

SS SCS HCS HBs 85 & 310 -- THE RIGHT TO BEAR ARMS

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

(1) Declares that laws, rules, orders, or other actions that collect data, 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. Infringing actions would include any registration or tracking of firearms, firearm accessories, or ammunition or any registration or tracking of the ownership of firearms, firearm accessories, or ammunition;

(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, including monetary damages in the amount of \$50,000 per occurrence and injunctive relief. Reasonable attorney fees and costs may be awarded to the prevailing party with specified exceptions. The employer of the individual who is found liable is responsible for the civil penalty, attorney's fees, and court costs associated with the litigation if the individual is found to have violated this act. Government entities may not

recover under this act;

(5) Declares the federal excise tax rate on arms and ammunition in effect prior to January 1, 2021, which funds programs under the Wildlife Restoration Act, does not have a chilling effect on the purchase or ownership of such arms and ammunition;

(6) Declares nothing in these sections shall be construed to prohibit Missouri officials from accepting aid from federal officials in an effort to enforce Missouri laws;

(7) Declares that "material aid and support" shall include voluntarily giving or allowing others to make use of lodging; communications equipment or services, including social media accounts; facilities; weapons; personnel; transportation; clothing; or other physical assets. Material aid and support shall not include giving or allowing the use of medicine or other materials necessary to treat physical injuries, nor shall the term include any assistance provided to help persons escape a serious, present risk of life-threatening injury;

(8) Declares that it shall not be considered a violation of Sections 1.410 to 1.480 to provide material aid to federal officials who are in pursuit of a suspect when there is a demonstrable criminal nexus with another state or country and such suspect is either not a citizen of this state or is not present in this state; and

(10) Declares that it shall not be considered a violation of Sections 1.410 to 1.480 to provide material aid to federal prosecution for:

(a) Felony crimes against a person when such prosecution includes weapons violations substantially similar to those found in Chapter 570 or Chapter 571 so long as such weapons violations are merely ancillary to such prosecution; or

(b) Class A or class B felony violations substantially similar to those found in Chapter 579 when such prosecution includes weapons violations substantially similar to those found in Chapter 570 or Chapter 571 so long as such weapons violations are merely ancillary to such prosecution.

Sovereign immunity shall not be a defense.

This bill contains an emergency clause.