

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for House Bill No. 1439, Page 2, Section 1.320, Line 43, by  
2 deleting the words "law-abiding" and inserting in lieu thereof the word "honest"; and

3  
4 Further amend said bill, Page 3, Section 1.320, Lines 65 through 86, and Page 4, Lines 87 through  
5 114, by deleting all of said lines and inserting in lieu thereof the following:

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

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

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

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

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

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

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

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

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

34 1.325. No public officer or employee of this state or subdivision of this state shall have  
35 authority to enforce or attempt to enforce any federal acts, laws, executive orders, administrative  
36 orders, court orders, rules, and regulations, statutes, or ordinances, infringing on the right to keep

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1 and bear arms.

2 1.326. No public officer or employee of this state or subdivision of this state shall have  
 3 authority to enforce or attempt to enforce any federal acts, laws, executive orders, administrative  
 4 orders, court orders, rules, and regulations, statutes, or ordinances, infringing on the right to keep  
 5 and bear arms defined in section 1.322.

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

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

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

15 1.328. Any official, agent, or employee of the United States government who deprives a  
 16 citizen of Missouri of the rights or privileges ensured by the Second Amendment of the United  
 17 States Constitution or section 23 of article I of the Missouri Constitution by knowingly enforcing or  
 18 attempting to enforce any of the infringements on the right to keep and bear arms included in section  
 19 1.322 is guilty of a class A misdemeanor. Missouri law enforcement officers shall have the  
 20 discretionary power to appropriately interpose on behalf of honest citizens, including the  
 21 power to levy charges or arrest such officials, agents, or employees of the United States government.

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

26  
 27 Further amend said bill, Page 10, Section 571.030, Line 71, by inserting after the word  
 28 "endorsement" the words, "issued prior to August 28, 2013, or a valid concealed carry permit under  
 29 section 571.111"; and

30  
 31 Further amend said bill, Page 15, Section 571.101, Lines 58 through 59, by placing opening and  
 32 closing brackets "[ ]" around the phrase "or 18 U.S.C. 922(g)"; and

33  
 34 Further amend said bill, Page 28, Section 571.117, Lines 76 through 77, by deleting all of said lines  
 35 and inserting in lieu thereof the following:

36  
 37 "[ ] Defendant is otherwise disqualified from possessing a firearm pursuant to section  
 38 571.070 [18 U.S.C. 922(g)] because (specify reason):"; and

39  
 40 Further amend said bill, Page 30, Section 590.200, Line 12, by inserting immediately after all of said  
 41 section the following:

42  
 43 "590.205. 1. The POST commission shall establish minimum standards for school protection  
 44 officer training instructors, training centers, and training programs.

45 2. The director shall develop and maintain a list of approved school protection officer  
 46 training instructors, training centers, and training programs. The director shall not place any  
 47 instructor, training center, or training program on its approved list unless such instructor, training  
 48 center, or training program meets all of the POST commission requirements under this section and

1 section 590.200. The director shall make this approved list available to every school district in the  
 2 state. The required training to become a school protection officer shall be provided by those firearm  
 3 instructors, private and public, who have successfully completed a department of public safety POST  
 4 certified law enforcement firearms instructor school.

5 3. Each person seeking entrance into a school protection officer training center or training  
 6 program shall submit a fingerprint card and authorization for a criminal history background check to  
 7 include the records of the Federal Bureau of Investigation to the training center or training program  
 8 where such person is seeking entrance. The training center or training program shall cause a criminal  
 9 history background check to be made and shall cause the resulting report to be forwarded to the  
 10 school district where the elementary school teacher or administrator is seeking to be designated as a  
 11 school protection officer.

12 4. No person shall be admitted to a school protection officer training center or training  
 13 program unless such person submits proof to the training center or training program that he or she  
 14 has a valid concealed carry endorsement or permit.

15 5. A certificate of school protection officer training program completion may be issued to any  
 16 applicant by any approved school protection officer training instructor. On the certificate of program  
 17 completion the approved school protection officer training instructor shall affirm that the individual  
 18 receiving instruction has taken and passed a school protection officer training program that meets the  
 19 requirements of this section and section 590.200 and [that] indicate whether the individual has a  
 20 valid concealed carry endorsement or permit. The instructor shall also provide a copy of such  
 21 certificate to the director of the department of public safety."; and  
 22

23 Further amend said bill and page, Section 1, Lines 1 through 5, by deleting all of said lines and  
 24 inserting in lieu thereof the following:  
 25

26 "Section 1. If any provision of sections 1.320, 1.322, 1.323, 1.324, 1.325, 1.326, 1.327,  
 27 1.328, 1.329, 21.750, 160.665, 571.012, 571.030, 571.070, 571.101, 571.107, 571.117, 590.010,  
 28 590.200, 590.205 or 590.207 of this act or the application thereof to anyone or to any circumstance is  
 29 held invalid, the remainder of those sections and the application of such provisions to others or other  
 30 circumstances shall not be affected thereby.

31 Section 2. Section 1 does not preclude the application of section 1.140 to portions of sections  
 32 1.320, 1.322, 1.323, 1.324, 1.325, 1.326, 1.327, 1.328, 1.329, 21.750, 160.665, 571.012, 571.030,  
 33 571.070, 571.101, 571.107, 571.117, 590.010, 590.200, 590.205, or 590.207.

34 [571.080. A person commits the crime of transfer of a concealable firearm if such person  
 35 violates 18 U.S.C. Section 922(b) or 18 U.S.C. Section 922(x). ]"; and  
 36

37 Further amend said bill and page, Section B, Lines 1 through 4, by deleting all of said lines and  
 38 renumbering sections accordingly; and  
 39

40 Further amend said bill and page, Section C, Line 5 by deleting the words "law-abiding" and  
 41 inserting in lieu thereof the word "honest"; and  
 42

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