

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 75, Page 1, Section A, Line 6, by inserting
2 after all of said section the following:

3 "1.320. 1. This section shall be known and may be cited as the "Second Amendment
4 Preservation Act".

5 2. The general assembly finds and declares that:

6 (1) The general assembly of the state of Missouri is firmly resolved to support and defend
7 the United States Constitution against every aggression, either foreign or domestic, and the general
8 assembly is duty bound to watch over and oppose every infraction of those principles which
9 constitute the basis of the Union of the States, because only a faithful observance of those principles
10 can secure the nation's existence and the public happiness;

11 (2) Acting through the United States Constitution, the people of the several states created the
12 federal government to be their agent in the exercise of a few defined powers, while reserving to the
13 state governments the power to legislate on matters which concern the lives, liberties, and properties
14 of citizens in the ordinary course of affairs;

15 (3) The limitation of the federal government's power is affirmed under the Tenth
16 Amendment to the United States Constitution, which defines the total scope of federal power as
17 being that which has been delegated by the people of the several states to the federal government,
18 and all power not delegated to the federal government in the Constitution of the United States is
19 reserved to the states respectively, or to the people themselves;

20 (4) Whenever the federal government assumes powers that the people did not grant it in the
21 Constitution, its acts are unauthoritative, void, and of no force;

22 (5) The several states of the United States of America are not united on the principle of
23 unlimited submission to their federal government. If the government created by the compact among
24 the states were the exclusive or final judge of the extent of the powers granted to it by the
25 Constitution, the federal government's discretion, and not the Constitution, would be the measure of
26 those powers. To the contrary, as in all other cases of compacts among powers having no common
27 judge, each party has an equal right to judge itself, as well as infractions of the mode and measure of
28 redress. Although the several states have granted supremacy to laws and treaties made pursuant to
29 the powers granted in the Constitution, such supremacy does not apply to various federal statutes,
30 orders, rules, regulations, or other actions which restrict or prohibit the manufacture, ownership, and
31 use of firearms, firearm accessories, or ammunition exclusively within the borders of Missouri; such

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1 statutes, orders, rules, regulations, and other actions exceed the powers granted to the federal
 2 government except to the extent they are necessary and proper for the government and regulation of
 3 the land and naval forces of the United States or for the organizing, arming, and disciplining of
 4 militia forces actively employed in the service of the United States Armed Forces;

5 (6) The people of the several states have given Congress the power "to regulate commerce
 6 with foreign nations, and among the several states, and with the Indian tribes", but "regulating
 7 commerce" does not include the power to limit citizens' right to keep and bear arms in defense of
 8 their families, neighbors, persons, or property, or to dictate to what sort of arms and accessories
 9 law-abiding mentally competent Missourians may buy, sell, exchange, or otherwise possess within
 10 the borders of this state;

11 (7) The people of the several states have also given Congress the power "to lay and collect
 12 taxes, duties, imports, and excises, to pay the debts, and provide for the common defense and general
 13 welfare of the United States" and "to make all laws which shall be necessary and proper for carrying
 14 into execution the powers vested by the Constitution in the government of the United States, or in
 15 any department or officer thereof". These constitutional provisions merely identify the means by
 16 which the federal government may execute its limited powers and ought not to be so construed as
 17 themselves to give unlimited powers because to do so would be to destroy the balance of power
 18 between the federal government and the state governments. We deny any claim that the taxing and
 19 spending powers of Congress can be used to diminish in any way the people's right to keep and bear
 20 arms; and

21 (8) The people of Missouri have vested the general assembly with the authority to regulate
 22 the manufacture, possession, exchange, and use of firearms within this state's borders, subject only to
 23 the limits imposed by the Second Amendment to the United States Constitution and the Missouri
 24 Constitution.

25 3. (1) All federal acts, laws, orders, rules, and regulations, whether past, present, or future,
 26 which infringe on the people's right to keep and bear arms as guaranteed by the Second Amendment
 27 to the United States Constitution and Article I, Section 23 of the Missouri Constitution shall be
 28 invalid in this state, shall not be recognized by this state, shall be specifically rejected by this state,
 29 and shall be considered null and void and of no effect in this state.

30 (2) Such federal acts, laws, orders, rules, and regulations include, but are not limited to:

31 (a) The provisions of the federal Gun Control Act of 1934;

32 (b) The provisions of the federal Gun Control Act of 1968;

33 (c) Any tax, levy, fee, or stamp imposed on firearms, firearm accessories, or ammunition not
 34 common to all other goods and services which could have a chilling effect on the purchase or
 35 ownership of those items by law-abiding citizens;

36 (d) Any registering or tracking of firearms, firearm accessories, or ammunition which could
 37 have a chilling effect on the purchase or ownership of those items by law-abiding citizens;

38 (e) Any registering or tracking of the owners of firearms, firearm accessories, or ammunition
 39 which could have a chilling effect on the purchase or ownership of those items by law-abiding
 40 citizens;

41 (f) Any act forbidding the possession, ownership, or use or transfer of any type of firearm,

1 firearm accessory, or ammunition by law-abiding citizens; and

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

4 4. It shall be the duty of the courts and law enforcement agencies of this state to protect the
5 rights of law-abiding citizens to keep and bear arms within the borders of this state and from the
6 infringements in subsection 3 of this section.

7 5. No public officer or employee of this state shall have any authority to enforce or attempt
8 to enforce any of the infringements on the right to keep and bear arms included in subsection 3 of
9 this section.

10 6. Any official, agent, or employee of the United States government who enforces or
11 attempts to enforce any of the infringements on the right to keep and bear arms included in
12 subsection 3 of this section is guilty of a class A misdemeanor.

13 7. Any Missouri citizen who has been subject to an effort to enforce any of the infringements
14 on the right to keep and bear arms included in subsection 3 of this section shall have a private cause
15 of action for declaratory judgment and for damages against any person or entity attempting such
16 enforcement."; and

17
18 Further amend said bill by amending the title, enacting clause, and intersectional references
19 accordingly.