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MEMORANDUM

DATE: September 16, 2016

TO: Kevin Merritt, Missouri Sheriffs' Association

FROM: Rich AuBuchon

RE: Breakdown of Senate Bill 656 Provisions and Effective Dates

On September 14, 2016, the Missouri legislature voted to override Governor Nixon's veto of Senate Bill 656. Senate Bill 656 became known as the "gun bill" by many but there are numerous other provisions in the bill, some of which relate to the office of Sheriff generally and others dealing with the conceal carry weapon permit process of which Sheriffs must know and implement. By operation of Section 21.250, RSMo the general rule on effective dates for a section that was subject to an override of a veto is 30 days from the date it was overridden unless there is another date set forth in the bill that is more specific. Not all provisions in SB 656 however apply this general rule and there are some specific effective dates in the bill as explained in further detail below:

1. COUNTY SHERIFF'S REVOLVING FUND, § 50.535, RSMo

EFFECTIVE: OCTOBER 14, 2016

Current statute required that any unexpended balance in a Sheriff's Revolving Fund must remain in the fund to accumulate from year to year. With SB 656, the funds that are not spent may be used for other purposes or transferred to discretionary funds for the sheriffs. This fund switch can occur so long as no claim for inadequate funding was made within the last five years resulting in reimbursement from the Office of Administration. There was also a provision included to ensure money received from conceal carry permits would not be required to displace county general revenue or be used to reduce a sheriffs' budget as a result of receipt of conceal carry permit funds.

2. GENERAL WORK OR LICENSURE BACKGROUND CHECKS CAN NOW BE DONE BY THIRD CLASS COUNTY SHERIFFS § 57.281, RSMo

EFFECTIVE: OCTOBER 14, 2016

Sheriffs of third class counties can, but are not required, to provide criminal background checks to certain specified state agencies. The list is long and contained on page 3 of the attached bill. Fees a sheriff charges for the search must be paid by the applicant and deposited to the civil service fee fund. All records related to any criminal history information discovered will be accessible and available to the state, municipal, or county agency making the record request.

3. SELF DEFENSE - § 563.031, RSMo

EFFECTIVE: OCTOBER 14, 2016

Current law allows for a person who owns or leases private property to use deadly force in self-defense or defense of others against a person who unlawfully enters or attempts to unlawfully enter the property.

Under this section, deadly force may also be used by a person who occupies private property pursuant to specific authority of the property owner to occupy the property.

Currently, a person does not have a duty to retreat from a dwelling, residence, or vehicle where the person is not unlawfully entering or unlawfully remaining or from private property that is owned or leased by such individual. This section expands the “no retreat” rule and now a person does not have a duty to retreat from any place the person has a right to be so long as they are not engaged in unlawful activity.

4. “CONSTITUTIONAL CARRY” - UNLAWFUL USE OF WEAPONS - § 571.030

EFFECTIVE: JANUARY 1, 2017

Current law provides that a person commits the offense of unlawful use of weapons if the person carries a concealed knife, firearm, blackjack, or another weapon readily capable of lethal use. This section now provides that a crime is only committed if a person carries one of the above types of weapons in an area where a person with a concealed carry permit is restricted from carrying firearms. The penalty was lowered from a class D felony to a class B misdemeanor.

Current law exempts full time chiefs of fire departments and fire districts, prosecuting and assistant prosecuting attorneys and circuit and assistant circuit attorneys from provisions criminalizing certain unlawful uses of weapons. Now, municipal and county prosecuting attorneys, assistant prosecuting attorneys, circuit attorneys, and assistant circuit

attorneys, full-time fire department and fire district members are exempt. Municipal, associate circuit, and circuit judges were also added to the list of persons who are exempt.

Now, carrying a concealed weapon onto private property whose owner has posted the premises as being off-limits with appropriate signage will not be a crime. The person can be removed from the premises and is subject to a fine. Class D felonies of unlawful use of weapons will be now be Class E felonies to align with penalty modifications that will take effect in the future.

5. CONCEALED CARRY PERMIT FEES - § 571.101, RSMo.

EFFECTIVE DATE: OCTOBER 14, 2016

Under current law, an applicant for a concealed carry permit may be charged a fee that does not exceed \$100. This act specifies that no additional fee may be charged, including any fee for fingerprinting or criminal background checks. The act also allows for an additional fee to be charged for each credit card, debit card, or other electronic transaction equal to the charge paid by the state or applicant for the use of the credit card, debit card, or other electronic payment method by the applicant.

**6. CONCEALED CARRY EXPIRATION FOR MILITARY - § 571.104 & Section B
(Section B to be determined later by the Revisor of Statutes)**

This provision contained an emergency clause.

EFFECTIVE DATE: IMMEDIATELY

A concealed carry permit can be renewed within two months after discharge from military duty or recovery from the incapacitation, if the permit expired while the holder was on active duty in the Armed Forces, active state duty, full-time national guard duty, or active duty with the National Guard, or the permit holder is incapacitated due to an injury incurred while in military service. The provisions regarding late renewals apply after the two month extension, except the penalties begin to accrue upon the expiration of the two-month period rather than on the permit's expiration date.

7. CONCEALED CARRY PERMIT TRAINING - § 571.111, RSMo

EFFECTIVE DATE: OCTOBER 14, 2016

Online training or regular training conducted by an instructor certified by the National Rifle Association that is an hour in length can now be used as an alternate method to obtain certification for the firearms safety training course.

8. LIFETIME CONCEALED CARRY PERMIT - §§ 571.126 to 571.230, RSMo.

EFFECTIVE DATE: OCTOBER 14, 2016

Currently, concealed carry permits must be renewed once every five years. Now a Missouri resident who meets the requirements for a concealed carry permit and pays a \$500 fee to receive a concealed carry permit valid for the duration of the person's life. Missouri residents who meet the requirements for a permit can pay \$200 to receive a Missouri extended concealed carry permit valid for 10 years or pay \$250 for an extended permit that is valid for 25 years. To renew an extended permit, the permit holder must pay \$50. The lifetime and extended permits are only valid throughout the state of Missouri.

Lifetime and extended permits are still subject to the same suspension and revocation provisions that apply to permits that expire every five years. A sheriff must conduct a name-based criminal background check on extended and lifetime permit holders once every five years. The lifetime and extended concealed carry permits must include a statement that the permit is valid only throughout the state of Missouri.

If the holder of a lifetime or extended concealed carry permit becomes a resident of another state, the permit will be suspended. It may be reactivated if the permit holder reestablishes Missouri residency at a later date, so long as the permit holder meets the requirements for a concealed carry permit and then passes a criminal background check. While the extended and lifetime extended permits cover multiple sections they mirror language and procedure from other sections dealing with conceal carry permits making so they are not recited in detail here.