

HCS HBs 434 & 459 -- ANTI-RED FLAG GUN SEIZURE ACT

SPONSOR: Hardwick

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on General Laws by a vote of 9 to 4. Voted "Do Pass" by the Standing Committee on Rules-Legislative by a vote of 5 to 0.

The following is a summary of the House Committee Substitute for HBs 434 & 459.

This bill establishes the "Anti-Red Flag Gun Seizure Act".

For purposes of the bill, "red flag law" is defined as any gun control law, order, or measure that directs the seizure of any firearm, accessory, or ammunition of an individual, except persons lawfully in custody or persons who have been released after the execution of a bail bond after having been charged with a dangerous felony, or any Federal or State rule, statute, or judicial order that prohibits a Missouri citizen from owning or receiving any firearm, accessory, or ammunition or any order of removal for the surrender of any firearm, accessory, or ammunition of an individual, except persons lawfully in custody or persons who have been released after the execution of a bail bond after having been charged with a dangerous felony.

Any red flag law that directs the confiscation of any firearm, accessory, or ammunition from any law-abiding citizen, within the borders of Missouri, will be considered an infringement on the people's right to keep and bear arms as guaranteed by the State and Federal constitutions and can not be enforced within Missouri.

No State agency, political subdivision, or State or local law enforcement agency can receive any Federal funds for the purpose of enforcing any Federal law, order, or judicial finding for the purpose of enforcing any State statute, rule, order, or judicial finding that would have the effect of enforcing a red flag law against a Missouri citizen.

No entity or person, including a State entity or employee thereof, or political subdivision or employee thereof, will have the authority to enforce or attempt to enforce a red flag law regardless of the red flag law's origin or the authority of the issuing entity, except that this prohibition will not apply to any agent of the Federal government enforcing a Federal law or Federal order.

A political subdivision or State or local law enforcement agency that employs a law enforcement officer that knowingly violates the

provisions of this bill will be liable to the party against whom the red flag law was enforced and additionally will be subject to a civil penalty of \$50,000 per occurrence. The Attorney General will also have standing to bring an action to enforce the provisions of this section.

In any action brought under the provisions of this bill, a court can order injunctive or other equitable relief, recovery of damages, other legal remedies, and payment of reasonable attorney's fees, costs, and expenses of the party. Such relief will not be exclusive and additional relief or remedies can be awarded as otherwise permitted by law.

This bill contains an emergency clause.

This bill is the same as HB 2656 (2024).

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that the government shouldn't be able to punish citizens who have the propensity to commit a criminal act before they have actual committed a crime. Supporters further say that there is already too much governmental overreach into the area of guns, especially since our own government has historically misused laws to restrict gun ownership to certain groups of people for nefarious purposes.

Testifying in person for the bill were Representative Hardwick; Marcos Zelada-Rodas; Arnie Dienoff; Susan Myers; Carl Smart; and Missouri Firearms Coalition.

OPPONENTS: Those who oppose the bill say that Missouri has the fourth highest rate of gun violence, and that this bill will not reduce that level of violence. Opponents further say that red flag laws are critical anti-violence measures that help to protect citizens, especially when such laws assist officials to temporarily remove guns from people who might be dangerous.

Testifying in person against the bill were The City of St. Louis; and Kristin Bowen, Moms Demand Action For Gun Sense In America.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.