

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 1439, Page 3, Section 1.320, Lines 65
2 through 86, and page 4, lines 87 through 114, by deleting all of said lines and inserting in lieu thereof
3 the following:
4

5 1.322. The following shall be considered infringements on the people's right to keep and
6 bear arms, as guaranteed by the Second Amendment to the United States Constitution and Article I,
7 Section 23 of the Missouri Constitution, within the borders of this state.

8 1. Federal acts, laws, executive orders, administrative orders, court orders, rules, and
9 regulations including, but not limited to:

10 (a) Any tax, levy, fee, or stamp imposed on firearms, firearm accessories, or ammunition not
11 common to all other goods and services which might reasonably be expected to create a chilling
12 effect on the purchase or ownership of those items by honest citizens;

13 (b) Any registering or tracking of firearms, firearm accessories, or ammunition which might
14 reasonably be expected to create a chilling effect on the purchase or ownership of those items by
15 honest citizens;

16 (c) Any registering or tracking of the owners of firearms, firearm accessories, or ammunition
17 which might reasonably be expected to create a chilling effect on the purchase or ownership of those
18 items by honest citizens;

19 (d) Any act forbidding the possession, ownership, or use or transfer of a firearm, firearm
20 accessory, or ammunition by honest citizens; and

21 (e) Any act ordering the confiscation of firearms, firearm accessories, or ammunition from
22 honest citizens.

23 1.323. All federal acts, laws, executive orders, administrative orders, court orders, rules, and
24 regulations, whether past, present, or future, which infringe on the people's right to keep and bear
25 arms as guaranteed by the Second Amendment to the United States Constitution and Article I,
26 Section 23 of the Missouri Constitution shall be invalid in this state, shall not be recognized by this
27 state, shall be specifically rejected by this state, and shall be considered null and void and of no
28 effect in this state.

29 1.324. It shall be the duty of the courts and law enforcement agencies of this state to protect
30 the rights of honest citizens to keep and bear arms within the borders of this state and to protect these
31 rights from the infringements defined in section 1.322.

32 1.325. 1. No entity described by Subsection 3 of this Section may adopt a rule, order,
33 ordinance, or policy under which the entity enforces, or by consistent action allows the enforcement
34 of, a federal statute, order, rule, or regulation that purports to regulate a firearm, a firearm accessory,
35 or firearm ammunition if the statute, order, rule, or regulation imposes a prohibition, restriction, or
36 other regulation, such as capacity or size limitation, a registration requirement, or a background

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1 check, or that does not exist under the laws of this state.

2 2. No entity described by Subsection 3 of this Section and no person employed by or
3 otherwise under the direction or control of the entity shall have the authority to enforce or attempt to
4 enforce any federal statute, order, rule, or regulation infringing on the right to keep and bear arms as
5 defined in Section 1.322 or Subsection 1 of this Section.

6 3. The prohibitions of this section applies to:

7 (1) the State of Missouri, including any agency, department, commission, bureau, board,
8 office, council, court, or other entity that is in any branch of state government and that is created by
9 the constitution or a statute of this state, including a university system or a system of higher
10 education;

11 (2) the governing body of a municipality, county, or special district or authority;

12 (3) an officer, employee, or other body that is part of a municipality, county, or special
13 district or authority, including a sheriff, municipal police department, municipal attorney, or county
14 attorney; and

15 (4) a “law enforcement officer” as defined by 561.061, full time peace officer as defined
16 by section 590.100, of a county or a full-time peace officer of any political subdivision who is
17 certified pursuant to chapter 590;

18 (5) a district attorney or criminal district attorney.

19 4. The prohibitions of this section do not apply to the general assembly of the state of
20 Missouri.

21 1.326. Any entity or person who knowingly, as defined in section 562.016, attempts to
22 enforce any of the infringements of the right to keep and bear arms included in section 1.322 or
23 otherwise knowingly deprives a citizen of Missouri of the rights or privileges ensured by the Second
24 Amendment of the United States Constitution or section 23 of article I of the Missouri Constitution,
25 while acting under the color of any state or federal law, shall be liable to the injured party in an
26 action at law, suit in equity, or other proper proceeding for redress.

27 1. In such actions, the court may award the prevailing party, other than the state of Missouri
28 or any political subdivision of the state, reasonable attorney's fees and costs.

29 2. Neither sovereign nor official or qualified immunity shall be an affirmative defense in
30 such cases.

31 1.327. Any official, agent, or employee of the United States government who deprives a
32 citizen of Missouri of the rights or privileges ensured by the Second Amendment of the United
33 States Constitution or section 23 of article I of the Missouri Constitution by knowingly enforcing or
34 attempting to enforce any of the infringements on the right to keep and bear arms included in section
35 1.322 is guilty of a class A misdemeanor. Missouri law enforcement officers shall have the
36 discretionary power to appropriately interpose on behalf of honest citizens, including the power to
37 levy charges or arrest such officials, agents, or employees of the United States government.
38 Further amend said bill by amending the title, enacting clause, and intersectional references
39 accordingly.

40 1.329. For the purposes of sections 1.320 through 1.329, the term “honest citizen” shall
41 mean a person who is not otherwise precluded under state law from possessing a firearm and shall
42 not be construed to include anyone who is not legally present in the United States or the state of
43 Missouri.”; and

44
45 Further amend said bill by amending the title, enacting clause, and intersectional references
46 accordingly.
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