GOVERNOR OF MISSOURI

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TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for House Committee Substitute for Senate Bill No. 656 (Senate Bill No. 656) entitled:

AN ACT

To repeal sections 50.535, 563.031, 571.030, 571.101, 571.104, 571.111, and 571.126, RSMo, and to enact in lieu thereof fourteen new sections relating to weapons, with penalty provisions, an emergency clause for a certain section, and an effective date for a certain section.

I disapprove of Senate Bill No. 656. My reasons for disapproval are as follows:

Senate Bill No. 656 would eliminate the current requirements that individuals obtain training, education, a background check and a permit in order to carry a concealed firearm in Missouri. Under Senate Bill No. 656, the safeguards in Missouri's concealed carry system would be thrown out and any individual who is allowed to possess a firearm would be automatically allowed to carry it concealed. In doing so, the bill would render meaningless the existing authority of sheriffs to deny concealed carry permits, allowing individuals to legally carry a concealed firearm even though they have been or would be denied a permit because their background check revealed criminal offenses or caused the sheriff to believe they posed a danger.

Since 2003, Missouri law has set forth a process for obtaining concealed carry permits.[1] Such permits are issued by Missouri sheriffs, who are charged with ensuring the safety of the communities they serve. As recently as 2013, the General Assembly passed and I signed a bill that reiterated the important role of Missouri sheriffs in issuing – and for proper public safety reasons denying where appropriate – concealed carry permits (Senate Bill No. 75 (2013)).

[1] Prior to August 28, 2013, Missouri's concealed carry permit was reflected as an endorsement on the successful applicant's driver or non-driver license, and was therefore referred to in law and otherwise as a "concealed carry endorsement." Use of the term "permit" herein includes endorsements issued prior to August 28, 2013.

Missouri law requires classroom and range training, as well as a background check and review by the sheriff, before an applicant can obtain a concealed carry permit.

I support this system, and have signed bipartisan legislation that proposed sensible expansions to our concealed carry laws. Such changes include:

- Modifying training requirements (House Bill No. 294 (2011), House Bill No. 1647 (2012), Senate Bills No. 489 & 637 (2012));
- Expanding the list of places into which those with permits may carry concealed firearms (House Bill No. 294 (2011));
- Lowering the minimum age for obtaining a permit (House Bill No. 294 (2011));
- Lengthening the duration a concealed carry permit is valid from three years to five years (Senate Bill No. 75 (2013));
- Expanding the list of who is exempt from having to obtain permits (House Bill No. 294 (2011), House Bill No. 533 (2013), Senate Bill No. 745 (2014));
- Allowing those below the minimum age who serve our country in the armed forces to be able to obtain a permit (House Bill No. 1647 (2012));
- Vesting sole responsibility for maintaining concealed carry data in Missouri sheriffs (Senate Bill No. 75 (2013)).

While the above improvements received my support, Senate Bill No. 656, which would throw out the permit process and allow individuals to carry concealed firearms without any of the public safety protections that exist in current law, does not.

Under current law, to obtain a concealed carry permit, an individual must pass a course of at least eight hours in length that contains training on: handgun safety in the classroom, on the range, at home, and while carrying; basic principles of marksmanship; care and cleaning of concealable firearms; safe storage of firearms at home; the requirements for obtaining a concealed carry permit; Missouri laws relating to firearms. Section 571.111.2 RSMo. This training must also include instruction on Missouri laws relating to justifiable use of force. *Id.* Instructors spend a significant period of the classroom time educating students not only on how to use firearms, but, more importantly, when they are justified in using firearms to protect themselves or others. This classroom instruction is obviously important for public safety, and for the student as well, who needs to know when he may justifiably draw and fire his weapon at another human being. There are life-and-death scenarios reviewed in the classroom, as well as scenarios in which an individual *is not* justified in using lethal force.

