

August 11, 2005

DEPARTMENT MEMORANDUM NO. 05-17

SUBJECT: Concealed Carry Law

RESCINDS: Department Memorandum 04-3 entitled, "Concealed Carry Law"

***I. INTRODUCTION**

On 02-26-04, the Missouri Supreme Court issued its ruling on the constitutionality of carrying a concealed weapon, as authorized by Revised Missouri Statutes (Section 571.094) and (Section 50.535). Any person over the age of 21 may carry a concealed weapon, if otherwise legally possessed, in a motor vehicle. Any person with a valid Concealed Carry Weapon (CCW) endorsement may legally carry a concealed weapon in any county in Missouri.

On July 1, 2004, Missouri Department of Revenue (D.O.R.) began issuing a Concealed Carry Weapon (CCW) endorsement on driver licenses and non-driver licenses to applicants that submit a Concealed Carry Certificate of Qualification from the sheriff of the county of their residence.

When a CCW endorsement has been suspended or revoked, the individual who possesses a driver's or non-driver's license containing a CCW endorsement, will surrender the license to the officer.

The following guidelines have been established to provide procedures to department personnel for situations involving citizens carrying concealed firearms. This memorandum includes requirements for application, for revocation or suspension of a CCW endorsement, patrol tactics, prisoner's personal property, and internal policies.

All other questions regarding the CCW endorsement should be directed to the Office of General Counsel.

II. POLICY

A. Sworn Department Members

1. Members are **prohibited** from carrying any firearm off-duty that does not comply as a department approved off-duty firearm. (See the guidelines outlined in the current written directive entitled, "Firearms Policy.")
2. Members are **prohibited** from bringing **any firearm** into a detention facility.

- * 3. Members will be allowed to be instructors, in an off-duty capacity, to the general public for the purpose of qualifying those intending to carry concealed firearms. Members **must** meet the following conditions prior to approval of the off-duty work application:
- a. Obtain a participant's waiver.
 - b. Obtain personal liability insurance.
 - c. Members will setup a Limited Liability Corporation or be associated with a Corporate Entity of their choosing.

NOTE: Members will not identify themselves as a Kansas City, Missouri police officer, but may identify themselves as a POST (Peace Officer Standards and Training) certified instructor.

B. Non-Sworn Department Members

1. May obtain a CCW endorsement from the State of Missouri providing they meet all state requirements for obtaining the certificate for the endorsement.
2. The non-sworn member with a CCW endorsement will be responsible for obeying all laws regarding the carrying of a concealed firearm while off-duty.
3. Posted signs at police facilities, which prohibit **any citizen** from carrying a concealed firearm into the building, will be obeyed by all non-sworn members who are not authorized by the department to carry a firearm.
4. Non-sworn members who are not authorized by the department to carry a firearm, will also be prohibited from the following:
 - a. Carrying any weapon on their person while on-duty.
 - b. Carrying any weapon while operating any department owned vehicle, on or off-duty.
 - c. Carrying any weapon, when any vehicle is being used for department related business.

III. PROCEDURES

This directive has been arranged in annexes to provide easy reference.

Annex A - Department Procedures

Annex B - Summary of Missouri Statutes

Annex C - Legal Scenarios/Questions and Answers

James D. Corwin
Chief of Police

DISTRIBUTION: All Department Members.
Post on bulletin boards for two weeks.

DEPARTMENT PROCEDURES**A. Patrol Tactics**

1. Officers should have a heightened awareness of the possibility that all subjects contacted may be in possession of a firearm.
2. Officers **will not** use the fact that concealed carry exists as their only justification to frisk an individual. Reasonable suspicion is required to conduct a frisk of an individual.
3. Officers **will not** attempt to unload a firearm that they are unfamiliar with. Officers unsure or unfamiliar with a firearm should seek someone who is familiar or qualified to handle the firearm to secure it properly.
4. Officers **will not** recover a firearm and place it in the Property and Evidence Section, unless the firearm has evidentiary value or is being seized for not being lawfully possessed or it is recovered for safekeeping, as outlined in this directive.

B. Disposition of Firearm by Arresting Officer

There will be occasions when officers arrest a CCW endorsement holder, who has a firearm in their possession, and a decision of what to do with the firearm must be made. Officers should use discretion and their best judgment when making that decision, depending on the totality of the circumstances.

