

SECOND REGULAR SESSION

HOUSE BILL NO. 2150

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LARGENT (Sponsor), MUNZLINGER, DUSENBERG,
PARKINSON, LEARA AND SMITH (150) (Co-sponsors).

4757L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 21.750, RSMo, and to enact in lieu thereof one new section relating to firearms.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 21.750, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 21.750, to read as follows:

21.750. 1. The general assembly **finds that uniform laws are necessary to protect the fundamental right to keep and bear arms secured in section 23, article I, Constitution of Missouri and Amendment II of the Constitution of the United States and** hereby occupies and preempts the entire field of legislation touching in any way firearms, components, ammunition and supplies to the complete exclusion of any order, ordinance or regulation by any political subdivision of this state. Any existing or future orders, ordinances or regulations in this field are hereby and shall be null and void except as provided in subsection 3 of this section.

2. No county, city, town, village, municipality, or other political subdivision of this state shall adopt any order, ordinance or regulation concerning in any way the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permit, registration, taxation [other than sales and compensating use taxes or other controls on firearms], components, ammunition, and supplies except as provided in subsection 3 of this section.

3. Nothing contained in this section shall prohibit any ordinance of any political subdivision which conforms exactly with any of the provisions of sections 571.010 to 571.070, RSMo, with appropriate penalty provisions, [or which regulates the open carrying of firearms readily capable of lethal use] or the discharge of firearms within a jurisdiction, provided such

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 ordinance complies with the provisions of section 252.243, RSMo, **and incorporates the**
18 **justification defenses found in chapter 563.**

19 4. The lawful design, marketing, manufacture, distribution, or sale of firearms or
20 ammunition to the public is not an abnormally dangerous activity and does not constitute a public
21 or private nuisance.

22 5. No county, city, town, village or any other political subdivision nor the state shall
23 bring suit or have any right to recover against any firearms or ammunition manufacturer, trade
24 association or dealer for damages, abatement or injunctive relief resulting from or relating to the
25 lawful design, manufacture, marketing, distribution, or sale of firearms or ammunition to the
26 public. This subsection shall apply to any suit pending as of October 12, 2003, as well as any
27 suit which may be brought in the future. Provided, however, that nothing in this section shall
28 restrict the rights of individual citizens to recover for injury or death caused by the negligent or
29 defective design or manufacture of firearms or ammunition.

30 6. Nothing in this section shall prevent the state, a county, city, town, village or any other
31 political subdivision from bringing an action against a firearms or ammunition manufacturer or
32 dealer for breach of contract or warranty as to firearms or ammunition purchased by the state or
33 such political subdivision.

34 **7. In addition to any other relief provided, the court shall award reasonable**
35 **attorney fees, expenses, and court costs to any person, group, or entity that prevails in an**
36 **action challenging:**

- 37 **(1) An ordinance, resolution, or motion as being in conflict with this section; or**
38 **(2) An administrative action taken in bad faith as being in conflict with this section.**

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