

SECOND REGULAR SESSION

HOUSE BILL NO. 2714

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BLACK (137).

5604H.02I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 21.750, RSMo, and to enact in lieu thereof one new section relating to protecting the right to keep and bear arms.

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

Section A. Section 21.750, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 21.750, to read as follows:

21.750. 1. The general assembly hereby occupies and preempts the entire field of legislation touching in any way firearms[,] **and firearm** components, ammunition, and supplies to the complete exclusion of any order, ordinance, or regulation by any political subdivision of this state. **The right to keep and bear arms commonly used for lawful defense shall not be infringed in this state. As used in this section, "arms commonly used for lawful defense" means any arm that enables a person to lawfully defend a home, person, family, or property with reliable precision and shall include all arms, compatible ammunition, and accessories that can lawfully be purchased by a civilian in this state.** Any existing or future orders, ordinances, or regulations in this field are hereby and shall be null and void except as provided in subsection 3 of this section.

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

3. (1) Except as provided in subdivision (2) of this subsection, nothing contained in this section shall prohibit any ordinance of any political subdivision which conforms exactly with any

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.

18 of the provisions of sections 571.010 to 571.070, with appropriate penalty provisions, or which
19 regulates the open carrying of firearms readily capable of lethal use or the discharge of firearms
20 within a jurisdiction, provided such ordinance complies with the provisions of section 252.243.

21 No ordinance shall be construed to preclude the use of a firearm in the defense of person or
22 property, subject to the provisions of chapter 563.

23 (2) In any jurisdiction in which the open carrying of firearms is prohibited by ordinance,
24 the open carrying of firearms shall not be prohibited in accordance with the following:

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

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

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

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

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

38 5. No county, city, town, village or any other political subdivision nor the state shall
39 bring suit or have any right to recover against any firearms or ammunition manufacturer, trade
40 association or dealer for damages, abatement or injunctive relief resulting from or relating to the
41 lawful design, manufacture, marketing, distribution, or sale of firearms or ammunition to the
42 public. This subsection shall apply to any suit pending as of October 12, 2003, as well as any
43 suit which may be brought in the future. Provided, however, that nothing in this section shall
44 restrict the rights of individual citizens to recover for injury or death caused by the negligent or
45 defective design or manufacture of firearms or ammunition.

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

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