

FIRST REGULAR SESSION

HOUSE BILL NO. 41

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BROWN (27).

0404H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 21.750, RSMo, relating to firearms.

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

Section A. Section 21.750, RSMo, is repealed.

2 ~~[21.750. 1. The general assembly hereby occupies and preempts the~~
3 ~~entire field of legislation touching in any way firearms, components, ammunition~~
4 ~~and supplies to the complete exclusion of any order, ordinance or regulation by~~
5 ~~any political subdivision of this state. Any existing or future orders, ordinances~~
6 ~~or regulations in this field are hereby and shall be null and void except as~~
7 ~~provided in subsection 3 of this section.~~

8 ~~2. No county, city, town, village, municipality, or other political~~
9 ~~subdivision of this state shall adopt any order, ordinance or regulation concerning~~
10 ~~in any way the sale, purchase, purchase delay, transfer, ownership, use, keeping,~~
11 ~~possession, bearing, transportation, licensing, permit, registration, taxation other~~
12 ~~than sales and compensating use taxes or other controls on firearms, components,~~
13 ~~ammunition, and supplies except as provided in subsection 3 of this section.~~

14 ~~3. (1) Except as provided in subdivision (2) of this subsection, nothing~~
15 ~~contained in this section shall prohibit any ordinance of any political subdivision~~
16 ~~which conforms exactly with any of the provisions of sections 571.010 to~~
17 ~~571.070, with appropriate penalty provisions, or which regulates the open~~
18 ~~carrying of firearms readily capable of lethal use or the discharge of firearms~~
19 ~~within a jurisdiction, provided such ordinance complies with the provisions of~~
20 ~~section 252.243. No ordinance shall be construed to preclude the use of a~~
21 ~~firearm in the defense of person or property, subject to the provisions of chapter~~
 563.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

22 ~~————— (2) In any jurisdiction in which the open carrying of firearms is~~
23 ~~prohibited by ordinance, the open carrying of firearms shall not be prohibited in~~
24 ~~accordance with the following:~~

25 ~~————— (a) Any person with a valid concealed carry endorsement or permit who~~
26 ~~is open carrying a firearm shall be required to have a valid concealed carry~~
27 ~~endorsement or permit from this state, or a permit from another state that is~~
28 ~~recognized by this state, in his or her possession at all times;~~

29 ~~————— (b) Any person open carrying a firearm in such jurisdiction shall display~~
30 ~~his or her concealed carry endorsement or permit upon demand of a law~~
31 ~~enforcement officer;~~

32 ~~————— (c) In the absence of any reasonable and articulable suspicion of criminal~~
33 ~~activity, no person carrying a concealed or unconcealed firearm shall be disarmed~~
34 ~~or physically restrained by a law enforcement officer unless under arrest; and~~

35 ~~————— (d) Any person who violates this subdivision shall be subject to the~~
36 ~~penalty provided in section 571.121.~~

37 ~~————— 4. The lawful design, marketing, manufacture, distribution, or sale of~~
38 ~~firearms or ammunition to the public is not an abnormally dangerous activity and~~
39 ~~does not constitute a public or private nuisance.~~

40 ~~————— 5. No county, city, town, village or any other political subdivision nor the~~
41 ~~state shall bring suit or have any right to recover against any firearms or~~
42 ~~ammunition manufacturer, trade association or dealer for damages, abatement or~~
43 ~~injunctive relief resulting from or relating to the lawful design, manufacture,~~
44 ~~marketing, distribution, or sale of firearms or ammunition to the public. This~~
45 ~~subsection shall apply to any suit pending as of October 12, 2003, as well as any~~
46 ~~suit which may be brought in the future. Provided, however, that nothing in this~~
47 ~~section shall restrict the rights of individual citizens to recover for injury or death~~
48 ~~caused by the negligent or defective design or manufacture of firearms or~~
49 ~~ammunition.~~

50 ~~————— 6. Nothing in this section shall prevent the state, a county, city, town,~~
51 ~~village or any other political subdivision from bringing an action against a~~
52 ~~firearms or ammunition manufacturer or dealer for breach of contract or warranty~~
53 ~~as to firearms or ammunition purchased by the state or such political~~
54 ~~subdivision.]~~

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