

LEARN TO CARRY

LTC COURSES / CONSULTING

Permitless Carry of Concealed Weapons in Missouri under SB 656

Permitless Carry / Unlawful Use of Weapons (571.030)

On January 1, 2017, a new permitless carry law goes into effect. Currently, carrying a concealed firearm without a ccw permit is a class D felony in Missouri.

The enactment of SB 656 is not “Constitutional Carry” as in effect in 10 other states at this time. The correct term for the Missouri statute is “permitless carry.” With constitutional carry, the rights/privileges of someone holding a concealed carry permit are equal to those carrying without a permit. There are a number of restrictions on permitless carry that do not apply to Missouri concealed carry permit holders.

Those with a Missouri concealed carry permit are allowed to carry concealed in Missouri +36 other states. If you are carrying without a permit in Missouri, you may only do so in Missouri. Currently, carrying a concealed firearm without a permit is a class D felony anywhere in Missouri, with limited exceptions. This new law decriminalizes concealed carry for those citizens who can lawfully own firearms; i.e., those free of felony convictions, not dishonorably discharged, not adjudicated mentally incompetent, not convicted of misdemeanor domestic violence, and a few other violations.

These are the 17 prohibited places where no one can carry without permission of owners or managers: 1) police, sheriff, and highway patrol offices; 2) within 20 feet of a polling place on election day; 3) into an adult or juvenile detention or correctional facility; 4) into any court house or building used by a court; 5) any government meeting including the state legislature; 6) government owned buildings, except for public housing; 7) bars; 8) airports with TSA offices; 9) anyplace prohibited under federal law, like post offices; 10) into any school or college; 11) into any childcare facility; 12) into a casino; 13) into a gated amusement park; 14) any church; 15) into any private property conspicuously posted off-limits to concealed firearms; 16) any sports arena or stadium seating more than 5000 people; and 17) into any hospital accessible to the public.

The statute states that a person with a permit who carries a concealed firearm into one the above places can be asked to leave, and if they refuse to leave, the police may be called and the offender issued a summons for an infraction with a fine of not over \$100. An infraction is not a criminal violation, it's a civil penalty.

Item 15, listed above, is the only place permit holders and those carrying permitless face the same penalty.

In the other places, if someone is doing the exact same thing exercising permitless carry, the police are called, and the

person is arrested and charged with a class B misdemeanor weapons offense. The different treatment between permit holders and those carrying without a permit are substantial.

Other people affected by SB 656 include 18-year-olds who can carry permitless under the new law, but who cannot yet get a Missouri permit until their 19th birthday.

Local jurisdictions cannot ban permitless concealed carry, but are still allowed to ban permitless *open* carry.

New Types of Permits (571.101 and 571.126 to 571.230)

Currently, there is only one type of concealed-carry permit in Missouri, the standard 5-year permit.

Effective October 14, 2016 – the different types of cc permits available will include:

- **Standard 5-year cc permits.** Valid for reciprocity with 36 other states. Application and processing procedure, same as before. Fees cannot exceed \$100 for a new 5-year permit or \$50 for renewal, including the cost to reimburse the MO State Hwy Patrol for fingerprint and background checks. New fee: if a credit/debit card is used, an additional fee will be added to the charged amount equal to the cost of the card service processing fee.
- **Extended 10-year and 25-year cc permits.** Marked as being valid in Missouri only. Application does not include submitting fingerprints (no biometric data shall be collected). Fees cannot exceed \$200 for a new 10-year permit or \$250 for a new 25-year permit or \$50 for renewal.
- **Lifetime cc permits.** Marked as being valid in Missouri only. Application does not include submitting fingerprints (no biometric data shall be collected). Fee cannot exceed \$500 for the lifetime permit.

Castle Doctrine (563.031)

Currently, a person who owns or leases private property may use deadly force in defense of self or others against a person who unlawfully enters or attempts to unlawfully enter the property, or who unlawfully remains.

Effective October 14, 2016 – use of deadly force under these circumstances is extended to include other persons who have been given specific authority by the property owner to occupy the property.

No Duty to Retreat / Self Defense (563.031)

Currently, a person has no duty to retreat from a dwelling, residence, or vehicle, or from one's private property.

Effective October 14, 2016 – a person has no duty to retreat from any place they have a lawful right to be.