

SECOND REGULAR SESSION

# HOUSE BILL NO. 2455

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES DAVIS (Sponsor), PARKINSON, SCHIEFFER, SCHLOTTACH, BURLISON, McGHEE, LARGENT, COX, WILSON (119), FISHER (125), NOLTE, SMITH (150), DIECKHAUS, SMITH (14) AND BIERMANN (Co-sponsors).

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D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 21, RSMo, by adding thereto four new sections relating to the Missouri firearms freedom act.

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

Section A. Chapter 21, RSMo, is amended by adding thereto four new sections, to be known as sections 21.740, 21.742, 21.744, and 21.746, to read as follows:

**21.740. Sections 21.740 to 21.746 shall be called and may be cited as the "Missouri Firearms Freedom Act".**

**21.742. As used in this section the following terms shall mean:**

- (1) "Borders of Missouri", the boundaries of Missouri described in section 2 of the Act of Admission of the state of Missouri;
- (2) "Firearm", any weapon which will or is designed to expel any projectile by the action of an explosive;
- (3) "Firearms accessories", items that are used in conjunction with or mounted upon a firearm but are not essential to the basic function of a firearm, including but not limited to telescopic or laser sights, magazines, flash or sound suppressors, ammunition carriers and lights for target illumination;
- (4) "Generic and insignificant parts", includes but is not limited to springs, screws, nuts and pins;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

12           (5) "Manufactured", that a firearm, a firearm accessory or ammunition has been  
13 created from basic materials for functional usefulness, including but not limited to forging,  
14 casting, machining or other processes for working materials.

21.744. 1. A personal firearm, a firearm accessory or ammunition that is  
2 manufactured commercially or privately in Missouri and that remains within the borders  
3 of Missouri is not subject to federal law or federal regulation, including regulation, under  
4 the authority of the United States Congress to regulate interstate commerce. It is declared  
5 by the Missouri legislature that those items have not traveled in interstate commerce. This  
6 section applies to a firearm, a firearm accessory or ammunition that is manufactured in  
7 Missouri from basic materials and that can be manufactured without the inclusion of any  
8 significant parts imported from another state or foreign country. Generic and insignificant  
9 parts that have other manufacturing or consumer product applications are not firearms,  
10 firearms accessories or ammunition, and their importation into Missouri and incorporation  
11 into a firearm, firearm accessory or ammunition manufactured in Missouri does not  
12 subject the firearm, firearm accessory or ammunition to federal regulation. It is declared  
13 by the Missouri legislature that basic materials, such as unmachined steel and unshaped  
14 wood, are not firearms, firearms accessories or ammunition under interstate commerce as  
15 if they were actually firearms, firearms accessories or ammunition. The authority of the  
16 United States Congress to regulate interstate commerce in basic materials does not include  
17 authority to regulate firearms, firearms accessories and ammunition made in Missouri  
18 from those basic materials. Firearms accessories that are imported into Missouri from  
19 another state and that are subject to federal regulation as being in interstate commerce do  
20 not subject a firearm to federal regulation under interstate commerce because the firearm  
21 accessory is attached to or used in conjunction with a firearm in Missouri.

22           2. Subsection 1 of this section does not apply to:

23           (1) A firearm that can not be carried and used by one person;

24           (2) A firearm that has a bore diameter greater than one and one-half inches and  
25 that uses smokeless powder, not black powder, as a propellant;

26           (3) Ammunition with a projectile that explodes using an explosion of chemical  
27 energy after the projectile leaves the firearm; or

28           (4) A firearm that discharges two or more projectiles sequentially with one  
29 activation of the trigger or other firing device.

30           3. A firearm manufactured or sold in Missouri under this act shall have the words  
31 "Made in Missouri" clearly stamped on a central metallic part, such as the receiver or  
32 frame.

**21.746. The legislature declares that the authority for sections 21.740 to 21.746 is the following:**

**(1) Amendment X of the Constitution of the United States guarantees to the states and their people all powers not granted to the federal government elsewhere in the constitution and reserves to the state and the people of Missouri certain powers as they were understood at the time that Missouri was admitted to statehood in 1821. The guaranty of those powers is a matter of contract between the state and people of Missouri and the United States as of the time the Act of Admission was agreed upon and adopted by Missouri and the United States in 1820;**

**(2) Amendment IX of the Constitution of the United States guarantees to the people rights not granted in the constitution and reserves to the people of Missouri certain rights, as they were understood at the time Missouri was admitted to statehood in 1821. The guaranty of those rights is a matter of contract between the state and people of Missouri and the United States as of the time of the Act of Admission was agreed upon and adopted by Missouri and the United States in 1820;**

**(3) The regulation of intrastate commerce is vested under Amendments IX and X of the Constitution of the United States, particularly if not expressly preempted by federal law. Congress has not expressly preempted state regulation of intrastate commerce pertaining to the manufacture on an intrastate basis of firearms, firearms accessories and ammunition;**

**(4) Amendment II of the Constitution of the United States reserves to the people the right to keep and bear arms as that right was understood at the time Missouri was admitted to statehood in 1821, and the guaranty of the right is a matter of contract between the state and people of Missouri and the United States as of the time the Act of Admission was agreed upon and adopted by Missouri and the United States in 1820;**

**(5) Article I, section 23, Constitution of Missouri clearly secures to Missouri citizens the right to keep and bear arms.**

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