

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 6449H.011
 Bill No.: HB 3070
 Subject: Firearms; Weapons; Civil Penalties; Federal - State Relations
 Type: Original
 Date: March 3, 2026

Bill Summary: This proposal reestablishes the Second Amendment Preservation Act.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND

FUND AFFECTED	FY 2027	FY 2028	FY 2029
General Revenue*	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
Total Estimated Net Effect on General Revenue	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

*Oversight assumes the total state fiscal impact could exceed \$250,000 due to the potential for civil action and the addition of a civil penalty of \$50,000 per occurrence for any violation of §§1.461 and 1.471.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS

FUND AFFECTED	FY 2027	FY 2028	FY 2029
State Legal Expense Fund (1692)**	\$0	\$0	\$0
Other State Funds***	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
Colleges and Universities***	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
Total Estimated Net Effect on Other State Funds	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

**Transfers and distributions net to zero.

***The potential fiscal impact to various state funds (and local political subdivisions) stems from a new cause of action that can be brought against the state and other entities in §§1.461 and 1.471.

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS

FUND AFFECTED	FY 2027	FY 2028	FY 2029
Federal Funds*	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

*Oversight assumes the fiscal impact to federal funds could reach the \$250,000 threshold.

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)

FUND AFFECTED	FY 2027	FY 2028	FY 2029
Total Estimated Net Effect on FTE	0	0	0

- Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS

FUND AFFECTED	FY 2027	FY 2028	FY 2029
Local Government	\$0 or Unknown to (Unknown)	\$0 or Unknown to (Unknown)	\$0 or Unknown to (Unknown)

**Fine revenue from violations and potential litigation costs.

FISCAL ANALYSIS

ASSUMPTION

Repeals §§1.410, 1.420, 1.430, 1.440, 1.450, 1.460, 1.470, 1.480, and 1.485 and Implements §§1.411, 1.421, 1.461, 1.471, 1.481, and 1.484 – Right to Bear Arms

Officials from the **Office of Administration** state §§1.461 and 1.471 create provisions and damages relating to firearm deprivation and includes a waiver of sovereign immunity for actions brought under this section. This has the potential to increase costs to the LEF but would be subject to judicial construction; therefore, the cost is unknown.

Oversight does not have any information contrary to that provided by OA. Therefore, Oversight will reflect OA's potential unknown impact for fiscal note purposes to the State Legal Expense Fund. Oversight notes the Legal Expense Fund is funded by the General Revenue Fund as well as other state funds. Oversight notes this possible litigation exposure as described by OA could also apply to colleges and universities, federal funds, as well as local political subdivisions.

Officials from the **Office of Administration - Budget and Planning** state Article IX, Section 7 of the Missouri Constitution requires that penalties, forfeitures, and fines collected for violations of state law be distributed to the schools. To the extent any additional such revenues are deposited into the state treasury, TSR may increase.

Oversight notes that violations of §§1.461 and 1.471 could result in a civil penalty of \$50,000 per occurrence. Oversight also notes per Article IX Section 7 of the Missouri Constitution fines and penalties collected by counties are distributed to school districts. Fines vary widely from year to year and are distributed to the school district where the violation occurred. Oversight will reflect a positive fiscal impact of \$0 or Unknown to local school districts. For simplicity, Oversight will not reflect the possibility that fine revenue paid to school districts may act as a subtraction in the foundation formula.

Officials from the **Department of Corrections (DOC)** state this proposal reestablishes the Second Amendment Preservation Act.

Section 1.421 is created, stipulating that no tax or registration shall be imposed on firearms; section 1.461 is created, stipulating any law enforcement agency that employs a law enforcement officer who knowingly violates section 1.421 shall be liable; and section 1.471 is created, stipulating any law enforcement agency that employs a law enforcement officer who previously violated section 1.421 shall be liable.

The DOC assumes a \$0 impact; however, sections 1.461 and 1.471 could create an increase in legal claims against the department. Should this occur, the department could see significant fiscal and operational impacts.

Officials from the **Department of Public Safety - Missouri State Highway Patrol (MHP)** state the proposal would not have a direct fiscal impact on their organization. The Patrol has concerns that this proposal purports to require state peace officers to prohibit acts of the federal government the proposal deems unconstitutional. Such acts would likely subject the Patrol to severe federal liability both civilly and criminally where such declarations are reserved to the federal branch of government under the US Constitution's Supremacy Clause.

Officials from the **City of Kansas City** state the proposed legislation has a negative fiscal impact of an indeterminate amount as it increases the city's potential liability.

Officials from the **Attorney General's Office, Department of Labor and Industrial Relations, Department of Revenue, Department of Public Safety - Missouri Veterans Commission, Department of Social Services, Missouri Department of Conservation, Missouri National Guard, Office of the State Public Defender, Phelps County Sheriff, Kansas City Police Department, and St. Louis County Police Department** each assume the proposal will have no fiscal impact on their respective organizations.

In response to similar legislation, SB 858 (2026), officials from the **Office of the State Courts Administrator** assumed the proposal will have no fiscal impact on their organization.

