

SENATE BILL NO. 23

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

1188S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 1.410, 1.420, 1.430, 1.440, 1.450, 1.460, 1.470, 1.480, and 1.485 as enacted by house bill nos. 85 & 310, one hundred first general assembly, first regular session, and to enact in lieu thereof six new sections relating to additional protections to bear arms.

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

Section A. Sections 1.410, 1.420, 1.430, 1.440, 1.450,
2 1.460, 1.470, 1.480, and 1.485 as enacted by house bill nos. 85
3 & 310, one hundred first general assembly, first regular
4 session, are repealed and six new sections enacted in lieu
5 thereof, to be known as sections 1.410, 1.450, 1.460, 1.470,
6 1.480, and 1.485, to read as follows:

[1.410. 1. Sections 1.410 to 1.485 shall
2 be known and may be cited as the "Second
3 Amendment Preservation Act".

4 2. The general assembly finds and declares
5 that:

6 (1) The general assembly of the state of
7 Missouri is firmly resolved to support and
8 defend the Constitution of the United States
9 against every aggression, whether foreign or
10 domestic, and is duty-bound to oppose every
11 infraction of those principles that constitute
12 the basis of the union of the states because
13 only a faithful observance of those principles
14 can secure the union's existence and the public
15 happiness;

16 (2) Acting through the Constitution of the
17 United States, the people of the several states
18 created the federal government to be their agent
19 in the exercise of a few defined powers, while

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 reserving for the state governments the power to
21 legislate on matters concerning the lives,
22 liberties, and properties of citizens in the
23 ordinary course of affairs;

24 (3) The limitation of the federal
25 government's power is affirmed under Amendment X
26 of the Constitution of the United States, which
27 defines the total scope of federal powers as
28 being those that have been delegated by the
29 people of the several states to the federal
30 government and all powers not delegated to the
31 federal government in the Constitution of the
32 United States are reserved to the states
33 respectively or the people themselves;

34 (4) If the federal government assumes
35 powers that the people did not grant it in the
36 Constitution of the United States, its acts are
37 unauthoritative, void, and of no force;

38 (5) The several states of the United
39 States respect the proper role of the federal
40 government but reject the proposition that such
41 respect requires unlimited submission. If the
42 federal government, created by a compact among
43 the states, were the exclusive or final judge of
44 the extent of the powers granted to it by the
45 states through the Constitution of the United
46 States, the federal government's discretion, and
47 not the Constitution of the United States, would
48 necessarily become the measure of those powers.
49 To the contrary, as in all other cases of
50 compacts among powers having no common judge,
51 each party has an equal right to judge for
52 itself as to whether infractions of the compact
53 have occurred, as well as to determine the mode
54 and measure of redress. Although the several
55 states have granted supremacy to laws and
56 treaties made under the powers granted in the
57 Constitution of the United States, such
58 supremacy does not extend to various federal
59 statutes, executive orders, administrative
60 orders, court orders, rules, regulations, or
61 other actions that collect data or restrict or
62 prohibit the manufacture, ownership, or use of
63 firearms, firearm accessories, or ammunition

64 exclusively within the borders of Missouri; such
65 statutes, executive orders, administrative
66 orders, court orders, rules, regulations, and
67 other actions exceed the powers granted to the
68 federal government except to the extent they are
69 necessary and proper for governing and
70 regulating the United States Armed Forces or for
71 organizing, arming, and disciplining militia
72 forces actively employed in the service of the
73 United States Armed Forces;

74 (6) The people of the several states have
75 given Congress the power "to regulate commerce
76 with foreign nations, and among the several
77 states", but "regulating commerce" does not
78 include the power to limit citizens' right to
79 keep and bear arms in defense of their families,
80 neighbors, persons, or property nor to dictate
81 what sorts of arms and accessories law-abiding
82 Missourians may buy, sell, exchange, or
83 otherwise possess within the borders of this
84 state;

85 (7) The people of the several states have
86 also granted Congress the powers "to lay and
87 collect taxes, duties, imports, and excises, to
88 pay the debts, and provide for the common
89 defense and general welfare of the United
90 States" and "to make all laws which shall be
91 necessary and proper for carrying into execution
92 the powers vested by the Constitution of the
93 United States in the government of the United
94 States, or in any department or office
95 thereof". These constitutional provisions
96 merely identify the means by which the federal
97 government may execute its limited powers and
98 shall not be construed to grant unlimited power
99 because to do so would be to destroy the
100 carefully constructed equilibrium between the
101 federal and state governments. Consequently,
102 the general assembly rejects any claim that the
103 taxing and spending powers of Congress may be
104 used to diminish in any way the right of the
105 people to keep and bear arms;

