

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 686, Page 1, Section A, Line 11, by
2 inserting after all of said section and line the following:

3
4 "1.410. 1. Sections 1.410 to 1.485 shall be known and may be cited as the "Second
5 Amendment Preservation Act".

6 2. The general assembly finds and declares that:

7 (1) The general assembly of the state of Missouri is firmly resolved to support and defend
8 the Constitution of the United States against every aggression, whether foreign or domestic, and is
9 duty-bound to oppose every infraction of those principles that constitute the basis of the union of the
10 states because only a faithful observance of those principles can secure the union's existence and the
11 public happiness;

12 (2) Acting through the Constitution of the United States, the people of the several states
13 created the federal government to be their agent in the exercise of a few defined powers, while
14 reserving for the state governments the power to legislate on matters concerning the lives, liberties,
15 and properties of citizens in the ordinary course of affairs;

16 (3) The limitation of the federal government's power is affirmed under Amendment X of the
17 Constitution of the United States, which defines the total scope of federal powers as being that
18 which has been delegated by the people of the several states to the federal government, and all
19 powers not delegated to the federal government in the Constitution of the United States is reserved
20 to the states respectively or the people themselves;

21 (4) If the federal government assumes powers that the people did not grant it in the
22 Constitution of the United States, its acts are unauthoritative, void, and of no force;

23 (5) The several states of the United States respect the proper role of the federal government
24 but reject the proposition that such respect requires unlimited submission. If the federal
25 government, created by a compact among the states, was the exclusive or final judge of the extent of
26 the powers granted to it by the states through the Constitution of the United States, the federal
27 government's discretion, and not the Constitution of the United States, would necessarily become
28 the measure of those powers. To the contrary, as in all other cases of compacts among powers
29 having no common judge, each party has an equal right to judge for itself as to whether infractions
30 of the compact have occurred, as well as to determine the mode and measure of redress. Although
31 the several states have granted supremacy to laws and treaties made under the powers granted in the
32 Constitution of the United States, such supremacy does not extend to various federal statutes,
33 executive orders, administrative orders, court orders, rules, regulations, or other actions that collect
34 data or restrict or prohibit the manufacture, ownership, and use of firearms, firearm accessories, or
35 ammunition exclusively within the borders of Missouri; such statutes, executive orders,
36 administrative orders, court orders, rules, regulations, and other actions exceed the powers granted

Action Taken _____ Date _____

1 to the federal government except to the extent they are necessary and proper for governing and
 2 regulating the United States Armed Forces or for organizing, arming, and disciplining militia forces
 3 actively employed in the service of the United States Armed Forces;

4 (6) The people of the several states have given Congress the power "to regulate commerce
 5 with foreign nations, and among the several states", but "regulating commerce" does not include the
 6 power to limit citizens' right to keep and bear arms in defense of their families, neighbors, persons,
 7 or property, or to dictate what sort of arms and accessories law-abiding Missourians may buy, sell,
 8 exchange, or otherwise possess within the borders of this state;

9 (7) The people of the several states have also granted Congress the power "to lay and collect
 10 taxes, duties, imports, and excises, to pay the debts, and provide for the common defense and
 11 general welfare of the United States" and "to make all laws which shall be necessary and proper for
 12 carrying into execution the powers vested by the Constitution of the United States in the government
 13 of the United States, or in any department or office thereof". These constitutional provisions merely
 14 identify the means by which the federal government may execute its limited powers and shall not be
 15 construed to grant unlimited power because to do so would be to destroy the carefully constructed
 16 equilibrium between the federal and state governments. Consequently, the general assembly rejects
 17 any claim that the taxing and spending powers of Congress may be used to diminish in any way the
 18 right of the people to keep and bear arms;

19 (8) The people of Missouri have vested the general assembly with the authority to regulate
 20 the manufacture, possession, exchange, and use of firearms within the borders of this state, subject
 21 only to the limits imposed by Amendment II of the Constitution of the United States and the
 22 Constitution of Missouri; and

23 (9) The general assembly of the state of Missouri strongly promotes responsible gun
 24 ownership, including parental supervision of minors in the proper use, storage, and ownership of all
 25 firearms; the prompt reporting of stolen firearms; and the proper enforcement of all state gun laws.
 26 The general assembly of the state of Missouri hereby condemns any unlawful transfer of firearms
 27 and the use of any firearm in any criminal or unlawful activity.

28 1.420. The following federal acts, laws, executive orders, administrative orders, court
 29 orders, rules, and regulations shall be considered infringements on the people's right to keep and
 30 bear arms, as guaranteed by Amendment II of the Constitution of the United States and Article I,
 31 Section 23 of the Constitution of Missouri, within the borders of this state including, but not limited
 32 to:

33 (1) Any tax, levy, fee, or stamp imposed on firearms, firearm accessories, or ammunition not
 34 common to all other goods and services and that might reasonably be expected to create a chilling
 35 effect on the purchase or ownership of those items by law-abiding citizens;

36 (2) Any registering or tracking of firearms, firearm accessories, or ammunition that might
 37 reasonably be expected to create a chilling effect on the purchase or ownership of those items by
 38 law-abiding citizens;

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

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

44 (5) Any act ordering the confiscation of firearms, firearm accessories, or ammunition from
 45 law-abiding citizens.

