

HCS HB 1175 -- REENACTING PORTION OF SECOND AMENDMENT PRESERVATION 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 7 to 2.

The following is a summary of the House Committee Substitute for HB 1175.

This bill establishes the "Second Amendment Preservation Act".

This bill declares a resolve to support and defend the US Constitution, while reserving for state government the power to legislate, and recognizing the limitations of the federal government's power. This bill also declares that the Missouri General Assembly promotes responsible gun ownership and the proper enforcement of all state gun laws, and condemns unlawful transfers of firearms.

This bill further holds that all Federal laws or regulations that infringe upon the Second Amendment will be invalid in Missouri. It will be the duty of the courts and law enforcement of Missouri to protect these rights.

No entity or person will have the authority to enforce Federal acts that infringe upon the Second Amendment. Any political subdivision that employs a law enforcement officer who knowingly violates these provisions will be subject to a civil penalty of \$50,000 per occurrence. Any person whose Second Amendment rights are injured can pursue injunctive relief, and a court may issue a temporary restraining order. If such legal action is taken, sovereign immunity will not be an affirmative defense.

Any political subdivision or law enforcement agency that knowingly employs an individual who infringes a citizen's Second Amendment rights, or who gives material aid and support to another who infringes a citizen's Second Amendment rights will be subject to a civil penalty of \$50,000 per employee, but multiple actions relating to the same course of conduct must not subject the political subdivision or law enforcement agency to penalties that total more than \$50,000 for each employee involved in the course of conduct. If such legal action is taken, sovereign immunity will not be an affirmative defense.

It will not be considered a violation of law to provide material aid to federal prosecution for:

(1) Felony crimes against a person when such prosecution includes weapons violations substantially similar to those found in existing Missouri criminal law statutes, so long as such weapons violations are merely ancillary to such prosecution; or

(2) Class A or Class B felony violations substantially similar to those found in Missouri criminal statute when such prosecution includes weapons violations that are merely ancillary to such prosecutions.

The provisions in this bill will be applicable to offenses occurring on or after August 28, 2025.

This bill is similar to HB 1060 (2025); and SB 135 (2025) .

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 this bill protects Missouri citizens' Second Amendment rights, and that it promotes the virtues of the Tenth Amendment. Supporters further say that states have the right to enact and enforce their own gun laws, and should not be required to enforce federal laws that counteract state law, especially in areas that the federal government has no business entering into.

Testifying in person for the bill were Representative Hardwick; Arnie Dienoff; Ron Calzone, Missouri First, Inc.; Susan Myers; Missouri Firearms Coalition.

OPPONENTS: There was no opposition voiced to the committee.

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.