106 (8) The general assembly finds that the
107 federal excise tax rate on arms and ammunition

108 in effect prior to January 1, 2021, which funds
109 programs under the Wildlife Restoration Act,
110 does not have a chilling effect on the purchase
111 or ownership of such arms and ammunition;

112 (9) The people of Missouri have vested the
113 general assembly with the authority to regulate
114 the manufacture, possession, exchange, and use
115 of firearms within the borders of this state,
116 subject only to the limits imposed by Amendment
117 II of the Constitution of the United States and
118 the Constitution of Missouri; and

119 (10) The general assembly of the state of
120 Missouri strongly promotes responsible gun
121 ownership, including parental supervision of
122 minors in the proper use, storage, and ownership
123 of all firearms; the prompt reporting of stolen
124 firearms; and the proper enforcement of all
125 state gun laws. The general assembly of the
126 state of Missouri hereby condemns any unlawful
127 transfer of firearms and the use of any firearm
128 in any criminal or unlawful activity.]

1.410. 1. Sections 1.410 to 1.485 shall be known and
2 may be cited as the "Second Amendment Preservation Act".

3 2. The general assembly finds and declares that:

4 (1) The general assembly of the state of Missouri is
5 firmly resolved to support and defend the Constitution of
6 the United States against every aggression, whether foreign
7 or domestic, and is duty-bound to oppose every infraction of
8 those principles that constitute the basis of the union of
9 the states because only a faithful observance of those
10 principles can secure the union's existence and the public
11 happiness;

12 (2) Acting through the Constitution of the United
13 States, the people of the several states created the federal
14 government to be their agent in the exercise of a few
15 defined powers, while reserving for the state governments
16 the power to legislate on matters concerning the lives,

17 liberties, and properties of citizens in the ordinary course
18 of affairs;

19 (3) The limitation of the federal government's power
20 is affirmed under Amendment X of the Constitution of the
21 United States, which defines the total scope of federal
22 powers as being those that have been delegated by the people
23 of the several states to the federal government and all
24 powers not delegated to the federal government in the
25 Constitution of the United States are reserved to the states
26 respectively or the people themselves;

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

30 (5) The several states of the United States respect
31 the proper role of the federal government but reject the
32 proposition that such respect requires unlimited
33 submission. If the federal government, created by a compact
34 among the states, were the exclusive or final judge of the
35 extent of the powers granted to it by the states through the
36 Constitution of the United States, the federal government's
37 discretion, and not the Constitution of the United States,
38 would necessarily become the measure of those powers. To
39 the contrary, as in all other cases of compacts among powers
40 having no common judge, each party has an equal right to
41 judge for itself as to whether infractions of the compact
42 have occurred, as well as to determine the mode and measure
43 of redress. Although the several states have granted
44 supremacy to laws and treaties made under the powers granted
45 in the Constitution of the United States, such supremacy
46 does not extend to various federal statutes, executive
47 orders, administrative orders, court orders, rules,
48 regulations, or other actions that collect data or restrict

49 or prohibit the manufacture, ownership, or use of firearms,
50 firearm accessories, or ammunition exclusively within the
51 borders of Missouri; such statutes, executive orders,
52 administrative orders, court orders, rules, regulations, and
53 other actions exceed the powers granted to the federal
54 government except to the extent they are necessary and
55 proper for governing and regulating the United States Armed
56 Forces or for organizing, arming, and disciplining militia
57 forces actively employed in the service of the United States
58 Armed Forces;

59 (6) The people of the several states have given
60 Congress the power "to regulate commerce with foreign
61 nations, and among the several states", but "regulating
62 commerce" does not include the power to limit citizens'
63 right to keep and bear arms in defense of their families,
64 neighbors, persons, or property nor to dictate what sorts of
65 arms and accessories law-abiding Missourians may buy, sell,
66 exchange, or otherwise possess within the borders of this
67 state;

68 (7) The people of the several states have also granted
69 Congress the powers "to lay and collect taxes, duties,
70 imports, and excises, to pay the debts, and provide for the
71 common defense and general welfare of the United States" and
72 "to make all laws which shall be necessary and proper for
73 carrying into execution the powers vested by the
74 Constitution of the United States in the government of the
75 United States, or in any department or office thereof".
76 These constitutional provisions merely identify the means by
77 which the federal government may execute its limited powers
78 and shall not be construed to grant unlimited power because
79 to do so would be to destroy the carefully constructed
80 equilibrium between the federal and state governments.

