

HB 434 -- ANTI-RED FLAG GUN SEIZURE ACT

SPONSOR: Hardwick

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 of an individual without both the adjudication of a contested court case and a finding of probable cause that the individual is engaged or has engaged in criminal activity, or any Federal or State rule, statute, or judicial order that prohibits a Missouri citizen from owning or receiving any firearm, or any order of removal for the surrender of any firearm, unless such citizen is convicted of a violent felony or is otherwise disqualified pursuant to an order of protection or under Section 571.070, RSMo.

Any red flag law that directs the confiscation of any firearm from any law-abiding citizen within 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 may 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 a 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 may 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 may be awarded as otherwise permitted by law.

This bill contains an emergency clause.

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