Officers will release city arrests on signature according to current procedure, whenever possible. If the arrest is to be transported to a detention facility to post bond and he/she lawfully possesses a CCW endorsement, or the firearm is lawfully transported in a motor vehicle, the officer will consider the following options for the disposition of the firearm:

1. Leave the firearm at the owner's residence.
2. Firearm within a vehicle:
 - a. Signed "Authorization Not to Tow", Form 455 P.D.: The officer will ensure that the person responsible for the vehicle signs the Form 455 P.D., twice. Once to authorize not towing the vehicle and once to accept responsibility for the weapon being left in the vehicle.

- b. Vehicle Towed from the Scene: The firearm **will not** be left in the vehicle. The firearm will be recovered according to the current written directive entitled, "Towing/Protective Custody of Vehicles and Contents."
3. Release the firearm (with ammunition separate) to another responsible citizen known to the owner that was verified through ALERT and MULES as a person who is not a felon, not a respondent of Full Order of Protection, has no outstanding warrants, and who can otherwise legally possess a firearm.

C. Arrival Procedures at Detention Facilities

When a prisoner is transported directly to a department detention facility from the scene of arrest, these procedures will be followed:

1. Upon arrival at Headquarters or a division station, notify the on-duty Detention Unit supervisor, or desk sergeant of the recovery of a legally concealed firearm.
2. The supervisor will meet the officer in the basement of Headquarters or designated area at the division station.
3. The firearm will be rendered safe utilizing the available charging barrel.
4. The supervisor will make available a handgun envelope and a plastic cable tie.
5. The officer will follow the procedure for recovering the firearm as outlined in Annex A, Section D of this directive.
6. Upon completion, the supervisor will take custody of the handgun envelope and log it on the Prisoner Firearm Log, Form 286 P.D. The firearm will be secured in the designated area at the division station or at Headquarters.
7. The arresting officer will make an entry in the property section of Corrections Management Software (CMS) listing "*firearm*" and the disposition of "*safekeeping*".
8. If a Detention Unit DFO completes the initial booking, the arresting or transporting officer will advise the Detention Unit booking officer that the prisoner has a secured, legally possessed firearm.
- * 9. If making a DUI arrest, **and a Missouri Department of Revenue Refusal to Submit to Alcohol Chemical Test, and/or a Notice of Revocation of Your Driving Privilege/15-Day Driving Permit, Form 4323, or a Form 2385 (for BAC test results) will be completed**, the officer will write in the box provided for endorsements or across the top of the form "*CCW Endorsement.*"

- a. When the CCW Endorsement holder is ready to post bond, the arresting officer or DFO will notify the desk sergeant or detention supervisor.
- b. The Desk Sergeant or Detention Supervisor will contact the CCW Endorsement holder and ascertain their condition. If the CCW Endorsement holder still appears to be intoxicated, the firearm will not be released but recovered for safekeeping.

D. Firearm Inventory Procedures

The following procedures will be used when inventorying the firearm as part of the prisoner's personal property at a detention facility.

1. Officers will obtain assistance from a knowledgeable person if unfamiliar with unloading procedures for the particular firearm.
2. **Always** point the firearm in a safe direction.
3. If possible, take the firearm outdoors to unload or utilize a charging barrel.
4. If the firearm is a semi-automatic, unload it by removing the magazine and working the slide a minimum of three times. Lock the slide to the rear (if possible).
5. If the firearm is a revolver, unload it by opening the cylinder and removing the ammunition.
6. Visually and physically inspect the firearm for ammunition.
7. A plastic cable tie will be used to secure the unloaded firearm in the following manner:
 - a. If the firearm is a semi-automatic, the plastic cable tie will be placed through the magazine well and the ejection port. The plastic cable tie will be cinched tight and the slide allowed to move forward.
 - b. If the firearm is a revolver, the plastic cable tie will be placed through the empty cylinder and cinched tight.

NOTE: The officer will not place his/her initials on the firearm or secure the firearm with a plastic cable tie when recovered as evidence.

8. The firearm, ammunition and/or magazine(s) will be placed in the handgun envelope and stapled shut. The firearm and the ammunition may be packaged in the same handgun envelope.

However, ammunition should be placed in a manila envelope and sealed, separating it from the firearm.

9. The officer will then print “*CCW Endorsement*” on the top front and back of the handgun envelope.
10. The CMS arrest number will be legibly written below “*Safekeeping*” on the handgun envelope.
11. In the “*Recovered From*” section of the handgun envelope, print “*Claimant*” and check the “*Other*” box.
12. In the “*Claimant*” section print the owner’s last name, first name and initial, if applicable.
13. Print the owner’s address and phone number.
14. The “*Weapon Description*” section should be completed with the exception of the trace evidence section.
15. The officer will print his/her first initial and last name, serial number and unit/station in the appropriate spaces.
16. As the firearm is considered legally possessed property, the owner should expect the expeditious return of his/her firearm. Therefore, “*N/A*” will be printed across “*Laboratory Use*”.
17. The handgun envelope will then be placed in a designated, secure location pending the disposition of the arrest. **The officer will not enter any detention unit with a firearm.**
18. An entry will be made in the "property" section of CMS listing “*Firearm*” with a disposition of “*Safekeeping*”.