81 Consequently, the general assembly rejects any claim that
82 the taxing and spending powers of Congress may be used to
83 diminish in any way the right of the people to keep and bear
84 arms;

85 (8) The general assembly finds that the federal excise
86 tax rate on arms and ammunition in effect prior to January
87 1, 2025, which funds programs under the Wildlife Restoration
88 Act, does not have a chilling effect on the purchase or
89 ownership of such arms and ammunition;

90 (9) The people of Missouri have vested the general
91 assembly with the authority to regulate the manufacture,
92 possession, exchange, and use of firearms within the borders
93 of this state, subject only to the limits imposed by
94 Amendment II of the Constitution of the United States and
95 the Constitution of Missouri; and

96 (10) The general assembly of the state of Missouri
97 strongly promotes responsible gun ownership, including
98 parental supervision of minors in the proper use, storage,
99 and ownership of all firearms; the prompt reporting of
100 stolen firearms; and the proper enforcement of all state gun
101 laws. The general assembly of the state of Missouri hereby
102 condemns any unlawful transfer of firearms and the use of
103 any firearm in any criminal or unlawful activity.

2 [1.450. No entity or person, including any
3 public officer or employee of this state or any
4 political subdivision of this state, shall have
5 the authority to enforce or attempt to enforce
6 any federal acts, laws, executive orders,
7 administrative orders, rules, regulations,
8 statutes, or ordinances infringing on the right
9 to keep and bear arms as described under section
10 1.420. Nothing in sections 1.410 to 1.480 shall
11 be construed to prohibit Missouri officials from
12 accepting aid from federal officials in an
effort to enforce Missouri laws.]

1.450. No public officer or employee of this state or
any political subdivision of this state, shall have the
authority to enforce or attempt to enforce any federal acts,
laws, executive orders, administrative orders, rules,
regulations, statutes, or ordinances regarding firearms,
firearm accessories, or ammunition. Nothing in sections
1.450 to 1.480 shall be construed to prohibit Missouri
officials from accepting aid from federal officials in an
effort to enforce Missouri laws.

[1.460. 1. Any political subdivision or
law enforcement agency that employs a law
enforcement officer who acts knowingly, as
defined under section 562.016, to violate the
provisions of section 1.450 or otherwise
knowingly deprives a citizen of Missouri of the
rights or privileges ensured by Amendment II of
the Constitution of the United States or Article
I, Section 23 of the Constitution of Missouri
while acting under the color of any state or
federal law shall be liable to the injured party
in an action at law, suit in equity, or other
proper proceeding for redress, and subject to a
civil penalty of fifty thousand dollars per
occurrence. Any person injured under this
section shall have standing to pursue an action
for injunctive relief in the circuit court of
the county in which the action allegedly
occurred or in the circuit court of Cole County
with respect to the actions of such individual.
The court shall hold a hearing on the motion for
temporary restraining order and preliminary
injunction within thirty days of service of the
petition.]

2. In such actions, the court may award
the prevailing party, other than the state of
Missouri or any political subdivision of the
state, reasonable attorney's fees and costs.

3. Sovereign immunity shall not be an
affirmative defense in any action pursuant to
this section.]

1.460. 1. Any political subdivision or law enforcement agency that employs a law enforcement officer who acts knowingly, as defined under section 562.016, to violate the provisions of section 1.450 or otherwise knowingly deprives a citizen of Missouri of the rights or privileges ensured by Amendment II of the Constitution of the United States or Article I, Section 23 of the Constitution of Missouri while acting under the color of any state or federal law shall be liable to the injured party in an action at law, suit in equity, or other proper proceeding for redress, and subject to a civil penalty of fifty thousand dollars per occurrence. Any person injured under this section shall have standing to pursue an action for injunctive relief in the circuit court of the county in which the action allegedly occurred or in the circuit court of Cole County with respect to the actions of such individual. The court shall hold a hearing on the motion for temporary restraining order and preliminary injunction within thirty days of service of the petition.

2. In such actions, the court may award the prevailing party, other than the state of Missouri or any political subdivision of the state, reasonable attorney's fees and costs.

