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be infringed." to keep and bear arms shall not free state, the right of the people necessary to the security of a A' well-regulated militia being

# RSMO 571 **Endorsement** Carry Concealed

Handbooks vol. 1 **Missouri CCW** 

the lawful carry and discharge of firearms. rights and responsibilities as they apply to state law. It is your duty to know your not be considered a full account of current a matter of editorial preference and should legal advice. Inclusion in this handbook is any attempt to provide comprehensive complete chapters nor do they represent State of Missouri and do not reflect the sections of the Revised Statutes of the These handbooks are composed of specific

August 17, 2004 inossiM, noinU Press VIII) **Suggin'** X By The Giltweasel

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thousand or more. Possession of a firearm in a vehicle on the (16) Any sports arena or stadium with a seating capacity of five concealed firearm in vehicles owned by the employer; persons holding a concealed carry endorsement from carrying a the premises. An employer may prohibit employees or other removed from the vehicle or brandished while the vehicle is on shall not be a criminal offense so long as the firearm is not prohibited. Possession of a firearm in a vehicle on the premises on or about the premises if carrying a concealed firearm is public, the employer of the business enterprise shall post signs of the employer. If the building or the premises are open to the  $\,$ endorsement from carrying concealed firearms on the property not authorized by the employer, holding a concealed carry cealed firearms on the premises and may prohibit employees, holding a concealed carry endorsement from carrying conother organization, entity, or person may prohibit persons mercial lessee, manager of a private business enterprise, or any letters of not less than one inch. The owner, business or comof eleven inches by fourteen inches with the writing thereon in more signs displayed in a conspicuous place of a minimum size as being off-limits to concealed firearms by means of one or (15) Any private property whose owner has posted the premises

becauses shall not be a criminal offense so long as the firearm

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

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

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abuse of a controlled substance within a five-year period immeinfluence of intoxicating liquor or drugs or the possession or more misdemeanor offenses involving driving while under the dorsement or if the applicant has not been convicted of two or a certificate of qualification to obtain a concealed carry enwithin a five-year period immediately preceding application for more misdemeanor offenses involving crimes of violence pled guilty to, or entered a plea of nolo contendere to one or (5) An affirmation that the applicant has not been convicted of, weapon, firearm, firearm silencer, or gas gun;

onment of one year or less that does not involve an explosive under the laws of any state and punishable by a term of impris-United States other than a crime classified as a misdemeanor term exceeding one year under the laws of any state or of the been convicted of a crime punishable by imprisonment for a (4) An affirmation that the applicant has not pled guilty to or

(3) An affirmation that the applicant is at least twenty-three

spouse of such a member of the armed forces and is a citizen of or is a member of the armed forces stationed in Missouri or the Missouri and has been a resident thereof for the last six months (2) An affirmation that the applicant is a resident of the state of and date and place of birth;

(1) The applicant's name, address, telephone number, gender,

the applicant's residence shall contain only the following cealed carry endorsement issued by the sheriff of the county of 3. The application for a certificate of qualification for a con-

(10) Is not the respondent of a valid full order of protection

subsections I and 2 of section 571.111; with the concealed carry safety training requirement pursuant to (9) Submits an affidavit attesting that the applicant complies cation as defined in subsection 3 of this section;

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driver's license or nondriver's license. The requirements for the director of revenue to issue a concealed carry endorsement pursuant to this subsection shall not be effective until July 1. 2004, and the certificate of qualification issued by a county sheriff pursuant to subsection 1 of this section shall allow the person issued such certificate to carry a concealed weapon pursuant to the requirements of subsection 1 of section 571.107 in lieu of the concealed carry endorsement issued by the director of revenue from October 11, 2003, until the concealed carry endorsement is issued by the director of revenue on or after July 1, 2004, unless such certificate of qualification has been suspended or revoked for cause.

