

SENATE BILL NO. 952

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOON.

5746S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 1.410, 1.420, 1.430, 1.440, 1.450, 1.460, 1.470, 1.480, and 1.485, RSMo, and to enact in lieu thereof seven new sections relating to the sole, exclusive, and specific purpose of amending the truly agreed to and finally passed senate substitute for senate committee substitute for house committee substitute for house bills 85 & 310 as passed by the one hundred first general assembly, first regular session by completely repealing sections 1.410.2(4), 1.410.2(6), 1.410.2(7), 1.410.2(9), 1.430, 1.440, RSMo, repealing everything after the first sentence in 1.410.2(5), RSMo, and replacing the first sentence up to the colon in 1.420, RSMo, with, "The State of Missouri and any of its political subdivisions, as well as the public officials, employees, or agents of the State and any of its political subdivisions, shall have no authority to assist in the enforcement of the following types of federal acts, laws, executive orders, administrative orders, rules, and regulations within the borders of this state including, but not limited to:", repealing the first sentence of 1.450, and making appropriate date and section reference changes.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 1.410, 1.420, 1.430, 1.440, 1.450,
2 1.460, 1.470, 1.480, and 1.485, RSMo, are repealed and seven
3 new sections enacted in lieu thereof, to be known as sections
4 1.410, 1.420, 1.450, 1.460, 1.470, 1.480, and 1.485, to read as
5 follows:

1.410. 1. Sections 1.410 to 1.485 shall be known and
2 may be cited as the "Second Amendment Preservation Act".

3 2. The general assembly finds and declares that:

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

4 (1) The general assembly of the state of Missouri is
5 firmly resolved to support and defend the Constitution of
6 the United States against every aggression, whether foreign
7 or domestic, and is duty-bound to oppose every infraction of
8 those principles that constitute the basis of the union of
9 the states because only a faithful observance of those
10 principles can secure the union's existence and the public
11 happiness;

12 (2) Acting through the Constitution of the United
13 States, the people of the several states created the federal
14 government to be their agent in the exercise of a few
15 defined powers, while reserving for the state governments
16 the power to legislate on matters concerning the lives,
17 liberties, and properties of citizens in the ordinary course
18 of affairs;

19 (3) The limitation of the federal government's power
20 is affirmed under Amendment X of the Constitution of the
21 United States, which defines the total scope of federal
22 powers as being those that have been delegated by the people
23 of the several states to the federal government and all
24 powers not delegated to the federal government in the
25 Constitution of the United States are reserved to the states
26 respectively or the people themselves;

27 (4) [If the federal government assumes powers that the
28 people did not grant it in the Constitution of the United
29 States, its acts are unauthoritative, void, and of no force;

30 (5)] The several states of the United States respect
31 the proper role of the federal government but reject the
32 proposition that such respect requires unlimited
33 submission. [If the federal government, created by a
34 compact among the states, were the exclusive or final judge
35 of the extent of the powers granted to it by the states

36 through the Constitution of the United States, the federal
37 government's discretion, and not the Constitution of the
38 United States, would necessarily become the measure of those
39 powers. To the contrary, as in all other cases of compacts
40 among powers having no common judge, each party has an equal
41 right to judge for itself as to whether infractions of the
42 compact have occurred, as well as to determine the mode and
43 measure of redress. Although the several states have
44 granted supremacy to laws and treaties made under the powers
45 granted in the Constitution of the United States, such
46 supremacy does not extend to various federal statutes,
47 executive orders, administrative orders, court orders,
48 rules, regulations, or other actions that collect data or
49 restrict or prohibit the manufacture, ownership, or use of
50 firearms, firearm accessories, or ammunition exclusively
51 within the borders of Missouri; such statutes, executive
52 orders, administrative orders, court orders, rules,
53 regulations, and other actions exceed the powers granted to
54 the federal government except to the extent they are
55 necessary and proper for governing and regulating the United
56 States Armed Forces or for organizing, arming, and
57 disciplining militia forces actively employed in the service
58 of the United States Armed Forces;

59 (6) The people of the several states have given
60 Congress the power "to regulate commerce with foreign
61 nations, and among the several states", but "regulating
62 commerce" does not include the power to limit citizens'
63 right to keep and bear arms in defense of their families,
64 neighbors, persons, or property nor to dictate what sorts of
65 arms and accessories law-abiding Missourians may buy, sell,
66 exchange, or otherwise possess within the borders of this
67 state;