3. Sovereign immunity shall not be an affirmative defense in any action pursuant to this section.

[1.470. 1. Any political subdivision or law enforcement agency that knowingly employs an individual acting or who previously acted as an official, agent, employee, or deputy of the government of the United States, or otherwise acted under the color of federal law within the borders of this state, who has knowingly, as defined under section 562.016, after the adoption of this section:

10 (1) Enforced or attempted to enforce any
11 of the infringements identified in section
12 1.420; or

13 (2) Given material aid and support to the
14 efforts of another who enforces or attempts to
15 enforce any of the infringements identified in
16 section 1.420;

17 shall be subject to a civil penalty of fifty
18 thousand dollars per employee hired by the
19 political subdivision or law enforcement
20 agency. Any person residing in a jurisdiction
21 who believes that an individual has taken action
22 that would violate the provisions of this
23 section shall have standing to pursue an action.

24 2. Any person residing or conducting
25 business in a jurisdiction who believes that an
26 individual has taken action that would violate
27 the provisions of this section shall have
28 standing to pursue an action for injunctive
29 relief in the circuit court of the county in
30 which the action allegedly occurred or in the
31 circuit court of Cole County with respect to the
32 actions of such individual. The court shall
33 hold a hearing on the motion for a temporary
34 restraining order and preliminary injunction
35 within thirty days of service of the petition.

36 3. In such actions, the court may award
37 the prevailing party, other than the state of
38 Missouri or any political subdivision of the
39 state, reasonable attorney's fees and costs.

40 4. Sovereign immunity shall not be an
41 affirmative defense in any action pursuant to
42 this section.]

**1.470. 1. Any political subdivision or law
2 enforcement agency that knowingly employs an individual
3 acting or who previously acted as an official, agent,
4 employee, or deputy of the government of the United States,
5 or otherwise acted under the color of federal law within the
6 borders of this state, who has knowingly, as defined under
7 section 562.016, after the adoption of this section:**

8 (1) Enforced or attempted to enforce, or participate
9 in any way in the enforcement or implementation of any
10 federal acts, laws, executive orders, rules, regulations,
11 statutes, or ordinances regarding firearms, firearm
12 accessories, or ammunition; or

13 (2) Given material aid and support to the efforts of
14 another who enforces or attempts to enforce or participates
15 in any way in the enforcement or implementation of any
16 federal acts, laws, executive orders, rules, regulations,
17 statutes, or ordinances regarding firearms, firearm
18 accessories, or ammunition;

19 shall be subject to a civil penalty of fifty thousand
20 dollars per employee hired by the political subdivision or
21 law enforcement agency. Any person residing in a
22 jurisdiction who believes that an individual has taken
23 action that would violate the provisions of this section
24 shall have standing to pursue an action.

25 2. Any person residing or conducting business in a
26 jurisdiction who believes that an individual has taken
27 action that would violate the provisions of this section
28 shall have standing to pursue an action for injunctive
29 relief in the circuit court of the county in which the
30 action allegedly occurred or in the circuit court of Cole
31 County with respect to the actions of such individual. The
32 court shall hold a hearing on the motion for a temporary
33 restraining order and preliminary injunction within thirty
34 days of service of the petition.

35 3. In such actions, the court may award the prevailing
36 party, other than the state of Missouri or any political
37 subdivision of the state, reasonable attorney's fees and
38 costs.

39 **4. Sovereign immunity shall not be an affirmative**
40 **defense in any action pursuant to this section.**

 [1.480. 1. For sections 1.410 to 1.485,
2 the term "law-abiding citizen" shall mean a
3 person who is not otherwise precluded under
4 state law from possessing a firearm and shall
5 not be construed to include anyone who is not
6 legally present in the United States or the
7 state of Missouri.

 2. For the purposes of sections 1.410 to
9 1.480, "material aid and support" shall include
10 voluntarily giving or allowing others to make
11 use of lodging; communications equipment or
12 services, including social media accounts;
13 facilities; weapons; personnel; transportation;
14 clothing; or other physical assets. Material
15 aid and support shall not include giving or
16 allowing the use of medicine or other materials
17 necessary to treat physical injuries, nor shall
18 the term include any assistance provided to help
19 persons escape a serious, present risk of life-
20 threatening injury.

 3. It shall not be considered a violation
22 of sections 1.410 to 1.480 to provide material
23 aid to federal officials who are in pursuit of a
24 suspect when there is a demonstrable criminal
25 nexus with another state or country and such
26 suspect is either not a citizen of this state or
27 is not present in this state.

 4. It shall not be considered a violation
29 of sections 1.410 to 1.480 to provide material
30 aid to federal prosecution for:

 (1) Felony crimes against a person when
32 such prosecution includes weapons violations
33 substantially similar to those found in chapter
34 570 or 571 so long as such weapons violations
35 are merely ancillary to such prosecution; or

 (2) Class A or class B felony violations
37 substantially similar to those found in chapter
38 579 when such prosecution includes weapons
39 violations substantially similar to those found
40 in chapter 570 or 571 so long as such weapons

41 violations are merely ancillary to such
42 prosecution.

