

FIRST REGULAR SESSION

HOUSE BILL NO. 361

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LEARA.

0026L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 21, RSMo, by adding thereto one new section relating to the Missouri firearms freedom act.

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

Section A. Chapter 21, RSMo, is amended by adding thereto one new section, to be known as section 21.755, to read as follows:

21.755. 1. This section shall be called and may be cited as the "Missouri Firearms Freedom Act".

2. The general assembly declares that the authority for this section is the following:

(1) Amendment X of the Constitution of the United States guarantees to the states and their people all powers not granted to the federal government elsewhere in the Constitution and reserves to the state and people of Missouri certain powers as they were understood at the time that Missouri was admitted to statehood. The guarantee of those powers is a matter of contract between the state and people of Missouri and the United States as of the time that the compact with the United States was agreed upon and adopted by Missouri and the United States;

(2) Amendment IX of the Constitution of the United States guarantees to the people rights not granted in the Constitution and reserves to the people of Missouri certain rights as they were understood at the time that Missouri was admitted to statehood. The guarantee of those rights is a matter of contract between the state and people of Missouri and the United States as of the time that the compact with the United States was agreed upon and adopted by Missouri and the United States;

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.

17 (3) The regulation of intrastate commerce is vested in the states under Amendments
18 IX and X of the Constitution of the United States, particularly if not expressly preempted
19 by federal law. Congress has not expressly preempted state regulation of intrastate
20 commerce pertaining to the manufacture on an intrastate basis of firearms, firearms
21 accessories, and ammunition;

22 (4) Amendment II of the Constitution of the United States reserves to the people the
23 right to keep and bear arms as that right was understood at the time that Missouri was
24 admitted to statehood, and the guarantee of the right is a matter of contract between the
25 state and people of Missouri and the United States as of the time that the compact with the
26 United States was agreed upon and adopted by Missouri and the United States; and

27 (5) Article I, section 23, Constitution of Missouri clearly secures to Missouri
28 citizens, and prohibits government interference with, the right of individual Missouri
29 citizens to keep and bear arms.

30 3. As used in this section, unless the context otherwise requires, the following terms
31 shall mean:

32 (1) "Firearms accessories", items that are used in conjunction with or mounted
33 upon a firearm but are not essential to the basic function of a firearm, including but not
34 limited to telescopic or laser sights, magazines, flash or sound suppressors, folding or
35 aftermarket stocks and grips, speedloaders, ammunition carriers, and lights for target
36 illumination;

37 (2) "Generic and insignificant parts", includes but is not limited to springs, screws,
38 nuts, and pins;

39 (3) "Manufactured", creating a firearm, a firearm accessory, or ammunition from
40 basic materials for functional usefulness, including but not limited to forging, casting,
41 machining, or other processes for working materials.

42 4. A personal firearm, a firearm accessory, or ammunition that is manufactured
43 commercially or privately in Missouri and that remains within the borders of Missouri is
44 not subject to federal law or federal regulation, including registration, under the authority
45 of congress to regulate interstate commerce. It is declared by the legislature that those
46 items have not traveled in interstate commerce. This section applies to a firearm, a firearm
47 accessory, or ammunition that is manufactured in Missouri from basic materials and that
48 can be manufactured without the inclusion of any significant parts imported into this state.
49 Generic and insignificant parts that have other manufacturing or consumer product
50 applications are not firearms, firearms accessories, or ammunition, and their importation
51 into Missouri and incorporation into a firearm, a firearm accessory, or ammunition
52 manufactured in Missouri does not subject the firearm, firearm accessory, or ammunition

53 to federal regulation. It is declared by the legislature that basic materials, such as
54 unmachined steel and unshaped wood, are not firearms, firearms accessories, or
55 ammunition and are not subject to congressional authority to regulate firearms, firearms
56 accessories, or ammunition under interstate commerce as if they were actually firearms,
57 firearms accessories, or ammunition. The authority of congress to regulate interstate
58 commerce in basic materials does not include the authority to regulate firearms, firearms
59 accessories, or ammunition made in Missouri from those materials. Firearms accessories
60 that are imported into Missouri from another state and that are subject to federal
61 regulation as being in interstate commerce do not subject a firearm to federal regulation
62 under interstate commerce because they are attached to or used in conjunction with a
63 firearm in Missouri.

64 **5. The provisions of this section shall not apply to:**

65 **(1) A firearm that cannot be carried and used by one person;**

66 **(2) A firearm that has a bore diameter greater than one half inch and that uses**
67 **smokeless powder, not black powder, as a propellant;**

68 **(3) Ammunition with a projectile that explodes using an explosion of chemical**
69 **energy after the projectile leaves the firearm; or**

70 **(4) A firearm that discharges two or more projectiles with one activation of the**
71 **trigger or other firing device.**

72 **6. A firearm manufactured or sold in Missouri under the provisions of this section**
73 **shall have the words "Made in Missouri" clearly stamped on a central metallic part, such**
74 **as the receiver or frame.**