

**Summary of SC95088, William David Hill v. Oliver “Glenn” Boyer, Sheriff of Jefferson County, Missouri**

Appeal from the Jefferson County circuit court, Judge Timothy S. Miller  
Argued and submitted November 3, 2015; opinion issued February 9, 2016

**Attorneys:** Hill was represented by Kevin M. Whiteley and David M. Korum of Shepherd, Taylor, Korum & Curtis LLP in St. Louis, (314) 727-8677. The sheriff was represented by Victor J. Melenbrink of the Jefferson County counselor’s office in Hillsboro, (636) 797-5403.

*This summary is not part of the opinion of the Court. It has been prepared by the communications counsel for the convenience of the reader. It neither has been reviewed nor approved by the Supreme Court and should not be quoted or cited.*

**Overview:** A man who pleaded guilty to a felony in 1973 and later was discharged from probation appeals the circuit court’s judgment upholding the local sheriff’s denial of the man’s application for a concealed carry permit. In a unanimous decision written by Judge Richard B. Teitelman, the Supreme Court of Missouri affirms the judgment. The man had no vested right to a concealed weapon permit, and the denial of his application for such a permit based on his prior guilty plea did not create an unconstitutionally retrospective law.

**Facts:** William David Hill pleaded guilty in 1973 to felony forgery, and he was sentenced to two years in prison. Execution of his prison sentence was suspended, and he was placed on probation. After he successfully completed his probation in 1975, he was discharged pursuant to section 549.111, RSMo. That statute – repealed two years later – provided that individuals discharged from probation were “restored to all the rights and privileges of citizenship.” In 2003, section 571.101, RSMo, was enacted. It allows county sheriffs to issue concealed carry permits only to individuals who have not pleaded guilty a crime punishable by a prison term exceeding one year. In 2013, Hill applied for a concealed carry permit, and the local sheriff denied the application due to Hill’s 1973 forgery conviction. Hill sought review in the circuit court, which in April 2014 upheld the sheriff’s denial of the permit. Hill appeals.

**AFFIRMED.**

**Court en banc holds:** Hill had no vested right to a concealed weapon permit. The denial of his application based on his prior guilty plea did not create an unconstitutionally retrospective law.

(1) The August 2014 amendment to the right to bear arms in article I, section 23 of the state constitution does not apply to Hill’s case. At the time the amendment became effective, the circuit court already had issued its judgment in Hill’s case, and this Court previously has held that the amendment applies prospectively only.

(2) Hill’s 1973 guilty plea may be considered in his application for a concealed weapon permit. Even if this Court assumes, for the sake of argument, that the statutory restoration of Hill’s rights “obliterated” the fact of his prior conviction, the fact that he pleaded guilty is not negated under this Court’s holding in a 1976 case. Hill admits he pleaded guilty to an offense that bars the sheriff from issuing him a concealed carry permit.

(3) Section 571.101 is not unconstitutionally retrospective as applied to Hill. Article I, section 13 of the state constitution prohibits the enactment of a retrospective law – one that creates a new obligation, imposes a new duty or attaches a new disability with respect to past actions or that takes away or interferes with a vested right. No such obligation, duty, disability or vested right exists here. Hill concedes that, when he was discharged from probation in 1975, Missouri law did not permit the carrying of concealed weapons. As such, the restoration of his rights did not include the right to carry a concealed weapon. Further, the regulatory language of section 571.101 applies to sheriffs, not applicants, and so there is no obligation, duty or disability placed on an applicant such as Hill.