

SENATE BILL NO. 948

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

2819S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 21.750, RSMo, and to enact in lieu thereof one new section relating to penalties for officers of political subdivisions, with penalty provisions.

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

Section A. Section 21.750, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 21.750,
3 to read as follows:

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

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

19 **provisions of this section shall be liable for a penalty of**
20 **one thousand dollars for each and every offense, and shall**
21 **be guilty of a class A misdemeanor.**

22 3. (1) Except as provided in subdivision (2) of this
23 subsection, nothing contained in this section shall prohibit
24 any ordinance of any political subdivision which conforms
25 exactly with any of the provisions of sections 571.010 to
26 571.070, with appropriate penalty provisions, or which
27 regulates the open carrying of firearms readily capable of
28 lethal use or the discharge of firearms within a
29 jurisdiction, provided such ordinance complies with the
30 provisions of section 252.243. No ordinance shall be
31 construed to preclude the use of a firearm in the defense of
32 person or property, subject to the provisions of chapter 563.

33 (2) In any jurisdiction in which the open carrying of
34 firearms is prohibited by ordinance, the open carrying of
35 firearms shall not be prohibited in accordance with the
36 following:

37 (a) Any person with a valid concealed carry
38 endorsement or permit who is open carrying a firearm shall
39 be required to have a valid concealed carry endorsement or
40 permit from this state, or a permit from another state that
41 is recognized by this state, in his or her possession at all
42 times;

43 (b) Any person open carrying a firearm in such
44 jurisdiction shall display his or her concealed carry
45 endorsement or permit upon demand of a law enforcement
46 officer;

47 (c) In the absence of any reasonable and articulable
48 suspicion of criminal activity, no person carrying a
49 concealed or unconcealed firearm shall be disarmed or

50 physically restrained by a law enforcement officer unless
51 under arrest; and

52 (d) Any person who violates this subdivision shall be
53 subject to the penalty provided in section 571.121.

54 4. The lawful design, marketing, manufacture,
55 distribution, or sale of firearms or ammunition to the
56 public is not an abnormally dangerous activity and does not
57 constitute a public or private nuisance.

58 5. No county, city, town, village or any other
59 political subdivision nor the state shall bring suit or have
60 any right to recover against any firearms or ammunition
61 manufacturer, trade association or dealer for damages,
62 abatement or injunctive relief resulting from or relating to
63 the lawful design, manufacture, marketing, distribution, or
64 sale of firearms or ammunition to the public. This
65 subsection shall apply to any suit pending as of October 12,
66 2003, as well as any suit which may be brought in the
67 future. Provided, however, that nothing in this section
68 shall restrict the rights of individual citizens to recover
69 for injury or death caused by the negligent or defective
70 design or manufacture of firearms or ammunition.

71 6. Nothing in this section shall prevent the state, a
72 county, city, town, village or any other political
73 subdivision from bringing an action against a firearms or
74 ammunition manufacturer or dealer for breach of contract or
75 warranty as to firearms or ammunition purchased by the state
76 or such political subdivision.

✓