

FIRST REGULAR SESSION

# HOUSE BILL NO. 1386

102ND GENERAL ASSEMBLY

---

---

INTRODUCED BY REPRESENTATIVE HOVIS.

2485H.011

DANA RADEMAN MILLER, Chief Clerk

---

---

## AN ACT

To repeal section 21.750, RSMo, and to enact in lieu thereof one new section relating to firearms, with penalty provisions.

---

---

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 21.750, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 21.750, to read as follows:

21.750. 1. The general assembly hereby occupies and preempts the entire field of legislation touching in any way firearms, components, ammunition and supplies to the complete exclusion of any order, ordinance or regulation by any political subdivision of this state. Any existing or future orders, ordinances or regulations in this field are hereby and shall be null and void except as provided in subsection 3 of this section.

2. No county, city, town, village, municipality, or other political subdivision of this state shall adopt any order, ordinance or regulation concerning in any way the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permit, registration, taxation other than sales and compensating use taxes or other controls on firearms, components, ammunition, and supplies except as provided in subsection 3 of this section.

3. (1) Except as provided in subdivision (2) of this subsection, nothing contained in this section shall prohibit any ordinance of any political subdivision which conforms exactly with any of the provisions of sections 571.010 to 571.070, with appropriate penalty provisions, or which regulates the open carrying of firearms readily capable of lethal use or the discharge of firearms within a jurisdiction, provided such ordinance complies with the

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 provisions of section 252.243. No ordinance shall be construed to preclude the use of a  
18 firearm in the defense of person or property, subject to the provisions of chapter 563.

19 (2) In any jurisdiction in which the open carrying of firearms is prohibited by  
20 ordinance~~], the open carrying of firearms shall not be prohibited in accordance with the~~  
21 ~~following]:~~

22 (a) Any person with a valid concealed carry endorsement or permit who is open  
23 carrying a firearm shall be required to have a valid concealed carry endorsement or permit  
24 from this state, or a permit from another state that is recognized by this state, in his or her  
25 possession at all times;

26 (b) Any person open carrying a firearm in such jurisdiction shall display his or her  
27 concealed carry endorsement or permit upon demand of a law enforcement officer;

28 (c) ~~[In the absence of any reasonable and articulable suspicion of criminal activity, no~~  
29 ~~person carrying a concealed or unconcealed firearm shall be disarmed or physically restrained~~  
30 ~~by a law enforcement officer unless under arrest]~~ **Any minor open carrying a firearm in**  
31 **violation of such ordinance shall have such firearm subject to temporary seizure by a**  
32 **law enforcement officer. If a law enforcement officer temporarily seizes any firearm**  
33 **under this paragraph, the law enforcement officer shall give the minor a receipt for each**  
34 **seized firearm. The receipt shall indicate the identification or serial number or other**  
35 **identifying characteristic of each seized firearm and the location the seized firearm may**  
36 **be claimed. The parent or legal guardian of a minor subject to temporary seizure of a**  
37 **firearm under this paragraph may claim any such firearm upon production of the**  
38 **issued receipt within thirty days; and**

39 (d) **Except as provided in paragraph (c) of this subdivision,** any person who  
40 violates this subdivision shall be subject to the penalty provided in section 571.121.

41 4. The lawful design, marketing, manufacture, distribution, or sale of firearms or  
42 ammunition to the public is not an abnormally dangerous activity and does not constitute a  
43 public or private nuisance.

44 5. No county, city, town, village or any other political subdivision nor the state shall  
45 bring suit or have any right to recover against any firearms or ammunition manufacturer, trade  
46 association or dealer for damages, abatement or injunctive relief resulting from or relating to  
47 the lawful design, manufacture, marketing, distribution, or sale of firearms or ammunition to  
48 the public. This subsection shall apply to any suit pending as of October 12, 2003, as well as  
49 any suit which may be brought in the future. Provided, however, that nothing in this section  
50 shall restrict the rights of individual citizens to recover for injury or death caused by the  
51 negligent or defective design or manufacture of firearms or ammunition.

52 6. Nothing in this section shall prevent the state, a county, city, town, village or any  
53 other political subdivision from bringing an action against a firearms or ammunition

54 manufacturer or dealer for breach of contract or warranty as to firearms or ammunition  
55 purchased by the state or such political subdivision.

✓