- 8. The sheriff shall keep a record of all applications for a certificate of qualification for a concealed carry endorsement and his or her action thereon. The sheriff shall report the issuance of a certificate of qualification to the Missouri uniform law enforcement system. All information on any such certificate that is protected information on any driver's or nondriver's license shall have the same personal protection for purposes of sections 571.101 to 571.121. An applicant's status as a holder of a certificate of qualification or a concealed carry endorsement shall not be public information and shall be considered personal protected information. Any person who violates the provisions of this subsection by disclosing protected information shall be guilty of a class A misdemeanor.
- 9. Information regarding any holder of a certificate of qualification or a concealed carry endorsement is a closed record. 10. For processing an application for a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed one hundred dollars which shall be paid to the treasury of the county to the credit of the
- 11. For processing a renewal for a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101

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to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed fifty dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving

12. For the purposes of sections 571.101 to 571.121, the term sheriff shall include the sheriff of any county or city not within a county or his or her designee and in counties of the first classification the sheriff may designate the chief of police of any city, town, or municipality within such county. (L. 2003 H.B. 349, et al., § 571.094, subsecs. 1 to 12) Effective 10-11-03; see § 21.250

\*This bill was vetoed on July 3, 2003. The veto was overridden on September 11, 2003.

Endorsement does not authorize concealed firearms, where--penalty for violation. 571.107. 1. A concealed carry endorsement issued pursuant to sections 571.101 to 571.121 or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize the person in whose name the permit or endorsement is issued to carry concealed firearms on or about his or her person or vehicle throughout the state. No driver's license or nondriver's license containing a concealed carry endorsement issued pursuant to sections 571.101 to 571.121 or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize any person to carry con-

- (1) Any police, sheriff, or highway patrol office or station without the consent of the chief law enforcement officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises; (2) Within twenty-five feet of any polling place on any election
- day. Possession of a firearm in a vehicle on the premises of the

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the sale of food. This subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision authorizes any individual who has been issued a concealed carry endorsement to possess any firearm while intoxicated;

- (8) Any area of an airport to which access is controlled by the inspection of persons and property. Possession of a firearm in a vehicle on the premises of the airport shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
- (9) Any place where the carrying of a firearm is prohibited by federal law;
- (10) Any higher education institution or elementary or secondary school facility without the consent of the governing body of the higher education institution or a school official or the district school board. Possession of a firearm in a vehicle on the premises of any higher education institution or elementary or secondary school facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
- (11) Any portion of a building used as a child-care facility without the consent of the manager. Nothing in this subdivision shall prevent the operator of a child-care facility in a family home from owning or possessing a firearm or a driver's license or nondriver's license containing a concealed carry endorse-
- (12) Any riverboat gambling operation accessible by the public without the consent of the owner or manager pursuant to rules promulgated by the gaming commission. Possession of a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle

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diately 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 imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun; (7) An affirmation that the applicant has not been discharged under dishonorable conditions from the United States armed
- (8) An affirmation that the applicant is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632,005, RSMo, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, RSMo, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply;
- (9) An affirmation that the applicant has received firearms safety training that meets the standards of applicant firearms safety training defined in subsection 1 or 2 of section 571.111; (10) An affirmation that the applicant, to the applicant's best knowledge and belief, is not the respondent of a valid full order of protection which is still in effect; and
- (11) A conspicuous warning that false statements made by the applicant will result in prosecution for perjury pursuant to the laws of the state of Missouri.
- 4. An application for a certificate of qualification for a concealed carry endorsement shall be made to the sheriff of the county or any city not within a county in which the applicant resides. An application shall be filed in writing, signed under