In response to similar legislation from 2025 (Perfecting HCS HB 1175), officials from the **Missouri Office of Prosecution Services** assumed the proposal will have no fiscal impact on their organization.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other cities, counties, and local law enforcement were requested to respond to this proposed legislation but did not. Upon the receipt of additional responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval to publish a new fiscal note. A general listing of political subdivisions included in our database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029
GENERAL REVENUE			
<u>Transfer Out</u> – to the State Legal Expense Fund – OA (§§1.411 to 1.484) Potential increase in litigation p.3	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>
STATE LEGAL EXPENSE FUND (1692)			
<u>Transfer In</u> – from General Revenue and other State and Federal funds p.3	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<u>Cost</u> – OA (§§1.411 to 1.484) Potential increase in litigation p.3	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>
ESTIMATED NET EFFECT ON THE STATE LEGAL EXPENSE FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
OTHER STATE FUNDS			
<u>Transfer Out</u> – to the State Legal Expense Fund – OA (§§1.411 to 1.484) Potential increase in litigation p.3	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>
ESTIMATED NET EFFECT OTHER STATE FUNDS	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>
COLLEGES AND UNIVERSITIES			
<u>Cost</u> – (§§1.411 to 1.484) Potential increase in litigation p.3	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>
ESTIMATED NET EFFECT ON COLLEGES AND UNIVERSITIES	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>

<u>FISCAL IMPACT – State Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029
FEDERAL FUNDS			
<u>Cost</u> - (§§1.411 to 1.484) Potential increase in litigation p.3	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>
ESTIMATED NET EFFECT TO FEDERAL FUNDS	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029
LOCAL POLITICAL SUBDIVISIONS			
<u>Revenue Gain</u> – School districts (§§1.461 and 1.471) Fines from violations p.3	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<u>Cost</u> - (§§1.411 to 1.484) Potential increase in litigation and/or civil penalty costs p.3	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	\$0 or Unknown to <u>(Unknown)</u>	\$0 or Unknown to <u>(Unknown)</u>	\$0 or Unknown to <u>(Unknown)</u>

FISCAL IMPACT – Small Business

No direct fiscal impact on small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

SECOND AMENDMENT PRESERVATION ACT

FINDINGS AND DECLARATIONS (Section 1.411)

This bill re-establishes the "Second Amendment Preservation Act" by repealing language deemed unconstitutional.

The bill states certain findings about the duties, powers, and role of both the Federal and state government, as described in the bill, including the right to bear arms, as described in the bill.

LIMITATION OF POWERS (Section 1.421)

This bill further states that no entity or person, including anyone employed by state or local government, has the authority to enforce any of the following Federal laws or regulations:

- (1) Any tax imposed on firearms or any related product that might reasonably be expected to create a chilling effect on the purchase or ownership of such goods;
- (2) Any registration or tracking of firearms;
- (3) Any registration or tracking of the ownership of firearms or any related product;
- (4) Any act forbidding the possession, ownership, use, or transfer of a firearm or any related product; and
- (5) Any act ordering the confiscation of firearms or any related products from law-abiding citizens.

Nothing will prohibit Missouri officials from accepting aid from Federal officials in an effort to enforce Missouri laws.

CIVIL PENALTY FOR VIOLATIONS (Section 1.461 and Section 1.471)

The bill requires any political subdivision or law enforcement agency that employs a law enforcement officer who knowingly violates these provisions or knowingly deprives a Missouri citizen their right to bear arms be subject to a civil penalty of \$50,000 per occurrence. Any person injured by such a violation will have standing to pursue injunctive relief, and the court must hold a hearing on such matters within 30 days.

Any political subdivision or law enforcement agency that employs someone who previously worked for the Federal government or who acts under the color of Federal law in Missouri, and who knowingly commits certain acts, as defined in the bill, will be subject to a civil penalty of \$50,000 per employee hired by the political subdivision or law enforcement agency. Each employee hired must subject the political subdivision or law enforcement agency to a separate civil penalty. Any person residing or conducting business in a jurisdiction who believes that an individual has violated these provisions must have standing to pursue injunctive relief, and the court must hold a hearing on such matters within 30 days.

EXCEPTION FOR PROVIDING MATERIAL AID (Section 1.481)

It will not be considered a violation of the provisions in this bill to provide material aid, as that term is defined in the bill, to Federal officials who are in pursuit of a suspect when there is a clear criminal connection with another state or country and such suspect is neither a Missouri citizen nor present in this State.

Additionally, this bill specifies it will not be considered a violation of the provisions in this bill 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 current law so long as such violations are merely ancillary to such prosecution; or

(2) Class A or Class B felony violations substantially similar to those found in current law so long as such violations are merely ancillary to such prosecution.

The provisions of this bill must be applicable to offenses occurring on or after August 28, 2026.

SEVERABILITY (Section 1.484)

If any provision in this bill is held invalid, such a determination must not affect those provisions that can be given effect without the invalidated provisions.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office
Department of Corrections
Department of Labor and Industrial Relations
Department of Revenue
Department of Public Safety –
 Missouri Highway Patrol
 Missouri Veterans Commission
Department of Social Services
Missouri Department of Conservation
Missouri National Guard
Office of Administration
Office of Administration - Budget and Planning
Office of the State Courts Administrator
Office of the State Public Defender
Missouri Office of Prosecution Services
City of Kansas City
Phelps County Sheriff
Kansas City Police Department
St. Louis County Police Department



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