

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 800,
2 Page 2, Section 1.100, Line 22, by inserting after all of said section and line the following:

3
4 "[1.320.] 1.410. 1. Sections 1.410 to 1.480 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 United States Constitution against every aggression, either foreign or domestic, and is duty
9 bound to oppose every infraction of those principles which constitute the basis of the Union of the
10 States because only a faithful observance of those principles can secure the nation's existence and
11 the public happiness;

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

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

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

23 (5) The several states of the United States of America respect the proper role of the federal
24 government, but reject the proposition that such respect requires unlimited submission. If the
25 government, created by 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 United States Constitution, the federal
27 government's discretion, and not the United States Constitution, would necessarily become the
28 measure of those powers. To the contrary, as in all other cases of compacts among powers having
29 no common judge, each party has an equal right to judge for itself as to when infractions of the
30 compact have occurred, as well as to determine the mode and measure of redress. Although the

Standing Action Taken _____ Date _____

Select Action Taken _____ Date _____

1 several states have granted supremacy to laws and treaties made under the powers granted in the
2 United States Constitution, such supremacy does not extend to various federal statutes, executive
3 orders, administrative orders, court orders, rules, regulations, or other actions which restrict or
4 prohibit the manufacture, ownership, and use of firearms, firearm accessories, or ammunition
5 exclusively within the borders of Missouri; such statutes, executive orders, administrative orders,
6 court orders, rules, regulations, and other actions exceed the powers granted to the federal
7 government except to the extent they are necessary and proper for governing and regulating land
8 and naval forces of the United States or for organizing, arming, and disciplining militia forces
9 actively employed in the service of the United States Armed Forces;

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

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

25 (8) The people of Missouri have vested the general assembly with the authority to regulate
26 the manufacture, possession, exchange, and use of firearms within the borders of this state, subject
27 only to the limits imposed by the Second Amendment to the United States Constitution and the
28 Missouri Constitution; and

29 (9) The general assembly of the state of Missouri strongly promotes responsible gun
30 ownership, including parental supervision of minors in the proper use, storage, and ownership of all
31 firearms, the prompt reporting of stolen firearms, and the proper enforcement of all state gun laws.
32 The general assembly of the state of Missouri hereby condemns any unlawful transfer of firearms
33 and the use of any firearm in any criminal or unlawful activity.

34 1.420. The following federal acts, laws, executive orders, administrative orders, court
35 orders, rules, and regulations shall be considered infringements on the people's right to keep and
36 bear arms, as guaranteed by the Second Amendment of the Constitution of the United States and
37 article I, section 23 of the Missouri constitution, within the borders of this state, including, but not
38 limited to:

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

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

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

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

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

11 1.430. All federal acts, laws, executive orders, administrative orders, court orders, rules, and
 12 regulations, whether past, present, or future, which infringe on the people's right to keep and bear
 13 arms as guaranteed by the Second Amendment to the United States Constitution and article I,
 14 section 23 of the Missouri constitution shall be invalid in this state, shall not be recognized by this
 15 state, shall be specifically rejected by this state, and shall be considered null and void and of no
 16 effect in this state.

17 1.440. It shall be the duty of the courts and law enforcement agencies of this state to protect
 18 the rights of law-abiding citizens to keep and bear arms within the borders of this state and to
 19 protect these rights from the infringements defined in section 1.420.

20 1.450. No person, including any public officer or employee of this state or any political
 21 subdivision of this state, shall have authority to enforce or attempt to enforce any federal acts, laws,
 22 executive orders, administrative orders, court orders, rules, regulations, statutes, or ordinances,
 23 infringing on the right to keep and bear arms.

24 1.460. No person, including any public officer or employee of this state or any political
 25 subdivision of this state, shall have authority to enforce or attempt to enforce any federal acts, laws,
 26 executive orders, administrative orders, court orders, rules, regulations, statutes, or ordinances,
 27 infringing on the right to keep and bear arms as defined in section 1.420.

28 1.470. 1. Any person who knowingly, as defined in section 562.016, and while acting as an
 29 official, agent, employee, or deputy of the United States Government or while otherwise acting
 30 under the color of federal law while within the borders of this state;

31 (1) Enforces or attempts to enforce any of the infringements identified under section 1.410;
 32 or

33 (2) Gives material aid and support to the efforts of others who enforce or attempt to enforce
 34 any of the infringements identified under section 1.410;

35
 36 shall forever be ineligible to serve as a law enforcement officer or to supervise law enforcement
 37 officers for the state or any political subdivision of the state.

38 2. Neither the state nor any political subdivision of the state shall accept into employment as
 39 a law enforcement officer or supervisor of law enforcement officers any person who is ineligible to
 40 serve in such capacity under this section.

41 3. Any person who resides in or conducts business in a jurisdiction who believes that a law

1 enforcement officer or supervisor of law enforcement officers of that jurisdiction has taken action
2 that would render the law enforcement officer or supervisor of law enforcement officers ineligible
3 to serve in such capacity under this section, shall have standing to pursue an action for declaratory
4 judgment regarding the eligibility of the law enforcement officer or the supervisor of law
5 enforcement officers in the circuit court of the county in which the action allegedly occurred, or in
6 the circuit court of Cole County.

7 4. If a court determines that a law enforcement officer or supervisor of law enforcement
8 officers has taken an action that would render him or her ineligible to serve in that capacity under
9 this section:

10 (1) The law enforcement officer or supervisor of law enforcement officers shall
11 immediately be terminated from his or her position as a law enforcement officer or supervisor of
12 law enforcement officers; and

13 (2) The jurisdiction that employed the ineligible law enforcement officer or supervisor of
14 law enforcement officers shall be required to pay the costs and attorneys' fees associated with the
15 declaratory judgment action that resulted in the finding of ineligibility.

16 5. Nothing in this section shall preclude the rights of repeal and remediation under chapter
17 590.

18 1.480. For the purposes of sections 1.410 to 1.480, the term "law-abiding citizen" shall
19 mean a person who is not otherwise precluded under state law from possessing a firearm and shall
20 not be construed to include anyone who is not legally present in the United States or the state of
21 Missouri."; and

22
23 Further amend said bill by amending the title, enacting clause, and intersectional references
24 accordingly.