46 1.430. All federal acts, laws, executive orders, administrative orders, court orders, rules, and
 47 regulations, whether enacted before or after the provisions of sections 1.410 to 1.485, that infringe
 48 on the people's right to keep and bear arms as guaranteed by Amendment II of the Constitution of
 49 the United States and Article I, Section 23 of the Constitution of Missouri shall be invalid in this

1 state, shall not be recognized by this state, shall be specifically rejected by this state, and shall be
2 considered null, void, and of no effect in this state.

3 1.440. It shall be the duty of the courts and law enforcement agencies of this state to protect
4 the rights of law-abiding citizens to keep and bear arms within the borders of this state and to
5 protect these rights from the infringements defined under section 1.420.

6 1.450. No person, including any public officer or employee of this state or any political
7 subdivision of this state, shall have the authority to enforce or attempt to enforce any federal acts,
8 laws, executive orders, administrative orders, court orders, rules, regulations, statutes, or ordinances
9 infringing on the right to keep and bear arms as described under section 1.410.

10 1.460. 1. Any entity or person who acts knowingly, as defined under section 562.016, to
11 violate the provisions of section 1.450 or otherwise knowingly deprives a citizen of Missouri of the
12 rights or privileges ensured by Amendment II of the Constitution of the United States or Article I,
13 Section 23 of the Constitution of Missouri, while acting under the color of any state or federal law,
14 shall be liable to the injured party in an action at law, suit in equity, or other proper proceeding for
15 redress.

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

18 3. Sovereign, official, or qualified immunity shall not be an affirmative defense in such
19 actions.

20 1.470. 1. Any person acting as an official, agent, employee, or deputy of the government of
21 the United States, or otherwise acting under the color of federal law within the borders of this state,
22 who knowingly, as defined under section 562.016:

23 (1) Enforces or attempts to enforce any of the infringements identified in section 1.420; or

24 (2) Gives material aid and support to the efforts of others who enforce or attempt to enforce
25 any of the infringements identified in section 1.420

26
27 shall be permanently ineligible to serve as a law enforcement officer or to supervise law
28 enforcement officers for the state or any political subdivision of the state.

29 2. Neither the state nor any political subdivision of the state shall employ as a law
30 enforcement officer or supervisor of law enforcement officers any person who is ineligible to serve
31 in such capacity under this section.

32 3. Any person residing or conducting business in a jurisdiction who believes that a law
33 enforcement officer or supervisor of law enforcement officers of such jurisdiction has taken action
34 that would render that officer or supervisor ineligible under this section to serve in such capacity
35 shall have standing to pursue an action for declaratory judgment in the circuit court of the county in
36 which the action allegedly occurred, or in the circuit court of Cole County, with respect to the
37 employment eligibility of the law enforcement officer or the supervisor of law enforcement officers
38 under this section.

39 4. If a court determines that a law enforcement officer or supervisor of law enforcement
40 officers has taken any action that would render him or her ineligible to serve in that capacity under
41 this section:

42 (1) The law enforcement officer or supervisor of law enforcement officers shall immediately
43 be terminated from his or her position; and

44 (2) The jurisdiction that had employed the ineligible law enforcement officer or supervisor
45 of law enforcement officers shall be required to pay the court costs and attorney's fees associated
46 with the declaratory judgment action that resulted in the finding of ineligibility.

47 5. Nothing in this section shall preclude a person's right of appeal or remediation, as
48 provided under chapter 590.

49 1.480. For sections 1.410 to 1.485, the term "law-abiding citizen" shall mean a person who

1 is not otherwise precluded under state law from possessing a firearm and shall not be construed to
2 include anyone who is not legally present in the United States or the state of Missouri.

3 1.485. If any provision of sections 1.410 to 1.485 or the application thereof to any person or
4 circumstance is held invalid, such determination shall not affect the provisions or applications of
5 sections 1.410 to 1.485, which may be given effect without the invalid provision or application, and
6 the provisions of sections 1.410 to 1.485 are severable."; and

7
8 Further amend said bill, Page 75, Section 632.460, Line 48, by inserting after all of said section and
9 line the following:

10
11 ~~"[1.320. The general assembly of the state of Missouri strongly promotes responsible gun~~
12 ~~ownership, including parental supervision of minors in the proper use, storage, and ownership of all~~
13 ~~firearms, the prompt reporting of stolen firearms, and the proper enforcement of all state gun laws.~~
14 ~~The general assembly of the state of Missouri hereby condemns any unlawful transfer of firearms~~
15 ~~and the use of any firearm in any criminal or unlawful activity.]"~~; and

16
17 Further amend said bill by amending the title, enacting clause, and intersectional references
18 accordingly.