43 5. The provisions of sections 1.410 to
44 1.485 shall be applicable to offenses occurring
45 on or after August 28, 2021.]

1.480. 1. For sections 1.450 to 1.485, the term "law-
2 abiding citizen" shall mean a person who is not otherwise
3 precluded under state law from possessing a firearm and
4 shall not be construed to include anyone who is not legally
5 present in the United States or the state of Missouri.

6 2. For the purposes of sections 1.450 to 1.480,
7 "material aid and support" shall include voluntarily giving
8 or allowing others to make use of lodging; communications
9 equipment or services, including social media accounts;
10 facilities; weapons; personnel; transportation; clothing; or
11 other physical assets. Material aid and support shall not
12 include giving or allowing the use of medicine or other
13 materials necessary to treat physical injuries, nor shall
14 the term include any assistance provided to help persons
15 escape a serious, present risk of life-threatening injury.

16 3. It shall not be considered a violation of sections
17 1.450 to 1.480 to provide material aid to federal officials
18 who are in pursuit of a suspect when there is a demonstrable
19 criminal nexus with another state or country and such
20 suspect is either not a citizen of this state or is not
21 present in this state.

22 4. It shall not be considered a violation of sections
23 1.450 to 1.480 to provide material aid to federal
24 prosecution for:

25 (1) Felony crimes against a person when such
26 prosecution includes weapons violations substantially
27 similar to those found in chapter 570 or 571 so long as such

28 weapons violations are merely ancillary to such prosecution;
29 or

30 (2) Class A or class B felony violations substantially
31 similar to those found in chapter 579 when such prosecution
32 includes weapons violations substantially similar to those
33 found in chapter 570 or 571 so long as such weapons
34 violations are merely ancillary to such prosecution.

35 5. The provisions of sections 1.450 to 1.485 shall be
36 applicable to offenses occurring on or after August 28, 2025.

2 [1.485. If any provision of sections 1.410
3 to 1.485 or the application thereof to any
4 person or circumstance is held invalid, such
5 determination shall not affect the provisions or
6 applications of sections 1.410 to 1.485 that may
7 be given effect without the invalid provision or
8 application, and the provisions of sections
1.410 to 1.485 are severable.]

2 1.485. If any provision of sections 1.410 to 1.485 or
3 the application thereof to any person or circumstance is
4 held invalid, such determination shall not affect the
5 provisions or applications of sections 1.410 to 1.485 that
6 may be given effect without the invalid provision or
7 application, and the provisions of sections 1.410 to 1.485
are severable.

2 [1.420. The following federal acts, laws,
3 executive orders, administrative orders, rules,
4 and regulations shall be considered
5 infringements on the people's right to keep and
6 bear arms, as guaranteed by Amendment II of the
7 Constitution of the United States and Article I,
8 Section 23 of the Constitution of Missouri,
9 within the borders of this state including, but
not limited to:

10 (1) Any tax, levy, fee, or stamp imposed
11 on firearms, firearm accessories, or ammunition
12 not common to all other goods and services and
13 that might reasonably be expected to create a

14 chilling effect on the purchase or ownership of
15 those items by law-abiding citizens;

16 (2) Any registration or tracking of
17 firearms, firearm accessories, or ammunition;

18 (3) Any registration or tracking of the
19 ownership of firearms, firearm accessories, or
20 ammunition;

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

25 (5) Any act ordering the confiscation of
26 firearms, firearm accessories, or ammunition
27 from law-abiding citizens.]

[1.430. All federal acts, laws, executive
2 orders, administrative orders, rules, and
3 regulations, regardless of whether they were
4 enacted before or after the provisions of
5 sections 1.410 to 1.485, that infringe on the
6 people's right to keep and bear arms as
7 guaranteed by the Second Amendment to the
8 Constitution of the United States and Article I,
9 Section 23 of the Constitution of Missouri shall
10 be invalid to this state, shall not be
11 recognized by this state, shall be specifically
12 rejected by this state, and shall not be
13 enforced by this state.]

[1.440. It shall be the duty of the courts
2 and law enforcement agencies of this state to
3 protect the rights of law-abiding citizens to
4 keep and bear arms within the borders of this
5 state and to protect these rights from the
6 infringements defined under section 1.420.]

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