68 (7) The people of the several states have also granted
69 Congress the powers "to lay and collect taxes, duties,
70 imports, and excises, to pay the debts, and provide for the
71 common defense and general welfare of the United States" and
72 "to make all laws which shall be necessary and proper for
73 carrying into execution the powers vested by the
74 Constitution of the United States in the government of the
75 United States, or in any department or office thereof".
76 These constitutional provisions merely identify the means by
77 which the federal government may execute its limited powers
78 and shall not be construed to grant unlimited power because
79 to do so would be to destroy the carefully constructed
80 equilibrium between the federal and state governments.
81 Consequently, the general assembly rejects any claim that
82 the taxing and spending powers of Congress may be used to
83 diminish in any way the right of the people to keep and bear
84 arms;

85 (8)] (5) The general assembly finds that the federal
86 excise tax rate on arms and ammunition in effect prior to
87 January 1, 2021, which funds programs under the Wildlife
88 Restoration Act, does not have a chilling effect on the
89 purchase or ownership of such arms and ammunition;

90 [(9) The people of Missouri have vested the general
91 assembly with the authority to regulate the manufacture,
92 possession, exchange, and use of firearms within the borders
93 of this state, subject only to the limits imposed by
94 Amendment II of the Constitution of the United States and
95 the Constitution of Missouri; and

96 (10)] (6) The general assembly of the state of
97 Missouri strongly promotes responsible gun ownership,
98 including parental supervision of minors in the proper use,
99 storage, and ownership of all firearms; the prompt reporting

100 of stolen firearms; and the proper enforcement of all state
101 gun laws. The general assembly of the state of Missouri
102 hereby condemns any unlawful transfer of firearms and the
103 use of any firearm in any criminal or unlawful activity.

1.420. [The following federal acts, laws, executive
2 orders, administrative orders, rules, and regulations shall
3 be considered infringements on the people's right to keep
4 and bear arms, as guaranteed by Amendment II of the
5 Constitution of the United States and Article I, Section 23
6 of the Constitution of Missouri, within the borders of this
7 state including, but not limited to] **The state of Missouri
8 and any of its political subdivisions, as well as the public
9 officials, employees, or agents of the state and any of its
10 political subdivisions, shall have no authority to assist in
11 the enforcement of the following types of federal acts,
12 laws, executive orders, administrative orders, rules, and
13 regulations within the borders of this state including, but
14 not limited to:**

15 (1) Any tax, levy, fee, or stamp imposed on firearms,
16 firearm accessories, or ammunition not common to all other
17 goods and services and that might reasonably be expected to
18 create a chilling effect on the purchase or ownership of
19 those items by law-abiding citizens;

20 (2) Any registration or tracking of firearms, firearm
21 accessories, or ammunition;

22 (3) Any registration or tracking of the ownership of
23 firearms, firearm accessories, or ammunition;

24 (4) Any act forbidding the possession, ownership, use,
25 or transfer of a firearm, firearm accessory, or ammunition
26 by law-abiding citizens; and

27 (5) Any act ordering the confiscation of firearms,
28 firearm accessories, or ammunition from law-abiding citizens.

1.450. [No entity or person, including any public
2 officer or employee of this state or any political
3 subdivision of this state, shall have the authority to
4 enforce or attempt to enforce any federal acts, laws,
5 executive orders, administrative orders, rules, regulations,
6 statutes, or ordinances infringing on the right to keep and
7 bear arms as described under section 1.420.] Nothing in
8 sections 1.410 to 1.480 shall be construed to prohibit
9 Missouri officials from accepting aid from federal officials
10 in an effort to enforce Missouri laws.

1.460. 1. Any political subdivision or law
2 enforcement agency that employs a law enforcement officer
3 who acts knowingly, as **the word "knowingly" is** defined under
4 section 562.016, to violate the provisions of section 1.450
5 or otherwise knowingly deprives a citizen of Missouri of the
6 rights or privileges ensured by Amendment II of the
7 Constitution of the United States or Article I, Section 23
8 of the Constitution of Missouri while acting under the color
9 of any state or federal law shall be liable to the injured
10 party in an action at law, suit in equity, or other proper
11 proceeding for redress, and subject to a civil penalty of
12 fifty thousand dollars per occurrence. Any person injured
13 under this section shall have standing to pursue an action
14 for injunctive relief in the circuit court of the county in
15 which the action allegedly occurred or in the circuit court
16 of Cole County with respect to the actions of such
17 individual. The court shall hold a hearing on the motion
18 for temporary restraining order and preliminary injunction
19 within thirty days of service of the petition.

20 2. In such actions, the court may award the prevailing
21 party, other than the state of Missouri or any political

22 subdivision of the state, reasonable attorney's fees and
23 costs.

