

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 602, Page 2, Section 1.1000, Line 26, by
2 inserting after said section and line the following:

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4 "1.304. 1. This section shall be known and may be cited as the "Fundamental Freedom from
5 Government Act".

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

9 3. (1) At all times, including during declared emergencies, religious services and activities
10 of a religious organization shall be considered essential services and no rule, order, declaration, or
11 direction of the state government shall treat any religious organization less favorably or more strictly
12 than any other similarly situated organization in terms of function, service, assembly, size, or
13 conduct. Any restriction of this right shall be subject to strict scrutiny.

14 (2) The state or any individual, agent, or entity acting under the authority of the state or any
15 county, municipality, or any other political subdivision thereof shall obtain a declaratory court order
16 establishing by clear and convincing evidence that the intended action does not unnecessarily violate
17 any citizen's fundamental individual right or rights described in this subsection and is necessary to
18 protect public safety before ordering or requiring any citizen or religious organization to cease,
19 limit, or suspend any religious service, assembly, or function or imposing a fine or penalty for
20 failure to comply with such order or requirement.

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

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

36 5. (1) The fundamental right of every citizen to keep and bear arms, ammunition, and

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1 accessories typical to the normal function of such arms in defense of home, person, family, and
2 property, and in protecting others when lawfully summoned in aid of the civil power shall not be
3 infringed upon by this state or any political subdivision thereof. The private, individual, and
4 collective rights of all citizens to keep and bear arms, ammunition, and accessories shall not be
5 infringed upon. These rights shall remain unalienable and independent of all other individual and
6 collective rights. The general assembly of the state of Missouri strongly promotes responsible gun
7 ownership, including parental supervision of minors in the proper use, storage, and ownership of all
8 firearms; prompt reporting of stolen firearms; and proper enforcement of all state gun laws. The
9 general assembly of the state of Missouri hereby condemns any unlawful transfer of firearms and
10 the use of any firearm in any criminal or unlawful activity. Arms, ammunition, and accessories
11 protected by this section shall include, but not be limited to, arms, ammunition, and accessories
12 commonly used to lawfully hunt; sport shoot; and defend home, property, self, and others. Any
13 restriction of this right shall be subject to strict scrutiny. Nothing in this section shall be construed
14 to prevent limits on the rights of convicted violent felons or those adjudicated by a court to be a
15 danger to self or others as result of a mental disorder or mental infirmity.

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

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

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

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

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

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

36 11. If any provision of this section or the application to any person or circumstance is held
37 invalid, such determination shall not affect the provisions or applications of this section which may
38 be given effect without the invalid provision or application, and to that end the provisions of this
39 section are severable."; and

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41 Further amend said bill by amending the title, enacting clause, and intersectional references
42 accordingly.