

HCS HB 1175 -- REENACTING PORTION OF SECOND AMENDMENT PRESERVATION ACT (Hardwick)

COMMITTEE OF ORIGIN: Standing Committee on General Laws

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.

The bill prohibits a political subdivision or law enforcement agency from discriminatory practices in the hiring of an individual whose Federal service was as a member of the U.S. Armed Services.

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.