E. Release of a Prisoner Possessing a Firearm

When releasing prisoners from custody, the DFO will:

1. Review the “Prisoner Property Inventory” for any firearm listing.
2. When printed out, this entry will be highlighted with a yellow marker on the print out.
3. If a prisoner posts bond or is to be released from custody, advise the supervisor that the prisoner has a firearm in their personal property.
4. Amend the "property" section's disposition in CMS to indicate “*released to inmate*”.

F. Detention Unit Supervisor/Desk Sergeant Procedures

1. The following procedure will be followed if the arrestee posts bond on city charges or is released from Headquarters or a division station for other reasons:
 - a. Supervisors will confirm the identity of the prisoner and escort the individual to the basement of Headquarters, or designated area at the division station, and instruct them to await the return of the firearm.
 - b. The supervisor will locate and remove the owner's handgun envelope from the repository and make appropriate notations in the Prisoner Firearm Log, Form 286 P.D.
 - c. The owner of the firearm will be asked to sign the Prisoner Firearm Log, Form 286 P.D. indicating the release of their firearm. If the owner refuses to sign the log, enter "*Refused*".
 - d. The handgun envelope will be returned to the owner **outside** of the basement exit, or designated area **outside** the division station.
 - e. The owner will be advised they cannot re-enter the police facility with the firearm.
 - f. If the prisoner requires medical attention and is transported to a medical facility and admitted, the prisoner's personal property may be released, excluding the firearm. The Supervisor/Desk Sergeant will recover the firearm from the repository and forward the firearm to the Property and Evidence Section for "Safekeeping." The firearm **will not** be forwarded to the lab, as it has no evidentiary value. The appropriate disposition, "*Safekeeping*" will be listed in CMS.
- *2. The Watch II Detention Unit Supervisor/Desk Sergeant will review the Prisoner Firearm Log, Form 286 P.D., and firearms repository every Tuesday. Firearms found to be in storage for fourteen (14) consecutive days will be recovered according to the procedures outlined in the current written directive entitled, "Recovered Property Procedures". A completed Report Form, Form 100 P.D. entitled, "Recovered Property Report" along with a Physical Evidence/Property Inventory Report, Form 236 P.D., will be placed with the firearm.

G. Releasing Prisoners to Outside Agencies

An outside agency responding to the Detention Unit to transfer arrests will be advised of any prisoners with firearms, and will be asked if they will take custody of it.

1. If the agency representative agrees to take custody of the firearm:
 - a. Notify the Detention Unit supervisor.
 - b. Make appropriate notations in the "property" section of CMS. The supervisor will make the appropriate notations on the Prisoner Firearm Log, Form 286 P.D.
 - c. The supervisor will release the firearm to the agency representative in the basement of Headquarters, or designated area at the division station. The agency representative will be asked to sign the "Prisoner Firearm Log", Form 286 P.D., prior to release of the handgun envelope containing the firearm and accessories.

2. If the outside agency refuses to take custody of the firearm:
 - a. Notify the Detention Unit Supervisor/Desk Sergeant immediately.
 - b. List the rank and name of the agency representative in the "release" narrative of CMS and the fact they refused to take custody of the firearm.
 - c. The on-duty supervisor will recover the firearm following procedures outlined in the current written directive entitled, "Recovered Property Procedures." The CMS property entry for the firearm will be amended to reflect the recovery of the firearm.
 - d. The rank, name and agency of the law enforcement member refusing to accept the firearm will be incorporated in the Report Form, Form 100 P.D Report, entitled "Recovered Property/Refusal of Firearm", completed by the on-duty supervisor. A copy of this report will be forwarded to the Detention Unit Commander.

3. Firearms will not be released to Municipal Corrections Institute, Integrity Correctional Center, or to the Jackson County, Missouri Department of Correction's Detention Facility personnel. Officers with a direct drop to Jackson County jail will follow the current written directive entitled, "Recovered Property Procedures." DFO court officers will highlight in yellow marker the firearm entry. Special care will be taken to ensure that the disposition remains "Safekeeping".

H. Completion of a Report Form, Form 100 P.D., entitled, “Miscellaneous Investigation/ Violation of Concealed Carry Endorsement.”

