

Red sections are MSA suggestions.

Section A. Section 1.320, RSMo, is repealed and nine new sections enacted in lieu thereof, to be known as sections 1.410, 1.420, 1.430, 1.440, 1.450, 1.460, 1.470, 1.480, and 3 1.485, to read as follows: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 strongly promotes responsible gun ownership, including parental supervision of minors in the proper use, storage, and ownership of all firearms, the prompt reporting of stolen firearms, and the proper enforcement of all state gun laws. The general assembly of the state of Missouri hereby condemns any unlawful transfer of firearms and the use of any firearm in any criminal or unlawful activity;

(2) The general assembly supports all law enforcement activities that are necessary and proper to bring criminals to justice for terrorizing our citizenry. Absent the rule of law and law enforcement there would be only chaos and anarchy. The general assembly supports and encourages law enforcement to work with the federal government to fight crime by way of tasks forces to seize unlawful substances and property and to bring criminals to justice;

(3) The general assembly does not support the infringement of any lawful owner of a firearm that may be limited without due process of law that may be enacted by Presidential Executive Order signed on or after January 20, 2021;

1.420. The following federal executive orders, administrative orders, rules, and regulations enacted on or after January 20, 2021 without federal statutory basis shall be considered infringements on the people's right to keep and bear arms, as guaranteed by Amendment II of the Constitution of the United States and Article I, Section 23 of the Constitution of Missouri, within the borders of this state including, but not limited to:

(1) Any tax, levy, fee, or stamp imposed on firearms, firearm accessories, or ammunition not common to all other goods and services by law abiding citizens;

2) Any registration or tracking of firearms, firearm accessories, or ammunition by law-abiding citizens;

(3) Any registration or tracking of the owners of firearms, firearm accessories, or ammunition by law-abiding citizens;

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

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

1.440. The rights of law-abiding citizens to keep and bear arms within the borders of this state and to protect these rights from the infringements defined under section 1.420.

1.460. 1. A citizen of Missouri, who has their rights or privileges ensured by Amendment II of the Constitution of the United States or Article I, Section 23 of the Constitution of Missouri shall have

a cause of action against the President of the United States in a court of proper jurisdiction in an action at law, suit in equity, or other proper proceeding for redress.

2. In such actions, a court of proper jurisdiction may award the prevailing party, reasonable attorney's fees and costs. The state of Missouri or any political subdivision of the state is not subject to this provision.

3. Sovereign, official, or qualified immunity shall not be an affirmative defense in such actions.

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

(1) Enforces or attempts to enforce any of the infringements identified in section 1.420; or

(2) Gives material aid and support to the efforts of another who enforces or attempts to enforce any of the infringements identified in section 1.420 shall be subject to a civil penalty of ~~no less than~~ fifty thousand dollars per occurrence, which shall be paid to the school fund of the county where the action accrued as required by Missouri Constitution Article IX, Section 7.

2. Any Missouri citizen who believes that an individual has taken action that would violate the provisions of this section shall have standing to pursue an action for declaratory judgment in the circuit court of Cole County with respect to the actions of such individual. The attorney general shall defend the political subdivision or law enforcement agency.

3. If a court determines that an individual has taken any action in violation of the provisions of this section, the state of Missouri shall be required to pay the court costs and attorney's fees associated with the declaratory judgment action that resulted in the civil penalty. If a court determines the individual has taken was not in violation of the provisions of this section, then the party bringing the suit shall be required to pay the court costs and attorney's fees associated with the declaratory judgment action.

1.480. For sections 1.410 to 1.485, the term "law-abiding citizen" shall mean a person who is not otherwise precluded committing a crime under state or federal law from by possessing a firearm or firearm accessory and shall not be construed to include anyone who is not legally present in the United States or the state of Missouri. A law-abiding citizen does not include someone who is the subject of a warrant for arrest, a court order precluding ownership or possession of a firearm or accessory, or one who possesses a firearm or firearm accessory in violation of any criminal law.

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

[1.320. The general assembly of the state of Missouri strongly promotes responsible gun ownership, including parental supervision of minors in the proper use, storage, and ownership of all firearms, the prompt reporting of stolen firearms, and the proper enforcement of all state gun laws. The