

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By  
\_\_\_\_\_

1 AMEND House Committee Substitute for House Bill No. 2206, Page 32, Section 534.157, Line 3,  
2 by inserting after said section and line all of the following:  
3

4 "571.920. 1. In compliance with the Second Amendment of the Constitution of the United  
5 States and limited by decisions of the United States Supreme Court and federal law, any county, city  
6 not within a county, and city with more than four hundred thousand inhabitants and located in more  
7 than one county may, by ordinance duly enacted, regulate the possession, carrying, or transfer of  
8 firearms within the limits of the city or county notwithstanding any other provision of law, subject to  
9 the following:

10 (1) An ordinance authorizing the issuance of a permit or certificate may provide for the city  
11 or county to charge a fee that is sufficient to cover the costs of issuing permits or certificates but that  
12 does not exceed the costs therefor. Any permits or certificates issued in accordance with such  
13 ordinance shall not be valid for more than five years. The city or county may obtain background  
14 check information from the federal National Instant Criminal Background Check System or any  
15 other governmental agency providing such information service;

16 (2) Any ordinance adopted in accordance with this section may apply to nonresidents as  
17 well as residents of the city or county but shall recognize as valid any permit or certificate  
18 authorizing the possession or carrying of firearms issued by the county of residence of the permit  
19 holder or certificate holder. Any such ordinance shall also exempt any active duty or retired law  
20 enforcement officer who is currently certified as compliant with the peace officer standards and  
21 training required in this state, any full-time judge, and any person who is required to be armed as a  
22 condition of employment during active employment as a licensed security guard or as a government  
23 employee, including any member of the military; and

24 (3) Any ordinance adopted in accordance with this section may provide penalties for  
25 violation, but such penalties shall not exceed a fine of one thousand dollars or imprisonment in the

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1 county jail for a term exceeding one year, or both. Any such ordinance may also authorize a law  
 2 enforcement officer, upon probable cause, to seize any firearm in the possession of a person who is  
 3 ineligible by law to possess the firearm."; and

4  
 5 Further amend said bill, Page 37, Section 610.021, Line 141, by inserting after said section and line  
 6 all of the following:

7  
 8 ~~"[21.750. 1. The general assembly hereby occupies and preempts the entire field of~~  
 9 ~~legislation touching in any way firearms, components, ammunition and supplies to the complete~~  
 10 ~~exclusion of any order, ordinance or regulation by any political subdivision of this state. Any~~  
 11 ~~existing or future orders, ordinances or regulations in this field are hereby and shall be null and void~~  
 12 ~~except as provided in subsection 3 of this section.~~

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

18 ~~3. (1) Except as provided in subdivision (2) of this subsection, nothing contained in this~~  
 19 ~~section shall prohibit any ordinance of any political subdivision which conforms exactly with any of~~  
 20 ~~the provisions of sections 571.010 to 571.070, with appropriate penalty provisions, or which~~  
 21 ~~regulates the open carrying of firearms readily capable of lethal use or the discharge of firearms~~  
 22 ~~within a jurisdiction, provided such ordinance complies with the provisions of section 252.243. No~~  
 23 ~~ordinance shall be construed to preclude the use of a firearm in the defense of person or property,~~  
 24 ~~subject to the provisions of chapter 563.~~

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

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

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

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

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

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

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

17           6. ~~Nothing in this section shall prevent the state, a county, city, town, village or any other~~  
18 ~~political subdivision from bringing an action against a firearms or ammunition manufacturer or~~  
19 ~~dealer for breach of contract or warranty as to firearms or ammunition purchased by the state or~~  
20 ~~such political subdivision.]"~~; and

21  
22 Further amend said bill by amending the title, enacting clause, and intersectional references  
23 accordingly.