

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 federal acts, laws, executive orders, administrative orders, court
6 orders, rules, and regulations shall be considered infringements on the people's right to keep and bear
7 arms, as guaranteed by the Second Amendment of the Constitution of the United States and article I,
8 section 23 of the Constitution of Missouri, within the borders of this state, including, but not limited
9 to:

10 (1) 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 law-abiding citizens;

13 (2) 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 law-abiding citizens;

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

19 (4) Any act forbidding the possession, ownership, or use or transfer of a firearm, firearm
20 accessory, or ammunition by law-abiding citizens; and

21 (5) Any act ordering the confiscation of firearms, firearm accessories, or ammunition from
22 law-abiding 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 law-abiding citizens to keep and bear arms within the borders of this state and to protect
31 these rights from the infringements defined in section 1.322.

32 1.326. 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 1.327. No public officer or employee of this state or subdivision of this state shall have

Action Taken _____ Date _____

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 1.328. 1. Any entity or person who knowingly, as defined in section 562.016, violates
 5 section 1.236 or 1.327 or otherwise knowingly deprives a citizen of Missouri of the rights or
 6 privileges ensured by the Second Amendment of the United States Constitution or section 23 of
 7 article I of the Missouri Constitution, while acting under the color of any state or federal law, shall be
 8 liable to the injured party in an action at law, suit in equity, or other proper proceeding for redress.

9 2. 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 3. Neither sovereign nor official or qualified immunity shall be an affirmative defense in
 12 such cases.

13 1.329. For the purposes of sections 1.320 through 1.329, the term "law-abiding citizen"
 14 shall mean a person who is not otherwise precluded under state law from possessing a firearm and
 15 shall not be construed to include anyone who is not legally present in the United States or the state of
 16 Missouri."; and

17
 18 Further amend said bill, Page 9, Section 571.030, Line 28, by removing all of said line and inserting
 19 in lieu thereof the following:

20
 21 "sponsored or sanctioned by school officials or the district school board; or

22 (11) Possesses a firearm while also knowingly in possession of a controlled substance that is
 23 sufficient for a felony violation under 195.202."; and

24
 25 Further amend said bill, Page 10, Section 571.030, Line 71, by inserting after the word
 26 "endorsement" the words, "issued prior to August 28, 2013, or a valid concealed carry permit under
 27 section 571.111"; and

28
 29 Further amend said bill, Page 13, Section 571.070, Lines 1 through 11, by removing all of said
 30 section and lines from the bill; and

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

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

37
 38 "[] Defendant is otherwise disqualified from possessing a firearm [pursuant to 18 U.S.C.
 39 922(g)] under section 571.070 because (specify reason):"; and

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

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

46 2. The director shall develop and maintain a list of approved school protection officer
 47 training instructors, training centers, and training programs. The director shall not place any
 48 instructor, training center, or training program on its approved list unless such instructor, training

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

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

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

16 5. A certificate of school protection officer training program completion may be issued to any
 17 applicant by any approved school protection officer training instructor. On the certificate of program
 18 completion the approved school protection officer training instructor shall affirm that the individual
 19 receiving instruction has taken and passed a school protection officer training program that meets the
 20 requirements of this section and section 590.200 and [that] indicate whether the individual has a
 21 valid concealed carry endorsement or permit. The instructor shall also provide a copy of such
 22 certificate to the director of the department of public safety."; and
 23

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

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

32 Section 2. Section 1 does not preclude the application of section 1.140 to portions of sections
 33 1.320, 1.322, 1.323, 1.324, 1.326, 1.327, 1.328, 1.329, 21.750, 160.665, 571.012, 571.030, 571.101,
 34 571.107, 571.117, 590.010, 590.200, 590.205, or 590.207.

35 [571.080. A person commits the crime of transfer of a concealable firearm if such person
 36 violates 18 U.S.C. Section 922(b) or 18 U.S.C. Section 922(x).]"; and
 37

38 Further amend said bill and page, Section B, Lines 1 through 4, by deleting all of said lines and
 39 renumbering sections accordingly; and
 40

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