The Missouri Statutes contain provisions allowing the suspension or revocation of the CCW endorsement for a number of reasons. For the suspension or revocation to occur, notification to the sheriff of the issuing county must be made.

Therefore, officers may complete a Report Form, Form 100 P.D., entitled “Miscellaneous Investigation/Violation of Concealed Carry Endorsement,” anytime a CCW Endorsement holder has violated the law regarding CCW Endorsement.

This report will refer to verified CCW endorsement holders **only** and will contain the following information:

1. The CCW endorsement holder’s name, date of birth, identifiers, and current physical address, not a post office box.
2. The date, time, and location of occurrence.
3. The make, model, and serial number of firearm.
4. Information obtained to verify endorsement; including certificate number and issuing county of endorsement.
5. Detailed information describing the demeanor of the CCW endorsement holder and the violation that occurred according to “*Annex B- Provisions for Suspension or Revocation of Concealed Carry Endorsement*”.
6. A copy of the report will be faxed to the issuing county Sheriff’s Office.

a. Sheriff’s Department Fax Information

Cass County	816-380-8353
Clay County	816-792-7773
Jackson County	816-524-4340
Platte County	816-858-3053

- *b. If the issuing agency is not listed, obtain the issuing ORI number from the MULES response and contact a detention facility officer (DFO) or dispatcher for the agency name and fax number.

I. Completion of a Report Form, Form 100 P.D. entitled, "Miscellaneous Investigation/Known to Possess Firearm"

The Revised Statutes now allows any person twenty-one (21) years of age and older to transport a concealable firearm in the passenger compartment of a motor vehicle as long as the firearm is otherwise lawfully possessed (i.e. not a registered felon or respondent of a Full Order of Protection). If officers believe that a valid officer safety concern exists (other than the possession of the firearm) with a person known to possess a firearm, they may complete a Report Form, Form 100 P.D., entitled, "Miscellaneous Investigation/Known to Possess Firearm."

This report will contain the following information:

1. The name, date of birth, identifiers, current physical address, not a post office box, and county of the person lawfully possessing the firearm.
2. The date, time, and location of occurrence.
3. The make, model, and serial number of firearm.
4. The year, make, model, license, and VIN number of vehicle containing firearm.
5. Detailed information describing the demeanor of the party known to possess the firearm and the officer safety concerns or violation that would have occurred had the party been an endorsement holder.
6. A copy of the completed Report Form, Form 100 P.D., will be forwarded to the Perpetrator Information Center (P.I.C.) Unit.

NOTE: If any of the occupants of the vehicle is a registered felon, officers shall complete a Field Interview Form, Form 408 P.D. separate from the Report Form, Form 100 P.D.

***J. Full Order of Protection/CCW Endorsement**

The following procedures will be used **only** when an officer serves a valid Full Order of Protection. A computer check of the respondent will be completed prior to serving the Full Order of Protection. When an officer comes in contact with a person named as a respondent in a Full Order of Protection, who possesses a CCW endorsement and is subsequently served with the Full Order of Protection, the following will be completed:

1. Take possession of the CCW endorsed driver's license or non-driver's license.

2. Advise the subject that his/her CCW endorsement has been suspended or revoked and complete a Temporary Driving Permit (Suspended Concealed Carry Endorsement), DOR Form 5036 or Non-driver's License Receipt (Suspended Concealed Carry Endorsement), DOR Form 5037.
3. **Any questions regarding the suspension/revocation should be directed to the Customer Assistance Bureau at (573) 751-2730.** (Examples of the DOR Form 5036 and DOR Form 5037 are shown on page A-11).
4. Obtain a computer printout of the DOR response, if available, showing the approved CCW status. The officer will sign the printout with his/her name and serial number. (Examples of a DOR response with CCW status are shown on page A-12).
5. **Do not use staples or paper clips on Missouri licenses.** Tape the driver's or non-driver's license to the computer printout, place it in a standard white police department envelope, and send to the county issuing the Full Order of Protection:
 - a.

Jackson County Circuit Court Attention: Circuit Clerk 415 East 12 th Street Kansas City, Missouri 64106	Cass County Circuit Court Attention: Circuit Clerk 2501 West Wall Harrisonville, MO 64701
Clay County Circuit Court Attention: Circuit Clerk 11 South Water Street Liberty, Missouri 64068	Platte County Circuit Court Attention: Circuit Clerk 415 Third Street Suite 5 Platte City, Missouri 64079
 - b. If the issuing agency is not listed, obtain the issuing ORI number from the MULES response and contact a DFO or dispatcher for the agency name and address. Include a copy of the Report Form, Form 100 P.D. in the envelope.
6. FAX a copy of the Report Form, Form 100 P.D., entitled, "Miscellaneous Investigation/Service of Full Order of Protection," to the issuing county sheriff's office.

