spouse of a military member stationed in Missouri.

39 Defendant has pled guilty to or been convicted of a crime punishable by imprisonment for
40 a term exceeding one year under the laws of any state or of the United States other than a crime
41 classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of
42 one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.

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

1 preceding application for a certificate of qualification or a concealed carry endorsement issued
2 pursuant to sections 571.101 to 571.121, RSMo.

3 [] Defendant is a fugitive from justice or currently charged in an information or indictment
4 with the commission of a crime punishable by imprisonment for a term exceeding one year under the
5 laws of any state of the United States other than a crime classified as a misdemeanor under the laws
6 of any state and punishable by a term of imprisonment of one year or less that does not involve an
7 explosive weapon, firearm, firearm silencer, or gas gun.

8 [] Defendant has been discharged under dishonorable conditions from the United States
9 Armed Forces.

10 [] Defendant is reasonably believed by the sheriff to be a danger to self or others based on
11 previous, documented pattern.

12 [] Defendant is adjudged mentally incompetent at the time of application or for five years
13 prior to application, or has been committed to a mental health facility, as defined in section 632.005,
14 RSMo, or a similar institution located in another state, except that a person whose release or
15 discharge from a facility in this state pursuant to chapter 632, RSMo, or a similar discharge from a
16 facility in another state, occurred more than five years ago without subsequent recommitment may
17 apply.

18 [] Defendant failed to submit a completed application for a certificate of qualification or
19 concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo.

20 [] Defendant failed to submit to or failed to clear the required background check.

21 [] Defendant failed to submit an affidavit attesting that the applicant complies with the
22 concealed carry safety training requirement pursuant to subsection 1 of section 571.111, RSMo.

23
24 The plaintiff subject to penalty for perjury states that the information contained in this petition is true
25 and correct to the best of the plaintiff's knowledge, is reasonably based upon the petitioner's personal
26 knowledge and is not primarily intended to harass the defendant/respondent named herein.

27
28 PLAINTIFF

29 2. If at the hearing the plaintiff shows that the defendant was not eligible for the certificate of
30 qualification or the concealed carry endorsement issued pursuant to sections 571.101 to 571.121 at
31 the time of issuance or renewal or is no longer eligible for a certificate of qualification or the
32 concealed carry endorsement issued pursuant to the provisions of sections 571.101 to 571.121, the
33 court shall issue an appropriate order to cause the revocation of the certificate of qualification or
34 concealed carry endorsement. Costs shall not be assessed against the sheriff.

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

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

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

5
6 Further amend said bill by amending the title, enacting clause, and intersectional references
7 accordingly.
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