

FIRST REGULAR SESSION

HOUSE BILL NO. 1416

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BLACK (137).

1691H.021

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 1, RSMo, by adding thereto one new section relating to constitutional rights, with penalty provisions.

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

Section A. Chapter 1, RSMo, is amended by adding thereto one new section, to be known as section 1.304, to read as follows:

1.304. 1. This section shall be known and may be cited as the "Fundamental Freedom from Government Act".

2. Neither this state nor any political subdivision thereof shall infringe or unnecessarily restrict any citizen's fundamental rights to freely exercise his or her religion and to keep and bear arms.

3. (1) At all times, including during declared emergencies, religious services and activities of a religious organization shall be considered essential services and no rule, order, declaration, or direction of the state government shall treat any religious organization less favorably or more strictly than any other similarly situated organization in terms of function, service, assembly, size, or conduct. Any restriction of this right shall be subject to strict scrutiny.

(2) The state or any individual, agent, or entity acting under the authority of the state or any county, municipality, or any other political subdivision thereof shall obtain a declaratory court order establishing by clear and convincing evidence that the intended action does not unnecessarily violate any citizen's fundamental individual right or rights described in this subsection and is necessary to protect public safety before ordering or requiring any citizen or religious organization to cease, limit, or suspend any religious

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.

18 service, assembly, or function or imposing a fine or penalty for failure to comply with such
19 order or requirement.

20 **4. (1) Any restriction to the right of personal privacy to use sex-specific restrooms,**
21 **spas, baths, showers, dressing rooms, locker rooms, or other intimate facilities or settings**
22 **and the fundamental right to the free exercise of religious beliefs by any person, business,**
23 **religious organization, or other organization in establishing sex-specific standards or**
24 **policies concerning access to restrooms, spas, baths, showers, dressing rooms, locker**
25 **rooms, or other intimate facilities or settings shall be subject to strict scrutiny. Nothing in**
26 **this section shall be construed to prevent the state or any political subdivision thereof, any**
27 **business, or any other entity from providing gender-neutral facilities that respect the**
28 **fundamental rights of personal privacy and free exercise of religious beliefs.**

29 **(2) The state or any individual, agent, or entity acting under the authority of the**
30 **state or any county, municipality, or any other political subdivision thereof shall obtain a**
31 **declaratory court order establishing by clear and convincing evidence that the intended**
32 **action does not unnecessarily violate the fundamental rights described in this subsection**
33 **before ordering or requiring any person, business, organization, or religious organization**
34 **to provide gender-neutral access to restrooms, spas, baths, showers, dressing rooms, locker**
35 **rooms, or other intimate facilities or settings.**

36 **5. (1) The fundamental right of every citizen to keep and bear arms, ammunition,**
37 **and accessories typical to the normal function of such arms in defense of home, person,**
38 **family, and property, and in protecting others when lawfully summoned in aid of the civil**
39 **power shall not be infringed upon by this state or any political subdivision thereof. The**
40 **private, individual, and collective rights of all citizens to keep and bear arms, ammunition,**
41 **and accessories shall not be infringed upon. These rights shall remain unalienable and**
42 **independent of all other individual and collective rights. The general assembly of the state**
43 **of Missouri strongly promotes responsible gun ownership, including parental supervision**
44 **of minors in the proper use, storage, and ownership of all firearms; prompt reporting of**
45 **stolen firearms; and proper enforcement of all state gun laws. The general assembly of the**
46 **state of Missouri hereby condemns any unlawful transfer of firearms and the use of any**
47 **firearm in any criminal or unlawful activity. Arms, ammunition, and accessories protected**
48 **by this section shall include, but not be limited to, arms, ammunition, and accessories**
49 **commonly used to lawfully hunt; sport shoot; and defend home, property, self, and others.**
50 **Any restriction of this right shall be subject to strict scrutiny. Nothing in this section shall**
51 **be construed to prevent limits on the rights of convicted violent felons or those adjudicated**
52 **by a court to be a danger to self or others as result of a mental disorder or mental infirmity.**

53 **(2) No state, county, municipal law enforcement authority shall be ordered or**
54 **required to take any action that he or she reasonably believes to be in violation of law**
55 **protecting the fundamental right of any citizen to keep and bear arms, ammunition, and**
56 **accessories absent a declaratory court order establishing by clear and convincing evidence**
57 **that the intended action does not unnecessarily violate any fundamental individual right**
58 **or rights described in this subsection or is otherwise required by law. Nothing in this**
59 **section shall be construed to prevent state and local law enforcement from operating jointly**
60 **with other state, local, and federal authorities in task forces enforcing state and local**
61 **criminal laws.**

62 **6. This section does not create any cause of action except for declaratory relief as**
63 **set forth in this section nor does it prevent injunctive or declaratory relief for violation of**
64 **this section.**

65 **7. All suits brought under this section shall be advanced on the court docket and**
66 **heard and decided by the court as quickly as possible.**

67 **8. This section shall not be construed to preclude or limit any other relief available**
68 **under federal or state law for deprivation or violation of constitutional or statutory rights**
69 **or protections.**

70 **9. If in any action for declaratory or injunctive relief as set forth in this section or**
71 **in any violation of this section the prevailing party is neither the state nor any of its**
72 **political subdivisions, the prevailing party shall be entitled to recovery of reasonable**
73 **attorney's fees and collection of court costs.**

74 **10. All political subdivisions of this state shall confine and restrict their jurisdiction**
75 **and passage of ordinances to and in conformity with this section.**

76 **11. If any provision of this section or the application to any person or circumstance**
77 **is held invalid, such determination shall not affect the provisions or applications of this**
78 **section which may be given effect without the invalid provision or application, and to that**
79 **end the provisions of this section are severable.**

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