

HB 1060 -- RIGHT TO BEAR ARMS

SPONSOR: Williams

This bill repeals sections of law know as the "Second Amendment Preservation Act" which were declared unconstitutional in United States v. Missouri.

The bill reestablishes the "Second Amendment Preservation Act" as follows.

This bill declares as invalid all federal laws that infringe on the right to bear arms under the Second Amendment to the U.S. Constitution and Article I, Section 23 of the Missouri Constitution. Some laws declared invalid under this bill include certain taxes, certain registration and tracking laws, certain prohibitions on the possession, ownership, use, or transfer of a specific type of firearm, and confiscation orders as provided in the bill.

The bill declares that it is the duty of the courts and law enforcement agencies to protect the rights of law-abiding citizens to keep and bear arms.

Under this bill, no public officer or state or local employee has the authority to enforce firearms laws declared invalid by the act. However, state employees may accept aid from federal officials in an effort to enforce Missouri laws. Sovereign immunity shall not be an affirmative defense under the bill.

Any public officer or state or local employee who tries to enforce the firearms law declared invalid by the bill or any person who acts under the color of law to deprive a Missouri citizen of rights or privileges ensured by the federal and state constitutions will be subject to a civil penalty of \$50,000 per employee hired by the law enforcement agency. In such an action attorney's fees and costs may be awarded.

Additionally, a person has standing to pursue an action for injunctive relief in the circuit court of the county in which the action allegedly occurred or in the circuit court of Cole County. The court must hold a hearing on the motion for a temporary restraining order and preliminary injunction within 30 days of service of the petition.

It is not a violation of this bill to provide aid to federal officials who are in pursuit of a suspect when there is a demonstrable criminal nexus with another state or county and the suspect is not a citizen of this state or is not present in this

state. It is not a violation of the bill to aid a federal prosecution for felony crimes involving a weapons violation against a person or for felony crimes involving a weapons violation and a controlled substance violation if the violation is a class A or B felony.

The provisions of this bill are applicable to offenses occurring on or after August 28, 2025.

This act contains a severability clause.

This bill is similar to SB 135 (2025).