In addition to this education, the individual must demonstrate that he or she can safely load and unload a handgun, and must successfully complete a live firing exercise that requires the applicant to fire twenty rounds at a target. Section 571.111.2 RSMo. Then, with the instructor present, the applicant must fire another twenty rounds at the target, hitting the target with at least fifteen of those twenty rounds. *Id.*

After successfully completing the day-long classroom and range instruction, the applicant must go to the sheriff's office and pass a background check before being authorized to carry concealed. Approved trainers throughout our state have taught many thousands of Missourians

how to properly and safely handle a concealed firearm. And sheriffs in Missouri have processed applications, conducted background checks and issued concealed carry permits on the same scale. In doing so, sheriffs have also appropriately rejected many individuals' applications under the provisions of section 571.101 RSMo., and those decisions have been upheld by courts on appeal. But Senate Bill No. 656 would remove sheriffs' ability to appropriately exercise that authority to protect their communities from individuals who they determine are a danger to themselves or others.

Under Senate Bill No. 656, the following individuals could automatically, without any scrutiny, training or notification, carry a concealed weapon:

- A person who has pled guilty to a felony and received a suspended imposition of sentence (currently prohibited by section 571.101.2(3) RSMo.);[2]
- An 18-year old high school student (an individual who is not in the military must be at least 19 years old to apply for a concealed carry permit under section 571.101.2(1) RSMo.);
- A person who has been charged with (but not yet convicted of) a felony (currently prohibited by section 571.101.2(5) RSMo.);
- A person who has been convicted of misdemeanor assault (currently prohibited by section 571.101.2(4) RSMo.);
- A person who has two or more misdemeanor DUIs within the last five years (currently prohibited by section 571.101.2(4) RSMo.);
- A person with two or more misdemeanor drug possession convictions within the last five years (currently prohibited by section 571.101.2(4) RSMo.).

Under current law in Missouri, none of these individuals may carry a concealed firearm. Under Senate Bill No. 656, all of them may do so. And they may do so with no training, no background check or screening, and no permit required.

Members of Missouri's law enforcement community, many of whom supported the enactment of the concealed carry law in 2003 and still today support the permit system, have also raised these concerns. I have heard them, and I share their concerns. Sheriffs and their deputies are charged with keeping their communities safe. Through their work, they come to know very well the residents of their jurisdictions. The drafters of Missouri's concealed carry permitting law recognized this and included in the 2003 law section 571.101.2(7) RSMo., which authorizes a sheriff to deny the application of a person who has engaged in a documented pattern of behavior that causes the sheriff to reasonably believe that the applicant is a danger to himself or others. And sheriffs in Missouri can readily identify individuals in their jurisdictions who, although not prohibited by federal or state law from possessing a firearm, would be ineligible for a permit to carry one concealed.

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[2] A suspended imposition of sentence reflects a finding of guilt but does not reflect a conviction. Therefore, an individual receiving a suspended imposition of sentence is not prohibited from possessing a firearm under state and federal law, both of which only prohibit possession by those *convicted of* a felony. *See* section 571.070.1(1) RSMo. and 18 U.S.C. 922(g)(1). But Missouri's concealed carry law requires the sheriff to deny the application of one who has pled guilty to or been convicted of a felony. Section 571.101.1(3) RSMo.

While a permit to carry a concealed weapon in Missouri would be wholly unnecessary under Senate Bill No. 656, our existing permitting process would still be available for individuals who wish to carry concealed weapons in other states through reciprocity and will lead to absurd and dangerous scenarios. For instance, an individual who applies for a permit and is denied based on the sheriff's determination that he is a danger to himself or others would nevertheless be allowed, under Senate Bill. No. 656, to carry a concealed weapon in Missouri the moment he leaves the sheriff's office. I cannot support a system that would ignore a determination by the chief law enforcement officer of a county that an individual is a danger to the community and should not be authorized to carry a concealed firearm.

Missouri's system for granting concealed permits has been in place for more than a decade, and it has worked. Senate Bill No. 656 flouts this system, allowing individuals with no training, no proven handgun capability, and no background check to carry concealed. Law enforcement officials have not called for this change, and for good reason. Allowing currently prohibited individuals to automatically carry concealed firearms would make Missouri less safe.

In accordance with the above stated reasons for disapproval, I am returning Conference Committee Substitute for House Committee Substitute for Senate Bill No. 656 without my approval.

Respectfully submitted,

Jeremiah W. (Jay) Nixon
Governor