Sheriff's Department Fax Information

Cass County	816-380-8225
Clay County	816-792-7778
Jackson County	816-524-4340
Platte County	816-858-3392

7. Federal law states after a valid Full Order of Protection is served, the respondent **cannot** possess a firearm. The officer who served the Full Order of Protection will recover all firearms according to the procedures outlined in the current written directive entitled, "Recovered Property Procedures."
8. Any questions in regard to a possible state charge for "Unlawful Use of a Weapon" under section 571.030, should be directed to the Robbery Unit from the scene at (816) 234-5230.

* K. **Suspended/Revoked Concealed Carry Endorsement**

There might be circumstances when the driver's or non-driver's license was not surrendered during the service of official court documents and is still in the possession of the individual.

The following procedures will be used only when an officer comes in contact with an individual that responds through MULES or DOR as a suspended or revoked CCW endorsement holder but still has in their possession a Missouri driver's or non-driver's license with a CCW endorsement:

1. Take possession of the CCW endorsed driver's or non-driver's license.
2. Advise the subject that his/her CCW endorsement has been suspended or revoked and complete a Temporary Driving Permit (Suspended Concealed Carry Endorsement), DOR Form 5036, or Non-driver's License Receipt (Suspended Concealed Carry Endorsement), DOR Form 5037. **Any questions regarding the suspension/revocation should be directed to the Customer Assistance Bureau at (573) 751-2730.**
3. If the subject/respondent is in possession of a firearm, **contact the Robbery Unit from the scene** to ascertain if a probable cause state arrest should be made for "Unlawful Possession of a Firearm."
4. Obtain a computer printout of the DOR response, if available, showing the **CCW status as suspended or revoked**. The officer will sign the printout with his/her name and serial number.
5. **Do not use staples or paper clips on Missouri licenses.** Tape the driver's or non-driver's license to the computer printout, place it in a standard white Department envelope, and send to the issuing agency along with a copy of the Report Form, Form 100 P.D., entitled, "Miscellaneous Investigation/ Violation of Concealed Carry Endorsement."
6. Contact a DFO or dispatcher with the issuing ORI number to obtain the agency name and address.

Summary of Revised Missouri Statutes

Section 571.101 details the procedures to obtain a CCW endorsement. Once a person has met the required qualifications, the sheriff will issue a “Certificate of Qualification”. The individual must then apply for a driver’s license or a non-driver’s license and submit the “Certificate of Qualification” to the Director of Revenue in order to obtain the endorsement. The endorsement is valid for three years and is valid throughout the State of Missouri.

A. To Obtain the Certificate of Qualification, a person is required to:

1. Be at least twenty-three (23) years of age;
2. Either have resided in the state for at least six months or be a member of the armed forces stationed in Missouri or be the spouse of a member of the armed forces stationed in Missouri;
3. Not have pled “Guilty” or entered a plea of “No Contest” or been convicted of a felony or a misdemeanor involving an explosive weapon, firearm, firearm silencer or gas gun;
4. Not have been convicted of, pled “Guilty” to, or entered a plea of “No Contest” to one or more misdemeanor offenses involving crimes of violence within a five-year period preceding the application;
5. Not have been convicted of two or more misdemeanor offenses involving “Driving While Under the Influence of Intoxicating Liquor or Drugs,” or the “Possession or Abuse of a Controlled Substance,” within a five year period preceding application;
6. Not be a fugitive from justice or currently charged or under indictment for a felony or a misdemeanor involving an explosive weapon, firearm, firearm silencer or gas gun;
7. Not have been dishonorably discharged from the United States Armed Forces;
8. Not have engaged in a pattern of behavior documented in public records, that causes the sheriff to believe the person is a danger to themselves or others;
9. Not be adjudged mentally incompetent at the time of the application or for the five years prior, or committed to a mental health or similar facility following a hearing where the person was represented by counsel or a representative (A person discharged from such a facility more than five years ago may apply.)