connset of a representative; following a hearing at which the defendant was represented by 632.005, RSMo, or a similar institution located in another state committed to a mental health facility, as defined in section tion or for five years prior to application, or has not been (7) Is not adjudged mentally incompetent at the time of applicabelief that the applicant presents a danger to himself or others; public records, that causes the sheriff to have a reasonable (6) Has not engaged in a pattern of behavior, documented in from the United States armed forces; (5) Has not been discharged under dishonorable conditions silencer, or gas gun; that does not involve an explosive weapon, firearm, firearm and punishable by a term of imprisonment of two years or less crime classified as a misdemeanor under the laws of any state under the laws of any state of the United States other than a punishable by imprisonment for a term exceeding one year information or indictment with the commission of a crime (4) Is not a fugitive from justice or currently charged in an cate of qualification for a concealed carry endorsement; five-year period immediately preceding application for a certifior the possession or abuse of a controlled substance within a driving while under the influence of infoxicating liquor or drugs convicted of two or more misdemeanor offenses involving concealed carry endorsement or if the applicant has not been preceding application for a certificate of qualification for a ing crimes of violence within a five-year period immediately nolo contendere to one or more misdemeanor offenses involv-(3) Has not been convicted of, pled guilty to or entered a plea of weapon, firearm, firearm silencer or gas gun; onment of one year or less that does not involve an explosive nuger the laws of any state and punishable by a term of impris-United States other than a crime classified as a misdemeanor term exceeding one year under the laws of any state or of the

(8) Submits a completed application for a certificate of qualifi-

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oath and under the penalties of perjury, and shall state whether the applicant complies with each of the requirements specified in subsection 2 of this section. In addition to the completed application, the applicant for a certificate of qualification for a concealed carry endorsement must also submit the following:

- (1) Å photocopy of a firearms safety training certificate of completion or other evidence of completion of a firearms safety training course that meets the standards established in subsection 1 or 2 of section 571.111; and
- (2) A nonrefundable certificate of qualification fee as provided by subsection 10 or 11 of this section.
- 5. Before an application for a certificate of qualification for a concealed carry endorsement is approved, the sheriff shall make only such inquiries as he or she deems necessary into the accuracy of the statements made in the application. The sheriff may require that the applicant display a Missouri driver's license or nondriver's license or military identification and orders showing the person being stationed in Missouri. In order to determine the applicant's suitability for a certificate of qualification for a concealed carry endorsement, the applicant shall be fingerprinted. The sheriff shall request a criminal background check through the appropriate law enforcement agency within three working days after submission of the properly completed application for a certificate of qualification for a concealed carry endorsement. If no disqualifying record is identified by the fingerprint check at the state level, the fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal history record check. Upon receipt of the completed background check, the sheriff shall issue a certificate of qualification for a concealed carry endorsement within three working days. The sheriff shall issue the certificate within forty-five calendar days if the criminal background check has not been received, provided that the sheriff shall revoke any such certificate and endorsement within twentyfour hours of receipt of any background check that results in a disqualifying record, and shall notify the department of revenue

license pursuant to chapter 302, RSMo, which does not contain spall notify the incensee that he or she must apply for a new from the individual's driving record. The director of revenue and take action to remove the concealed carry endorsement suspension or revocation of the concealed carry endorsement and the department of revenue shall issue a notice of such certificate of qualification for a concealed carry endorsement department of revenue. The sheriff shall suspend or revoke the of qualification for a concealed carry endorsement and the shall notify the sheriff of the county which issued the certificate from a citation issued pursuant to this subsection, the court for a period of three years. Upon conviction of charges arising person shall not be eligible for a concealed carry endorsement have his or her concealed carry endorsement revoked and such be fined an amount not to exceed five hundred dollars and shall is issued within one year of the first citation, such person shall for a period of one year. If a third citation for a similar violation her endorsement to carry concealed firearms shall be suspended fined an amount not to exceed two hundred dollars and his or violation occurs within a six-month period, such person shall be dollars for the first offense. It a second citation for a similar issued a citation for an amount not to exceed one hundred premises and a peace officer is summoned, such person may be removal from the premises. It such person refuses to leave the act but may subject the person to denial to the premises or pursuant to sections 571.101 to 571.121 shall not be a criminal individual who holds a\*\* concealed carry endorsement issued subdivisions (1) to (17) of subsection 1 of this section by any 2. Carrying of a concealed firearm in a location specified in vehicle or brandished while the vehicle is on the premises. criminal offense so long as the firearm is not removed from the firearm in a vehicle on the premises of a hospital shall not be a (17) Any hospital accessible by the public. Possession of a is on the premises;

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randished while the vehicle or brandished while the vehicle

