

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

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

Amend SS/Senate Bill No. 77, Page 1, Section A, Line 6,

2 by inserting after all of said line the following:

3 "21.750. 1. The general assembly hereby occupies and  
4 preempts the entire field of legislation touching in any way  
5 firearms, components, ammunition and supplies to the  
6 complete exclusion of any order, ordinance or regulation by  
7 any political subdivision of this state. Any existing or  
8 future orders, ordinances or regulations in this field are  
9 hereby and shall be null and void except as provided in  
10 subsection 3 of this section.

11 2. No county, city, town, village, municipality, or  
12 other political subdivision of this state shall adopt any  
13 order, ordinance or regulation concerning in any way the  
14 sale, purchase, purchase delay, transfer, ownership, use,  
15 keeping, possession, bearing, transportation, licensing,  
16 permit, registration, taxation other than sales and  
17 compensating use taxes or other controls on firearms,  
18 components, ammunition, and supplies except as provided in  
19 subsection 3 of this section.

20 3. [(1) Except as provided in subdivision (2) of this  
21 subsection,] Nothing contained in this section shall  
22 prohibit any ordinance of any political subdivision which  
23 conforms exactly with any of the provisions of sections  
24 571.010 to 571.070, with appropriate penalty provisions, [or  
25 which regulates the open carrying of firearms readily  
26 capable of lethal use] or the discharge of firearms within a

27 jurisdiction, provided such ordinance complies with the  
28 provisions of section 252.243. No ordinance shall be  
29 construed to preclude the use of a firearm in the defense of  
30 person or property, subject to the provisions of chapter 563.

31 [(2) In any jurisdiction in which the open carrying of  
32 firearms is prohibited by ordinance, the open carrying of  
33 firearms shall not be prohibited in accordance with the  
34 following:

35 (a) Any person with a valid concealed carry  
36 endorsement or permit who is open carrying a firearm shall  
37 be required to have a valid concealed carry endorsement or  
38 permit from this state, or a permit from another state that  
39 is recognized by this state, in his or her possession at all  
40 times;

41 (b) Any person open carrying a firearm in such  
42 jurisdiction shall display his or her concealed carry  
43 endorsement or permit upon demand of a law enforcement  
44 officer;

45 (c) In the absence of any reasonable and articulable  
46 suspicion of criminal activity, no person carrying a  
47 concealed or unconcealed firearm shall be disarmed or  
48 physically restrained by a law enforcement officer unless  
49 under arrest; and

50 (d) Any person who violates this subdivision shall be  
51 subject to the penalty provided in section 571.121.]

52 4. The lawful design, marketing, manufacture,  
53 distribution, or sale of firearms or ammunition to the  
54 public is not an abnormally dangerous activity and does not  
55 constitute a public or private nuisance.

56 5. No county, city, town, village or any other  
57 political subdivision nor the state shall bring suit or have  
58 any right to recover against any firearms or ammunition  
59 manufacturer, trade association or dealer for damages,

60 abatement or injunctive relief resulting from or relating to  
61 the lawful design, manufacture, marketing, distribution, or  
62 sale of firearms or ammunition to the public. This  
63 subsection shall apply to any suit pending as of October 12,  
64 2003, as well as any suit which may be brought in the  
65 future. Provided, however, that nothing in this section  
66 shall restrict the rights of individual citizens to recover  
67 for injury or death caused by the negligent or defective  
68 design or manufacture of firearms or ammunition.

69 6. Nothing in this section shall prevent the state, a  
70 county, city, town, village or any other political  
71 subdivision from bringing an action against a firearms or  
72 ammunition manufacturer or dealer for breach of contract or  
73 warranty as to firearms or ammunition purchased by the state  
74 or such political subdivision.

75 7. Any political subdivision who knowingly violates  
76 the provisions of section 21.750 or otherwise knowingly  
77 deprives a citizen of Missouri of the rights or privileges  
78 ensured by Amendment II of the Constitution of the United  
79 States or Article I, Section 23 of the Constitution of  
80 Missouri shall be liable to the injured party in an action  
81 at law, suit in equity, or other proper proceeding for  
82 redress, and subject to a civil penalty of fifty thousand  
83 dollars per occurrence. Any person injured under this  
84 section shall have standing to pursue an action for  
85 injunctive relief in the circuit court of the county in  
86 which the action allegedly occurred or in the circuit court  
87 of Cole County with respect to the actions of such  
88 individual. The court shall hold a hearing on the motion  
89 for temporary restraining order and preliminary injunction  
90 within thirty days of service of the petition.

91 8. In such actions, the court may award the prevailing  
92 party, other than the state of Missouri or any political

93 subdivision of the state, reasonable attorney's fees and  
94 costs.

95 9. Sovereign immunity shall not be an affirmative  
96 defense in any action pursuant to this section."; and

97 Further amend the title and enacting clause accordingly.