

## AN ACT

To amend chapter 1, RSMo, by adding thereto one new section relating to the Second Amendment preservation act, with a penalty provision.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
AS FOLLOWS:

Section A. Chapter 1, RSMo, is amended by adding thereto one new section, to be known as section 1.320, to read as follows:

1.320. 1. This section shall be known and may be cited as the "Second Amendment Preservation Act".

2. The general assembly finds and declares that:

(1) The general assembly of the state of Missouri is firmly resolved to support and defend the United States Constitution against every aggression, either foreign or domestic, and the general assembly is duty-bound to watch over and oppose every infraction of those principles which constitute the basis of the Union of the States, because only a faithful observance of those principles can secure the nation's existence and the public happiness;

(2) Acting through the United States Constitution, the people of the several states created the federal government to be their agent in the exercise of a few defined powers, while reserving to the state governments the power to legislate on matters which concern the lives, liberties, and properties of citizens in the ordinary course of affairs;

(3) The limitation of the federal government's power is affirmed under the Tenth Amendment to the United States

Constitution, which defines the total scope of federal power as being that which has been delegated by the people of the several states to the federal government, and all power not delegated to the federal government in the Constitution of the United States is reserved to the states respectively, or to the people themselves;

(4) Whenever the federal government assumes powers that the people did not grant it in the Constitution, its acts are unauthoritative, void, and of no force;

(5) The several states of the United States of America are not united on the principle of unlimited submission to their federal government. The government created by the compact among the states is not the exclusive or final judge of the extent of the powers granted to it by the Constitution, because that would have made the federal government's discretion, and not the Constitution, the measure of those powers. To the contrary, as in all other cases of compacts among powers having no common judge, each party has an equal right to judge itself, as well of infractions as of the mode and measure of redress. Although the several states have granted supremacy to laws and treaties made pursuant to the powers granted in the Constitution, such supremacy does not apply to various federal statutes, orders, rules, regulations, or other actions which restrict or prohibit the manufacture, ownership, and use of firearms, firearm accessories, or ammunition exclusively within the borders of Missouri; such statutes, orders, rules, regulations, and other actions exceed the powers granted to the federal government except to the extent they are necessary and proper for the



government and regulation of the land and naval forces of the United States or for the organizing, arming, and disciplining militia forces actively employed in the service of the United States Armed Forces;

(6) The people of the several states have given Congress the power "to regulate commerce with foreign nations, and among the several states, and with the Indian tribes", but "regulating commerce" does not include the power to limit citizens' right to keep and bear arms in defense of their families, neighbors, persons, or property, or to dictate to what sort of arms and accessories law-abiding mentally competent Missourians may buy, sell, exchange, or otherwise possess within the borders of this state;

(7) The people of the several states have also given Congress the power "to lay and collect taxes, duties, imports, and excises, to pay the debts, and provide for the common defense and general welfare of the United States" and "to make all laws which shall be necessary and proper for carrying into execution the powers vested by the Constitution in the government of the United States, or in any department or officer thereof". These constitutional provisions merely identify the means by which the federal government may execute its limited powers and ought not to be so construed as themselves to give unlimited powers because to do so would be to destroy the balance of power between the federal government and the state governments. We deny any claim that the taxing and spending powers of Congress can be used to diminish in any way the people's right to keep and bear arms;

(8) The people of Missouri have vested the general assembly

with the authority to regulate the manufacture, possession, exchange, and use of firearms within this state's borders, subject only to the limits imposed by the Second Amendment to the United States Constitution and the Missouri Constitution.

3. (1) All federal acts, laws, orders, rules, and regulations, whether past, present, or future, which infringe on the people's right to keep and bear arms as guaranteed by the Second Amendment to the United States Constitution and Article I, Section 23 of the Missouri Constitution shall be invalid in this state, shall not be recognized by this state, are specifically rejected by this state, and shall be considered null and void and of no effect in this state.

(2) Such federal acts, laws, orders, rules, and regulations include, but are not limited to:

(a) The provisions of the federal Gun Control Act of 1934;

(b) The provisions of the federal Gun Control Act of 1968;

(c) Any tax, levy, fee, or stamp imposed on firearms, firearm accessories, or ammunition not common to all other goods and services which could have a chilling effect on the purchase or ownership of those items by law-abiding citizens;

(d) Any registering or tracking of firearms, firearm accessories, or ammunition which could have a chilling effect on the purchase or ownership of those items by law-abiding citizens;

(e) Any registering or tracking of the owners of firearms, firearm accessories, or ammunition which could have a chilling effect on the purchase or ownership of those items by law-abiding citizens;

(f) Any act forbidding the possession, ownership, or use or

transfer of any type of firearm, firearm accessory, or ammunition by law-abiding citizens;

(g) Any act ordering the confiscation of firearms, firearm accessories, or ammunition from law-abiding citizens.

4. It shall be the duty of the courts and law enforcement agencies of this state to protect the rights of law-abiding citizens to keep and bear arms within the boarder of this state from the infringements in subsection 3 of this section.

5. No public officer or employee of this state shall have any authority to enforce or attempt to enforce any of the infringements on the right to keep and bear arms included in subsection 3 of this section.

6. Any official, agent, or employee of the United States government who enforces or attempts to enforce any of the infringements on the right to keep and bear arms included in subsection 3 of this section is guilty of a class A misdemeanor.

7. Any Missouri citizen who has been subject to an effort to enforce any of the infringements on the right to keep and bear arms included in subsection 3 of this section shall have a private cause of action for declaratory judgment and for damages against any person or entity attempting such enforcement.