

# House Concurrent Resolution No. 42

## 98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BRATTIN.

2490H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

Relating to ATF Ban on .223 Caliber Ammunition.

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

2       **WHEREAS**, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has  
3 proposed a complete ban on the interstate transfer and manufacture of certain classes of  
4 commonly available .223 caliber ammunition and has proposed an interpretation of 18 U.S.C.  
5 921(a)(17)(c) in a document entitled "ATF FRAMEWORK FOR DETERMINING WHETHER  
6 CERTAIN PROJECTILES ARE 'PRIMARILY INTENDED FOR SPORTING PURPOSES'  
7 WITHIN THE MEANING OF 18 U.S.C. 921(a)(17)(c)" in order to justify its proposed complete  
8 ban; and

9       **WHEREAS**, the right of the people to keep and bear arms for defense of life, liberty, and  
10 property is regarded as a preexisting, natural right by both the Supreme Court of the United  
11 States and by the citizens of Missouri; and

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13       **WHEREAS**, the right of the people to keep and bear arms shall not be infringed and is  
14 guaranteed as an individual right under the Second Amendment of the United States Constitution  
15 and under article I, section 23 of the Constitution of Missouri; and

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17       **WHEREAS**, The Supreme Court of the United States has stated that "self-defense is a  
18 basic right, recognized by many legal systems from ancient times to the present day, and in  
19 *Heller*, we held that individual self-defense is 'the central component' of the Second Amendment  
20 right." *McDonald v. City of Chicago*, 561 U.S. 742, 767 - 768 (2010); and

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22       **WHEREAS**, the Supreme Court of the United States has concluded that the principal  
23 meaning of the operative phrase of the Second Amendment guarantees "the individual right to  
24 possess and carry weapons in case of confrontation". *District of Columbia v. Heller*, 554 U.S.  
25 570, 657 (2008); and

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27       **WHEREAS**, the Equal Protection Clause of the Constitution of the United States in  
28 conjunction with the Second Amendment indicates that the unorganized militia is best defined

29 to include all persons capable of exercising the right of self-defense that is necessary to the  
30 security of a free country; and

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32 **WHEREAS**, the Supreme Court of the United States has concluded in *District of*  
33 *Columbia v. Heller*, 554 U.S. 570, 597 - 598 (2008) that the purpose of the unorganized militia  
34 is to repel invasion and suppress insurrection, prevent the need for large standing armies which  
35 the founders viewed as a threat to liberty, and enable resistance to tyranny; and

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37 **WHEREAS**, the Supreme Court of the United States has concluded in *District of*  
38 *Columbia v. Heller*, 554 U.S. 570, that the inherent right of self-defense cannot be infringed by  
39 a complete ban on small arms or ammunition, especially those arms and ammunition which are  
40 overwhelming chosen by American society and in common use by both individuals and the  
41 several states; and

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43 **WHEREAS**, the .223 caliber bullet is used in AR-15 style rifles, the most commercially  
44 popular rifle platform in the United States; and

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46 **WHEREAS**, hundreds of millions of .223 caliber rounds are currently in the possession  
47 of individuals throughout the United States and a ban on their manufacture and importation could  
48 result in a substantial rise in the price of ammunition and the cost of target shooting, hunting, and  
49 other lawful activities; and

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51 **WHEREAS**, the General Assembly of Missouri knows of no instance in which a  
52 pistol-fired .223 caliber weapon has been used by domestic individuals to attack the police or  
53 military forces of the United States of America; and

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55 **WHEREAS**, most current rifle rounds of all calibers easily penetrate body armor, and  
56 the ability to both possess and defeat body armor may be necessary for effective self-defense by  
57 both individuals and the unorganized militia as regulated by the several states; and

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59 **WHEREAS**, the .223 caliber bullet in its usual composition with a lead core is  
60 overwhelmingly chosen for purposes of self-defense and chosen by both the organized and  
61 unorganized militia as the most common caliber of choice for combat against all threats foreign  
62 and domestic:

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64 **NOW THEREFORE BE IT RESOLVED** that the members of the House of  
65 Representatives of the Ninety-eighth General Assembly, First Regular Session, the Senate  
66 concurring therein, hereby call on Missouri Attorney General Chris Koster to file an independent  
67 lawsuit or join with other state attorneys general, governors, state officials, or legislative counsel  
68 from across the nation in challenging the constitutional and statutory validity of the ATF's  
69 proposed ban on .223 caliber ammunition, and to aggressively defend the right of the people to  
70 keep and bear arms; and

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72           **BE IT FURTHER RESOLVED** that if the Attorney General of Missouri, Chris Koster,  
73 fails in his duty to defend the right of the people to keep and bear arms as requested by this  
74 concurrent resolution, then the Missouri House of Representatives and the Missouri Senate retain  
75 for themselves the right to act through legislative counsel to file an independent lawsuit in the  
76 name of this state, or join with other state attorneys general, governors, state officials, or  
77 legislative counsel from across the nation in challenging the constitutional and statutory validity  
78 of the ATF's proposed ban on .223 caliber ammunition, and to aggressively defend the right of  
79 the people to keep and bear arms; and

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81           **BE IT FURTHER RESOLVED** that the Chief Clerk of the Missouri House of  
82 Representatives be instructed to prepare a properly inscribed copy of this resolution for Missouri  
83 Attorney General Chris Koster.

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