

HCS HB 85 & 310 -- THE RIGHT TO BEAR ARMS

SPONSOR: Taylor (139)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on General Laws by a vote of 10 to 4. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 7 to 2.

The following is a summary of the House Committee Substitute for HB 85.

The bill establishes the "Second Amendment Preservation Act", which:

(1) Declares that laws, rules, orders, or other actions which restrict or prohibit the manufacture, ownership, and use of firearms, firearm accessories, or ammunition exclusively within this state exceed the powers granted to the federal government except to the extent they are necessary and proper for governing and regulating land and naval forces of the United States or for organizing, arming, and disciplining militia forces actively employed in the service of the United States Armed Forces;

(2) Declares that all federal acts, laws, executive orders, administrative orders, court orders, rules, and regulations, whether past, present, or future, that infringe on the people's right to keep and bear arms as guaranteed by the Second Amendment to the United States Constitution and Article I, Section 23 of the Missouri Constitution must be invalid in this state, including those that impose a tax, levy, fee, or stamp on these items as specified in the bill; require the registration or tracking of these items or their owners; prohibit the possession, ownership, use, or transfer of a firearm; or order the confiscation of these items;

(3) Declares that it must be the duty of the courts and law enforcement agencies to protect the rights of law-abiding citizens to keep and bear arms and that no person, including a public officer or state employee of this state or any political subdivision of this state, can have authority to enforce or attempt to enforce any federal laws, orders, or rules infringing on the right to keep and bear arms;

(4) Specifies that any entity or person who knowingly acts under the color of any federal or state law to deprive a Missouri citizen of the rights or privileges ensured by the federal and state constitutions to keep and bear arms must be liable to the injured party for redress. Reasonable attorney fees and costs may be

awarded to the prevailing party with specified exceptions. Qualified immunity shall not be a defense; and

(5) States that any person while acting as an official, agent, employee, or deputy of the United States Government who enforces or attempts to enforce any of the infringements identified in this bill or gives material aid and support to the efforts of others who enforce or attempt to enforce any of the infringements identified in this bill may be permanently ineligible to serve as a law enforcement officer or to supervise law enforcement officers in this state or in any political subdivision of this state.

This bill contains a severability clause.

This bill is similar to HB 1637 (2020).

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPOSERS: Supporters say that the bill supports Missouri's ability to self-govern without control by the federal government. Supporters cite the anti-commandeering doctrine to prevent federal intrusion. Supporters also urge maintenance of constitutional protections as they exist now to prevent future actions.

Testifying for the bill were Representative J. Taylor; Alex Salsman; Gina L. Coats, GLC Bullets, LLC; Hollis Overall; Jim Conrady; Linda Conrady; Paul Hamby; Robert Titus; Peggie Crabtree Berry; Ron Calzone; Susan Myers; and Tony Shepherd.

INFORMATIONAL PURPOSES ONLY: The witness stated that state and federal law enforcement agencies frequently work together and asked the committee to consider that.

Testifying for informational purposes was Missouri Sheriffs United.

Written testimony in opposition to the bill was submitted by Karen Rogers.