

HCS HB 3105 -- FIREARMS

SPONSOR: Schulte

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Crime and Public Safety by a vote of 11 to 6.

The following is a summary of the House Committee Substitute for HB 3105.

This bill repeals language that was found to be unconstitutional from the "Second Amendment Preservation Act".

This bill states that public officials, employees, and agents of the State of Missouri and any of its political subdivisions have no authority to knowingly and willfully violate a law-abiding citizen's legal rights regarding firearms, firearm accessories, or ammunition. Nothing in the provisions of this bill will prohibit Missouri officials from accepting aid from Federal officials or rendering aid to Federal officials, nor will the provisions of this bill prohibit law enforcement from working on federal task forces.

If any law enforcement officer employed by a political subdivision or law enforcement agency commits certain acts, as specified in the bill, while acting under color of any state or federal law regarding a law-abiding citizen's constitutional rights to bear arms, the political subdivision or law enforcement agency must investigate such employee for potential discipline, as specified in the bill. If there is a finding that an officer knowingly and willfully violated clearly established constitutional rights, the employing agency must refer the matter to the Department of Public Safety for review by the Director of the Department for disciplinary action. The Attorney General or the prosecuting attorney of the county in the jurisdiction where an individual has taken action violating the provisions of the bill will have standing to pursue action for injunctive or other equitable relief in the circuit court in Cole County.

This bill also defines the term "law-abiding citizen" to mean a person who is not otherwise precluded from possessing a firearm and is legally present in the United States and in the State of Missouri.

This bill further states that providing material aid to Federal authorities in the investigation, arrest, detention, or prosecution of any person if there is reasonable suspicion to

believe that the person engaged in criminal conduct is not considered a violation of the provisions of this bill.

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 repeals language that was found to be unconstitutional from the Second Amendment Preservation Act (SAPA). Law enforcement officers have no authority to violate people's rights under the second amendment. This does not prohibit law enforcement officers from working on Federal task forces. The bill seeks to expand or define certain rights for law-abiding citizens. This will protect Missouri citizens from Federal overreach. The previous SAPA bill hurt gun owners and law enforcement officers. This bill does not do any of those things.

Testifying in person for the bill were Representative Schulte; Chris Degase, Missouri Sheriffs Constitutional Firearm Alliance; Chad Hartman; Chris Digiuseppi; and Jay Schroeder, Missouri Fraternal Order of Police.

**OPPONENTS:** Those who oppose the bill say that the original SAPA law was better in how it protected law-abiding citizens from Federal overreach but there is no mention in this bill of what is considered Federal overreach. There is no deterrent for officers finding people in violation, and there seems to be no recourse if there is overreach. "Not a danger to self or others" is a very vague and could be used against women by their abusers. It is very simple to make a call and say that a woman is depressed and is threatening suicide. And because these are ex parte, women can get their firearms and their CCWs pulled without their knowledge.

Testifying in person against the bill was Susan Myers.

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.