10. Not be the respondent in a valid “Full Order of

Protection”, which is still in effect;

11. Complete an application and present an affidavit attesting that the applicant complies with the concealed firearms safety course requirement. That application must be presented to the sheriff or their designee and be signed under oath and under penalty of perjury;
12. Attach a copy of their “Certificate of Completion” from the firearms safety course;
13. Be fingerprinted. The sheriff will submit the fingerprints “at the state level” and to the FBI to be searched through criminal history files.
 - a. The law provides that even if the criminal background information has not been received by the sheriff within forty-five (45) calendar days, a permit must be issued. If information is later received that would disqualify the individual, the sheriff may revoke the certificate or endorsement within twenty-four (24) hours and shall notify the Missouri Director of Revenue.
 - b. The fact that a person holds an endorsement is not a public record and is considered personal protected information under this statute. Any person disclosing such information is guilty of a State Class A Misdemeanor. The sheriff is required to report the issuance of a certificate to the Missouri Uniform Law Enforcement System (M.U.L.E.S.).
 - c. The law requires every person issued an endorsement pursuant to this section to carry the endorsement **at all times** when carrying a concealable firearm and requires that the endorsement be displayed upon the request of a peace officer. **Failure to comply is not a criminal offense**, but the endorsement holder may be issued an infraction ticket by the state at a later time for an amount not to exceed thirty-five (35) dollars.

B. Provisions for Suspension or Revocation of Concealed Carry Endorsement

The Revised Statute places certain restrictions on persons who have obtained an endorsement from this state, or permit from another state or political subdivision of another state.

1. Those restrictions, found in Section 571.107, prohibit carrying a concealed firearm:
 - a. Into any police, sheriff or highway patrol office without the consent of the chief law enforcement officer in charge of that office or station (although the firearm may be in a vehicle on the premises as long as it is not removed or brandished).
 - b. Within twenty-five (25) feet of a polling place on Election Day. A firearm in a vehicle that is not removed or brandished is not a violation.
 - c. Into any adult or juvenile detention or correctional institution, prison or jail unless in a vehicle as detailed above.
 - d. Into a court or court office. Officers within their jurisdictions and who are on duty are exempt as are judges, wardens and keepers of prisons and jail facilities. The firearm may be kept in the vehicle subject to the restrictions set out above.
 - e. Into a meeting of a governmental body unless a member of that body.
 - f. Into any portion of a building owned, leased or controlled by the General Assembly, Supreme Court, court or municipality where signs are posted. Certain government owned property is exempt.
 - g. Into any establishment licensed to dispense intoxicating liquor or non-intoxicating beer for consumption on the premises without the consent of the owner or manager. These provisions do not apply to the licensee or to any restaurant open to the public with a seating capacity for not less than fifty (50) persons and that receives at least fifty-one (51) percent of its gross annual income from the sale of food. Firearms may be carried in a vehicle on the premises as outlined above. This section specifically states that nothing in this subdivision authorizes a person issued an endorsement to carry a concealable firearm while intoxicated.
 - h. Into any area of an airport to which access is controlled by the inspection of persons and property. Possession of a firearm in a vehicle is not prohibited unless removed or brandished.
 - i. Where the carrying of a firearm is a violation of federal law.

the consent of the governing body, school official or school board. The firearm may be in a vehicle with the same restrictions as set out above.

- k. Into a portion of a building used as a childcare facility without the consent of the manager.
 - l. Into any river boat gambling operation without the consent of the owner or manager pursuant to the rules promulgated by the gaming commission. The firearm may be stored in a vehicle on the premises.
 - m. Into the gated area of an amusement park. The firearm may be stored in a vehicle on the premises.
 - n. Into any church or other place of worship. The firearm may be stored in a vehicle on the premises as outlined above.
 - o. On private property where the owner has posted the premises as being off-limits to concealed firearms. The sign must be posted in a conspicuous place and be a minimum of 11"x14" with a minimum of 1" letters detailing that firearms are prohibited. The employer may prohibit employees of the business from carrying a concealed firearm on the employer's property and in vehicles owned by the employer.
 - p. Into any sports arena or stadium with a seating capacity of 5,000 or more. The firearm may be concealed in a vehicle.
 - q. Into a hospital accessible by the public with the limitation that a firearm may be carried in a vehicle as described above.
2. Violating one of these provisions is not a criminal offense but may subject the person to denial to the premises or removal from the premises. The statute allows for the following penalties for violating provisions:
- a. An infraction ticket issued by the state for the first violation carries a maximum fine of \$100.00.
 - b. When the second violation occurs within 6 months of the first violation it carries a maximum fine of \$200.00 plus a one-year suspension of the endorsement.
 - c. The statute provides for a maximum \$500.00 infraction ticket plus revocation of the endorsement for three years if a third incident occurs within one year of the first violation.

3. It would appear, however, that no third violation of this type is possible, as the person's endorsement would be suspended based on the second violation. At the time of the third violation, the person should be charged with "Unlawful Use of a Weapon" under Section 571.030.

