

# SENATE BILL NO. 135

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR FITZWATER.

0626S.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 nine new sections relating to additional protections to the right 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, 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1.480, and 1.485 as enacted by house bill nos. 85 & 310, one hundred first general assembly, first regular session, are repealed and nine new sections enacted in lieu thereof, to be known as sections 1.410, 1.420, 1.430, 1.440, 1.450, 1.460, 1.470, 1.480, and 1.485, to read as follows:

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

2. The general assembly finds and declares that:

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

(2) Acting through the Constitution of the United States, the people of the several states

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

18 created the federal government to be their agent  
19 in the exercise of a few defined powers, while  
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. Sections 1.410 to 1.485 shall be known and may  
2 be cited as the "Second Amendment Preservation Act".**

[1.420. The following federal acts, laws,  
2 executive orders, administrative orders, rules,  
3 and regulations shall be considered  
4 infringements on the people's right to keep and  
5 bear arms, as guaranteed by Amendment II of the  
6 Constitution of the United States and Article I,  
7 Section 23 of the Constitution of Missouri,  
8 within the borders of this state including, but  
9 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.]

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

8 (1) Any tax, levy, fee, or stamp imposed on firearms,  
9 firearm accessories, or ammunition not common to all other  
10 goods and services and that might reasonably be expected to  
11 create a chilling effect on the purchase or ownership of  
12 those items by law-abiding citizens;

13 (2) Any registration or tracking of firearms, firearm  
14 accessories, or ammunition;

15 (3) Any registration or tracking of the ownership of  
16 firearms, firearm accessories, or ammunition;

17 (4) Any act forbidding the possession, ownership, use,  
18 or transfer of a firearm, firearm accessory, or ammunition  
19 by law-abiding citizens; and

20 (5) Any act ordering the confiscation of firearms,  
21 firearm accessories, or ammunition 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.]

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

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

[1.450. No entity or person, including any  
2 public officer or employee of this state or any  
3 political subdivision of this state, shall have  
4 the authority to enforce or attempt to enforce  
5 any federal acts, laws, executive orders,  
6 administrative orders, rules, regulations,  
7 statutes, or ordinances infringing on the right

8 to keep and bear arms as described under section  
9 1.420. Nothing in sections 1.410 to 1.480 shall  
10 be construed to prohibit Missouri officials from  
11 accepting aid from federal officials in an  
12 effort to enforce Missouri laws.]

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

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

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

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

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

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

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

2 [1.470. 1. Any political subdivision or  
law enforcement agency that knowingly employs an



3 individual acting or who previously acted as an  
4 official, agent, employee, or deputy of the  
5 government of the United States, or otherwise  
6 acted under the color of federal law within the  
7 borders of this state, who has knowingly, as  
8 defined under section 562.016, after the  
9 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 any of the  
9 infringements identified in section 1.420; or

10 (2) Given material aid and support to the efforts of  
11 another who enforces or attempts to enforce any of the  
12 infringements identified in section 1.420;

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

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

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

33           **4. Sovereign immunity shall not be an affirmative**  
34 **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 1.410 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 1.410 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 1.410 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 1.410 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 1.410 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.

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