

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS#3/SCS/Senate Bill No. 131, Page 1, Section Title, Lines 3-4,

2 by striking "tax relief"; and

3 Further amend said bill and page, Section A, line 3, by  
4 inserting after all of said line the following:

5 "1.486. 1. This section shall be known and may be  
6 cited as the "Anti-Red Flag Gun Seizure Act".

7 2. As used in this section, "red flag law" means:

8 (1) Any gun control law, order, or measure that  
9 directs the temporary or permanent seizure of any firearm,  
10 firearm accessory, or ammunition of an individual without  
11 the adjudication of a contested court case; or

12 (2) Any federal statute, federal rule, federal  
13 executive order, or federal judicial order or finding or any  
14 state statute, state rule, state executive order, state  
15 judicial order or finding that:

16 (a) Prohibits a Missouri citizen from owning,  
17 possessing, transporting, transferring, or receiving any  
18 firearm, firearm accessory, or ammunition unless the  
19 individual has been convicted of a violent felony crime or  
20 is otherwise disqualified under section 455.050 or 571.070;  
21 or

22 (b) Orders the removal or requires the surrender of  
23 any firearm, firearm accessory, ammunition from a Missouri  
24 citizen unless the individual has been convicted of a  
25 violent felony crime, is otherwise disqualified under  
26 section 455.050 or 571.070, or is ordered to surrender any

27 firearm as part of a criminal investigation by a law  
28 enforcement officer or agency.

29 3. Any federal order of protection, other judicial  
30 order issued by a federal court, or federal executive order  
31 that is a red flag law or otherwise directs the confiscation  
32 of any firearm, firearm accessory, or ammunition from any  
33 law-abiding citizen within the borders of this state shall  
34 be considered an infringement on the people's right to keep  
35 and bear arms, as guaranteed by Amendment II of the  
36 Constitution of the United States and Article I, Section 23  
37 of the Constitution of Missouri, and an infringement upon a  
38 citizen's right to due process, as guaranteed by Amendments  
39 V and XIV of the Constitution of the United States and  
40 Article I, Section 10 of the Constitution of Missouri. Any  
41 such order shall not be enforced in this state.

42 4. No state agency, political subdivision, or state or  
43 local law enforcement agency shall receive any federal  
44 moneys for the purpose of enforcing any federal statute,  
45 federal rule, federal executive order, or federal judicial  
46 order or findings or for the purpose of enforcing any state  
47 statute, state rule, state executive order, or state  
48 judicial order or findings that would have the effect of  
49 enforcing a red flag law against a Missouri citizen.

50 5. No state entity or employee thereof, political  
51 subdivision or employee thereof, or other entity or person  
52 shall have the authority to enforce or attempt to enforce a  
53 red flag law regardless of the red flag law's origin or the  
54 authority of the issuing entity. This subsection shall not  
55 apply to any agent of the federal government enforcing a  
56 federal law or federal order.

57 6. (1) A political subdivision or state or local law  
58 enforcement agency that employs a law enforcement officer  
59 who knowingly acts to violate this section and enforce a red

60 flag law under the color of any state statute, state rule,  
61 state executive order, or state judicial order or finding  
62 shall be liable to the party against whom the red flag law  
63 was enforced in an action at law, suit in equity, or other  
64 proper proceeding for redress and shall be subject to a  
65 civil penalty of fifty thousand dollars per occurrence.

66 (2) Any person injured under this section shall have  
67 standing to pursue an action for injunctive relief in the  
68 circuit court of the county in which the action allegedly  
69 occurred or in the circuit court of Cole County. The  
70 attorney general shall also have standing to bring an action  
71 to enforce the provisions of this section.

72 (3) The court shall hold a hearing on any motion for a  
73 temporary restraining order or preliminary injunction within  
74 thirty days of service of a petition for the same.

75 (4) In an action brought under this section by a party  
76 against whom the red flag law was enforced, a court may  
77 order injunctive or other equitable relief, recovery of  
78 damages, other legal remedies, and payment of reasonable  
79 attorney's fees, costs, and expenses of the party. The  
80 relief and remedies set forth shall not be deemed exclusive  
81 and shall be in addition to any other relief or remedies  
82 permitted by law. The court may award the prevailing party,  
83 if not the state of Missouri or a political subdivision  
84 thereof, reasonable attorney's fees and costs.

85 (5) Sovereign immunity shall not be an affirmative  
86 defense to any action brought under this section."; and

87 Further amend said bill, page 4, Section 144.064, line  
88 25, by inserting after all of said line the following:

89 "Section B. Because immediate action is necessary to  
90 limit any overreach of the federal government's power and to  
91 protect citizens' rights to bear arms, the enactment of  
92 section 1.486 of this act is deemed necessary for the

93 immediate preservation of the public health, welfare, peace,  
94 and safety, and is hereby declared to be an emergency act  
95 within the meaning of the constitution, and the enactment of  
96 section 1.486 of this act shall be in full force and effect  
97 upon its passage and approval."; and

98 Further amend the title and enacting clause accordingly.