24 3. Sovereign immunity shall not be an affirmative
25 defense in any action pursuant to this section.

1.470. 1. Any political subdivision or law
2 enforcement agency that knowingly employs an individual
3 acting or who previously acted as an official, agent,
4 employee, or deputy of the government of the United States,
5 or otherwise acted under the color of federal law within the
6 borders of this state, who has knowingly, as **the word**
7 **"knowingly" is** defined under section 562.016, after the
8 adoption of this section:

9 (1) Enforced or attempted to enforce any of the
10 infringements identified in section 1.420; or

11 (2) Given material aid and support to the efforts of
12 another who enforces or attempts to enforce any of the
13 infringements identified in section 1.420;

14 shall be subject to a civil penalty of fifty thousand
15 dollars per employee hired by the political subdivision or
16 law enforcement agency. Any person residing in a
17 jurisdiction who believes that an individual has taken
18 action that would violate the provisions of this section
19 shall have standing to pursue an action.

20 2. Any person residing or conducting business in a
21 jurisdiction who believes that an individual has taken
22 action that would violate the provisions of this section
23 shall have standing to pursue an action for injunctive
24 relief in the circuit court of the county in which the
25 action allegedly occurred or in the circuit court of Cole
26 County with respect to the actions of such individual. The
27 court shall hold a hearing on the motion for a temporary

28 restraining order and preliminary injunction within thirty
29 days of service of the petition.

30 3. In such actions, the court may award the prevailing
31 party, other than the state of Missouri or any political
32 subdivision of the state, reasonable attorney's fees and
33 costs.

34 4. Sovereign immunity shall not be an affirmative
35 defense in any action pursuant to this section.

1.480. 1. For **the purposes of** sections 1.410 to
2 1.485, the term "law-abiding citizen" shall mean a person
3 who is not otherwise precluded under state law from
4 possessing a firearm and shall not be construed to include
5 anyone who is not legally present in the United States or
6 the state of Missouri.

7 2. For the purposes of sections 1.410 to 1.480, **the**
8 **term** "material aid and support" shall include voluntarily
9 giving or allowing others to make use of lodging;
10 communications equipment or services, including social media
11 accounts; facilities; weapons; personnel; transportation;
12 clothing; or other physical assets. Material aid and
13 support shall not include giving or allowing the use of
14 medicine or other materials necessary to treat physical
15 injuries, nor shall the term include any assistance provided
16 to help persons escape a serious, present risk of life-
17 threatening injury.

18 3. It shall not be considered a violation of sections
19 1.410 to 1.480 to provide material aid to federal officials
20 who are in pursuit of a suspect when there is a demonstrable
21 criminal nexus with another state or country and such
22 suspect is either not a citizen of this state or is not
23 present in this state.

24 4. It shall not be considered a violation of sections
25 1.410 to 1.480 to provide material aid to federal
26 prosecution for:

27 (1) Felony crimes against a person when such
28 prosecution includes weapons violations substantially
29 similar to those found in chapter 570 or 571 so long as such
30 weapons violations are merely ancillary to such prosecution;
31 or

32 (2) Class A or class B felony violations substantially
33 similar to those found in chapter 579 when such prosecution
34 includes weapons violations substantially similar to those
35 found in chapter 570 or 571 so long as such weapons
36 violations are merely ancillary to such prosecution.

37 5. The provisions of sections 1.410 to 1.485 shall be
38 applicable to offenses occurring on or after August 28, 2021.

 1.485. If any provision of sections 1.410 to 1.485 or
2 the application **[thereof]** **of such provision** to any person or
3 circumstance is held invalid, such determination shall not
4 affect the provisions or applications of sections 1.410 to
5 1.485 that may be given effect without the invalid provision
6 or application, and the provisions of sections 1.410 to
7 1.485 are severable.

[1.430. All federal acts, laws, executive
2 **orders, administrative orders, rules, and**
3 **regulations, regardless of whether they were**
4 **enacted before or after the provisions of**
5 **sections 1.410 to 1.485, that infringe on the**
6 **people's right to keep and bear arms as**
7 **guaranteed by the Second Amendment to the**
8 **Constitution of the United States and Article I,**
9 **Section 23 of the Constitution of Missouri shall**
10 **be invalid to this state, shall not be**
11 **recognized by this state, shall be specifically**
12 **rejected by this state, and shall not be**
13 **enforced by this state.]**

2 [1.440. It shall be the duty of the courts
3 and law enforcement agencies of this state to
4 protect the rights of law-abiding citizens to
5 keep and bear arms within the borders of this
6 state and to protect these rights from the
infringements defined under section 1.420.]

