

FIRST REGULAR SESSION

HOUSE BILL NO. 460

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MERIDETH.

0832H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 1.450, 1.460, and 1.470, RSMo, and to enact in lieu thereof one new section relating to the second amendment preservation act.

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

Section A. Sections 1.450, 1.460, and 1.470, RSMo, are repealed and one new section
2 enacted in lieu thereof, to be known as section 1.450, to read as follows:

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

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

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.

15 2. In such actions, the court may award the prevailing party, other than
 16 ~~the state of Missouri or any political subdivision of the state, reasonable~~
 17 ~~attorney's fees and costs.~~

18 3. ~~Sovereign immunity shall not be an affirmative defense in any~~
 19 ~~action pursuant to this section.]~~

2 ~~[1.470. 1. Any political subdivision or law enforcement agency that~~
 3 ~~knowingly employs an individual acting or who previously acted as an official,~~
 4 ~~agent, employee, or deputy of the government of the United States, or~~
 5 ~~otherwise acted under the color of federal law within the borders of this state,~~
 6 ~~who has knowingly, as defined under section 562.016, after the adoption of~~
 7 ~~this section:~~

8 ~~(1) Enforced or attempted to enforce any of the infringements~~
 9 ~~identified in section 1.420; or~~

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

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

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

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

27 ~~4. Sovereign immunity shall not be an affirmative defense in any~~
 28 ~~action pursuant to this section.]~~

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