C. Certified Firearms Instructors and Qualification Requirements

1. Each county will approve a list of Certified Firearms Instructors that an applicant must use in order for the firearms safety course to qualify as meeting county requirements. The firearms safety course must be at least eight (8) hours in length.
2. The applicant must demonstrate certain knowledge, including but not limited to, safe handling of a firearm and must perform a live fire test in which the applicant must hit a target at least 15 out of 20 times at a distance of seven (7) yards from the target.

*** D. Concealed Carry Application and Certificate of Qualification**

1. As of July 1, 2004, applicants are directed by law to go to the Department of Revenue to apply for a license with CCW endorsement within seven days of receiving their Concealed Carry Certificate of Qualification. (Applicants who received Concealed Carry Certificates of Qualification prior to July 1, 2004, are not included in the seven-day requirement.) According to DOR, qualified applicants are persons:
 - a. Who are 23 years of age or older;
 - b. Who are eligible for a driver's or non-driver's license;
 - c. Who have a valid Concealed Carry Certificate of Qualification;
 - d. Whose Concealed Carry Certificate of Qualification information has been accurately entered into the M.U.L.E.S. database by the issuing county sheriffs department.
2. As of July 1, 2004, the Concealed Carry Certificate of Qualification information will be transmitted electronically to DOR through MULES. The paper version of the Concealed Carry Certificate of Qualification issued prior to July 1, 2004, is not valid proof of CCW endorsement. Their information must also be accurately entered into the MULES database for a driver's or non-driver's license with the CCW endorsement to be issued.

3. Individuals must have their driver's or non-driver's license with CCW endorsement with them when possessing a concealed weapon and must have it available upon demand of a law enforcement officer. The penalty for not displaying the driver's or non-driver's license with CCW endorsement is a \$35.00 infraction ticket.
4. If officers wish to report the violation to the County Sheriff, they should complete the appropriate paperwork in order to report the violation to the sheriff. A Report Form, Form 100 P.D. entitled "Miscellaneous Investigation/Violation of Concealed Carry Endorsement" will be faxed to the issuing county.

Examples of the Application and the "Concealed Carry Certificate of Qualification" form are shown on pages B-7 and B-8.

Legal Scenarios/Questions and Answers

For the purpose of clarification the General Counsel has provided questions and answers for situations that might occur regarding the CCW Endorsement.

- Q. When no arrest is made and an officer has removed a firearm from an endorsement holder while handling a call for service, how should the firearm be returned, loaded or unloaded?
- A. An officer's right to protect him or herself has not changed. The gun may be returned unloaded. A device, such a plastic cable tie, may be placed on the firearm to temporarily prevent the firearm from firing as long as the firearm is not permanently damaged.
- Q. What if an officer must forcibly disarm an endorsement holder? What would be the charge?
- A. The officer would charge the person with the same offense that they would have prior to the law taking effect. "Hindering and Interfering" or "Resisting Arrest" could be charged under Section 50-44 of the Kansas City Missouri Code of Ordinances, assuming the officer is making a valid stop or arrest.
- Q. On a normal traffic stop, should the officer routinely ask to see the endorsement along with the person's driver's license and insurance?
- A. Yes. For the officer's protection, he or she may inquire as to whether the person has an endorsement or a firearm concealed in the vehicle.
- Q. If the officer makes an arrest unrelated to the licensed firearm, what should be done with the firearm?
- A. The firearm should be handled in accordance with the procedures set out in the Annex A, Section B of this directive.
- Q. What does the officer do if the person has a firearm and no firearm endorsement, but says they do?
- A. An endorsement on the Missouri State driver's license or state identification must be displayed upon request of an officer. In either situation, officers can check the individual through ALERT and MULES, and may contact the issuing Sheriff's Department for verification to determine if the individual has an endorsement to carry a concealed weapon.

The penalty for not displaying the "Certificate of Qualification" or endorsement is a \$35.00 infraction ticket. Officers can complete the appropriate paperwork in order to report the violation to the sheriff. A Report Form 100 P.D. entitled, "Miscellaneous Investigation/Violation of CCW Endorsement" will be faxed to the issuing county.