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

(7) Any establishment licensed to dispense intoxicating liquor or nonintoxicating beer for consumption on the premises, which portion is primarily devoted to that purpose, without the consent of the owner or manager. The provisions of this subdivision shall not apply to the licensee of said establishment. The provisions of this subdivision shall not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty persons and that receives at least fifty-one percent of its gross annual income from the dining facilities by

on September 11, 2003. \*This bill was vetoed on July 3, 2003. The veto was overridden 062.12 § 558; 50-11-01 (L. 2003 H.B. 349, et al., § 571.094, subsecs. 38, 39) Effective that the person is qualified for the permit. acting as a scrivener for any determination made by the sheriff driver's or nondriver's license, the director of revenue is merely of any person issued such a permit. By issuing the permit on the tor such permit or for any actions stemming from the conduct determination made regarding the qualification of any person immune from any claims for damages resulting from any permit has been granted, shall bear no hability and shall be driver's or nondriver's license reflecting that a concealed carry revenue, by carrying out his or her requirement to issue a 2. Notwithstanding any other provisions of law, the director of tion for an amount not to exceed thirty-five dollars. the concealed carry endorsement holder may be issued a citacomply with this subsection shall not be a criminal offense but dorsement upon the request of any peace officer. Failure to concealed firearm and shall display the concealed carry encealed carry endorsement at all times the person is carrying a pursuant to sections 571.101 to 571.121 shall carry the con-571.121. 1. Any person issued a concealed carry endorsement tion--director of revenue immunity from liability, when. Duty to carry and display endorsement, penalty for viola-

auch andorsement. A concealed carry endorsement susperation pursuant to sections 571.101 to 571.121 shall be reinstalted at the lime of the renewal of his or her driver's license. The notice issued by the department of revenue shall be mailed to the last known address shown on the individual's driving record. The notice is deemed received three days after mailing.

10-11-03; see § 21..50

11-103; see § 21..50

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

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

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

(5) Any meeting of the governing body of a unit of local government; or any meeting of the general assembly or a committee of the general assembly, except that nothing in this subdivi-

(b) Is a member of the armed forces stationed in Missouri, or the spouse of such member of the military; As not pled guilty to or entered a plea of noto contendere or been convicted of a crime punishable by imprisonment for a

United States and either:

(a) Has resided in this state for at least six months; or

(b) Is a member of the armed forces stationed in Missouri, or

endorsement is valid throughout this state.

2. A certificate of qualification for a concealed carry endorsement is used 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-three years of age, is a citizen of the

years from the date of issuance or renewal. The concealed carry concealed carry endorsement shall be valid for a period of three firearms on or about his or her person or within a vehicle. A pended, revoked, canceled, or denied may carry concealed license and such endorsement or license has not been susconcealed carry endorsement on a driver's license or nondriver's cealed carry endorsement. Any person who has been issued a license with the director of revenue in order to obtain a concate holder shall apply for a driver's license or nondriver's carry endorsement. Upon receipt of such certificate, the certifisheriff shall issue a certificate of qualification for a concealed as provided by sections 571.101 to 571.121, the county or city 571.101 to 571.121. If the said applicant can show qualification of this section must satisfy the requirements of sections for concealed carry endorsements issued pursuant to subsection record-keeping requirements--fees. 571.101. I. All applicants approval procedures--issuance of certificates, when--Concealed carry endorsements, application requirements--

> Missouri Revised Statutes Chapter 571 Weapons Offenses (Concealed Carry Permits)

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

7. If the application is approved, the sheriff shall issue a certificate of qualification for a concealed carry endorsement to the applicant within a period not to exceed three working days after his or her approval of the application. The applicant shall sign the certificate of qualification in the presence of the sheriff or his or her designee and shall within seven days of receipt of the certificate of qualification take the certificate of qualification to the department of revenue. Upon verification of the certificate of qualification and completion of a driver's license or non-driver's license application pursuant to chapter 302, RSMo, the director of revenue shall issue a new driver's license or non-driver's license with an endorsement which identifies that the applicant has received a certificate of qualification to carry concealed weapons issued pursuant to sections 571.101 to 571.121 it fhe applicant is otherwise qualified to receive such