

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  
3 thereof 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. No public officer or employee of this state or subdivision of this state shall have  
33 authority to enforce or attempt to enforce any federal acts, laws, executive orders, administrative  
34 orders, court orders, rules, and regulations, statutes, or ordinances, infringing on the right to keep  
35 and bear arms.

36 1.326. No public officer or employee of this state or subdivision of this state shall have

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1 authority to enforce or attempt to enforce any federal acts, laws, executive orders, administrative  
2 orders, court orders, rules, and regulations, statutes, or ordinances, infringing on the right to keep  
3 and bear arms defined in section 1.322.

4 1.327. Any entity or person who knowingly, as defined in section 562.016, violates section  
5 1.235 or 1.326 or otherwise knowingly deprives a citizen of Missouri of the rights or privileges  
6 ensured by the Second Amendment of the United States Constitution or section 23 of article I of the  
7 Missouri Constitution, while acting under the color of any state or federal law, shall be liable to the  
8 injured party in an action at law, suit in equity, or other proper proceeding for redress.

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

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

13 1.328. Any official, agent, or employee of the United States government who deprives a  
14 citizen of Missouri of the rights or privileges ensured by the Second Amendment of the United  
15 States Constitution or section 23 of article I of the Missouri Constitution by knowingly enforcing or  
16 attempting to enforce any of the infringements on the right to keep and bear arms included in section  
17 1.322 is guilty of a class A misdemeanor. Missouri law enforcement officers shall have the

18 discretionary power to appropriately interpose on behalf of honest citizens, including the  
19 power to levy charges or arrest such officials, agents, or employees of the United States government.

20 1.329. For the purposes of sections 1.320 through 1.329, the term "honest citizen" shall  
21 mean a person who is not otherwise precluded under state law from possessing a firearm and shall  
22 not be construed to include anyone who is not legally present in the United States or the state of  
23 Missouri."; and

24  
25 Further amend said bill by amending the title, enacting clause, and intersectional references  
26 accordingly.  
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