- Q. When is it an offense for an endorsement holder to carry a firearm?
- A. Refer to Annex B, Section B; Provisions for Suspension or Revocation of a Concealed Carry Endorsement.
- Q. Are there any requirements on the signs business holders must exhibit if they want to prohibit firearms from their business?
- A. Yes. The signs must be eleven inches by fourteen inches with writing in letters of not less than one inch high. The sign must be displayed in a conspicuous place.
- Q. What is the penalty for being on the premises of a posted business with a concealed firearm, after being asked to leave by the business owner?
- A. If an officer encounters this situation, it is important to note that this is not a criminal offense. If an endorsement holder refuses to leave and the business owner is willing to sign the trespass charges, then the endorsement holder can be arrested. The city ordinance "Trespassing-Land (Told to Leave)" 50-102, will be used and not (Signs Posted). There need be no mention of the concealed weapon or the posted sign addressing concealed weapons.
- Q. What type of firearm is permitted?
- A. There are still some restrictions in the law as to what type of weapons may be carried. The statute now allows knives of any length, blackjacks, or any other weapons to be concealed, except weapons which were previously illegal (i.e., machine guns, brass knuckles, assault weapons etc.) If it is a firearm and the person is an endorsement holder, it must be concealable. Concealable is defined in Missouri law as, "any firearm with a barrel less than sixteen inches in length, measured from the face of the bolt or standing breech." Note that all of the weapons which were previously illegal (i.e., machine guns, brass knuckles, switchblades, explosive weapons, gas guns, silencers, shotguns with barrels less than 16 inches for a rifle, 18 inches for a shotgun or overall length less than 26 inches; and bullets or projectiles that explode or detonate upon impact because of independent explosive charge) are still illegal to possess, transport or sell.
- Q. Can a person 21 years of age or older, transport concealed knives of any length, blackjacks, or other weapons readily capable of lethal force?

- A. No. The statute specifically states a person (21) twenty-one years of age or older may carry concealable firearms in the passenger compartment of a vehicle, loaded or unloaded as long as such person is in lawful possession of such firearm without an endorsement. It does not specify that any other type of weapon besides a firearm may be concealed in a vehicle. Only a valid certificate or endorsement holder is allowed to carry any other weapon than a firearm.
- Q. Does the endorsement extend to firearms left in a parked vehicle?
- A. Under the new law, a firearm may be possessed in a vehicle by any person 21 years of age or older whether they have an endorsement or not. An endorsement holder may leave their firearm in a parked vehicle as long as no person under the age of twenty-one is left in the vehicle alone.
- Q. What is the policy on possession of a firearm by an intoxicated endorsement holder and what are the requirements to prove intoxication?
- A. An intoxicated person cannot possess a firearm. This is not a change, as previous Missouri law forbade the possession of a firearm by an intoxicated person. Intoxication in this context should be proved through the officer's observations and field sobriety testing. A person need not be placed on a breath-testing device in order to prove intoxication in this context unless the person is a driver of an automobile. In that case, officer should process the person in accordance with the directive, entitled "Intoxicated Driving Arrests".
- Q. Officers respond to a call for service and come into contact with a endorsement holder in a domestic violence situation. Can the firearm be taken for safekeeping and recovered due to the nature of the call even if it was not directly used in the situation? (The firearm is concealed on the certificate or endorsement holder during the DV Situation.)
- A. No. Unless the firearm is evidence of a crime, it cannot legally be seized. The officer will have to decide whether to allow the person to keep the firearm with their property throughout the arrest and booking process (a temporary recovery) or dispose of it by other means consistent with this directive.
- Q. When a Full Order of Protection has been served, and the licensee has his firearm on him, can officers remove the firearm from the licensee while at the scene?

A. Yes. Officers may remove the firearm and render it safe while handling the call. Taking temporary custody of the firearm for the safety of the officers and those citizens at the scene is not a violation of a person's civil rights. Federal law states after a Full Order of Protection is served, the respondent **cannot** possess a firearm.

Q. Does the officer leave the firearm at the residence with the victim/spouse responsible for it or does the officer recover the gun for safekeeping and allow the respondent to gather his necessary items and leave the scene?

A. Under no circumstances may the firearm be returned to the person who is the subject of the Full Order of Protection as that person is prohibited from possessing a firearm. The officer may use his or her discretion in determining what will be done with the firearm.

Note: Refer to Annex A, Section B – Disposition of Firearm by Arresting Officer.

Q. If officers encounter a person who is not carrying their endorsement, but claims to actually have an endorsement, can officers arrest the person for CCW?

*A. Officers should first take every means necessary to verify that the person is or is not an endorsement holder, i.e. computer check through MULES, ALERT, and by verifying through the issuing sheriff's agency. The person stopped must be carrying their endorsement at all times when carrying their weapon. If status cannot be verified and the endorsement is not presented, the officer should contact the Robbery Unit from the scene in regard to a possible state charge for "Unlawful Use of a Weapon" under section 571.030. If status is determined as valid with no endorsement presented, the procedures outlined in Annex A, Section H, should be followed.