

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By  
\_\_\_\_\_

1 AMEND House Committee Substitute for House Bill No. 436, Page 4, Section 1.320, Line 93, 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.

13 571.101. 1. All applicants for concealed carry endorsements issued pursuant to subsection 7  
14 of this section must satisfy the requirements of sections 571.101 to 571.121. If the said applicant can  
15 show qualification as provided by sections 571.101 to 571.121, the county or city sheriff shall issue a  
16 certificate of qualification for a concealed carry endorsement. Upon receipt of such certificate, the  
17 certificate holder shall apply for a driver's license or nondriver's license with the director of revenue  
18 in order to obtain a concealed carry endorsement. Any person who has been issued a concealed carry  
19 endorsement on a driver's license or nondriver's license and such endorsement or license has not been  
20 suspended, revoked, cancelled, or denied may carry concealed firearms on or about his or her person  
21 or within a vehicle. A concealed carry endorsement shall be valid for a period of three years from  
22 the date of issuance or renewal. The concealed carry endorsement is valid throughout this state.

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

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

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

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

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

33 (a) Has assumed residency in this state;

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

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

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

42 (4) Has not been convicted of, pled guilty to or entered a plea of nolo contendere to one or  
43 more misdemeanor offenses involving crimes of violence within a five-year period immediately  
44 preceding application for a certificate of qualification for a concealed carry endorsement or if the  
45 applicant has not been convicted of two or more misdemeanor offenses involving driving while  
46 under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled  
47 substance within a five-year period immediately preceding application for a certificate of  
48 qualification for a concealed carry endorsement;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

47 (8) An affirmation that the applicant is not adjudged mentally incompetent at the time of  
48 application or for five years prior to application, or has not been committed to a mental health

1 facility, as defined in section 632.005, or a similar institution located in another state, except that a  
2 person whose release or discharge from a facility in this state pursuant to chapter 632, or a similar  
3 discharge from a facility in another state, occurred more than five years ago without subsequent  
4 recommitment may apply;

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

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

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

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

17 (1) A photocopy of a firearms safety training certificate of completion or other evidence of  
18 completion of a firearms safety training course that meets the standards established in subsection 1 or  
19 2 of section 571.111; and

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

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

38 6. The sheriff may refuse to approve an application for a certificate of qualification for a  
39 concealed carry endorsement if he or she determines that any of the requirements specified in  
40 subsection 2 of this section have not been met, or if he or she has a substantial and demonstrable  
41 reason to believe that the applicant has rendered a false statement regarding any of the provisions of  
42 sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff is required to deny  
43 the application, and notify the applicant in writing, stating the grounds for denial and informing the  
44 applicant of the right to submit, within thirty days, any additional documentation relating to the  
45 grounds of the denial. Upon receiving any additional documentation, the sheriff shall reconsider his  
46 or her decision and inform the applicant within thirty days of the result of the reconsideration. The  
47 applicant shall further be informed in writing of the right to appeal the denial pursuant to subsections  
48 2, 3, 4, and 5 of section 571.114. After two additional reviews and denials by the sheriff, the person

1 submitting the application shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of section  
2 571.114.

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

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

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

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

37 11. For processing a renewal 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 fifty dollars which shall be paid to the treasury of the county to the  
40 credit of the sheriff's revolving fund.

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

45 571.117. 1. Any person who has knowledge that another person, who was issued a  
46 certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to  
47 571.121, never was or no longer is eligible for such endorsement under the criteria established in  
48 sections 571.101 to 571.121 may file a petition with the clerk of the small claims court to revoke that

1 person's certificate of qualification for a concealed carry endorsement and such person's concealed  
2 carry endorsement. The petition shall be in a form substantially similar to the petition for revocation  
3 of concealed carry endorsement provided in this section. Appeal forms shall be provided by the  
4 clerk of the small claims court free of charge to any person:

5 SMALL CLAIMS COURT

6 In the Circuit Court of ....., Missouri

7 ....., PLAINTIFF

8 )

9 )

10 vs. ) Case Number .....

11 )

12 ....., DEFENDANT,

13 Carry Endorsement Holder

14 ....., DEFENDANT,

15 Sheriff of Issuance

16  
17 PETITION FOR REVOCATION  
18 OF CERTIFICATE OF QUALIFICATION  
19 OR CONCEALED CARRY ENDORSEMENT

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

27 (CHECK BELOW EACH REASON  
28 THAT APPLIES TO THIS DEFENDANT)

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

32 [ ] Defendant is not a citizen of the United States.

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

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

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

47 [ ] Defendant is a fugitive from justice or currently charged in an information or indictment  
48 with the commission of a crime punishable by imprisonment for a term exceeding one year under the



1 laws of any state of the United States other than a crime classified as a misdemeanor under the laws  
 2 of any state and punishable by a term of imprisonment of one year or less that does not involve an  
 3 explosive weapon, firearm, firearm silencer, or gas gun.

4  Defendant has been discharged under dishonorable conditions from the United States  
 5 Armed Forces.

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

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

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

16  Defendant failed to submit to or failed to clear the required background check.

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

19  
 20 The plaintiff subject to penalty for perjury states that the information contained in this petition is true  
 21 and correct to the best of the plaintiff's knowledge, is reasonably based upon the petitioner's personal  
 22 knowledge and is not primarily intended to harass the defendant/respondent named herein.

23  
 24 ....., PLAINTIFF

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

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

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

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

- 1
- 2 Further amend said bill by amending the title, enacting clause, and intersectional references
- 3 accordingly.