

## Summary

### SECOND AMENDMENT PRESERVATION ACT - Section 1.320

This act lists various declarations of the Missouri General Assembly regarding the United States Constitution and the scope of the federal government's authority. In addition, the act declares that federal supremacy does not apply to federal laws that restrict or prohibit the manufacture, ownership, and use of firearms, firearm accessories, or ammunition within the state because such laws exceed the scope of the federal government's authority. Laws necessary for the regulation of the land and the United States Armed Forces are excluded from the types of federal firearms laws that exceed federal authority. This act also declares that the General Assembly strongly promotes responsible gun ownership and condemns unlawful transfers of firearms and the use of a firearm in criminal or unlawful activity.

This act declares as invalid all federal laws that infringe on the right to bear arms under the Second Amendment to the U.S. Constitution and Article I, Section 23 of the Missouri Constitution. Some laws declared invalid under this act include certain taxes, certain registration and tracking laws, certain prohibitions on the possession, ownership, use, or transfer of a specific type of firearm, and confiscation orders.

The act declares that it is the duty of the courts and law enforcement agencies to protect the rights of law-abiding citizens to keep and bear arms.

Under this act, no public officer or state employee has the authority to enforce firearms laws declared invalid by the act.

Any person who acts under the color of law with wanton and willful disregard and deprives a Missouri citizen of rights or privileges ensured by the federal and state constitutions shall be liable for redress. In such an action attorney's fees and costs may be awarded, and official or qualified immunity shall not be available to the defendant as a defense.

### OPEN CARRY ORDINANCES - Section 21.750

This act provides that the open carrying of a firearm may not be prohibited by a political subdivision for any person with a valid concealed carry endorsement in his or her possession who presents such endorsement upon the demand of a law enforcement officer and the firearm is more than 16 inches in length. In addition, no person carrying a concealed or unconcealed handgun may be disarmed or physically restrained by a law enforcement officer unless under arrest or if there is no reasonable and articulable suspicion of criminal activity. Any person who violates these provisions may be issued a citation for up to \$35.

SCHOOL PROTECTION OFFICERS - Sections 160.665, 571.107, 590.010 to 590.207

This act allows a school district to designate one or more school teachers or administrators as a school protection officer. School protection officers are authorized to carry a concealed firearm, but must keep the firearm at all times on his or her person while on school property. Violation of this provision is a class B misdemeanor and may result in immediate removal of the protection officer from the classroom and commencement of employment termination proceedings.

School protection officers may detain any person the officer sees using force or violence upon another person or any person who the officer reasonably believes threatened to cause physical injury to another. Upon detention, the protection officer must immediately notify school administrators and school resource officers. If the person detained is a student, then the parents of the student must also be immediately notified.

Those seeking to be designated as school protection officers must make a request in writing to the superintendent of the school district along with proof of ownership of a valid concealed carry endorsement and a certificate of completion of a school protection officer training program.

The school district must notify the director of the Department of Public Safety of the designation of any school protection officer. The department must make a list of all school protection officers available to all law enforcement agencies.

This act requires the Peace Officer Standards and Training Commission to establish standards and curriculum for training of school protection officers. The director of the Department of Public Safety must develop, and make available to all school districts, a list of approved school protection officer training instructors, centers, and programs.

In order to attend a school protection officer training program, a person must submit to a criminal history background check and prove he or she has a valid concealed carry endorsement.

Any school employee who discloses identifying information about a school protection officer to anyone other than the director of the Department of Public Safety is subject to employment termination proceedings.

PERMISSION TO SERVE FEDERAL WARRANTS - 544.085, B

This act provides before serving a warrant issued by a

United States Court, the federal agent must notify the sheriff of the county where the warrant is to be served. This notice requirement is waived in situations of national security or defense.

A federal agent or employee may also file a petition with the associate circuit judge in the county where the warrant is to be served for a waiver of notifying the sheriff if the agent has belief that there has been previous breaches of confidentiality.

The provisions of this section shall become effective either by August 28, 2017 or upon the Revisor of Statutes receiving notification that at least four other states have enacted substantially similar language, whichever event occurs earlier.

#### NOTICE PRIOR TO SERVING ANY WARRANT - 544.086

The act specifies that prior to serving any warrant in the state of Missouri a state law enforcement must notify the sheriff in which the warrant is to be served.

#### HEALTH CARE PROFESSIONALS AND FIREARMS - Section 571.012

This act specifies that no licensed health care professional may be required by law to ask a patient whether he or she owns a firearm, document firearm ownership in a patient's medical records, or notify any governmental entity of the identity of a patient based solely on the patient's status as a firearm owner.

#### CONCEALED CARRY PERMITS - Sections 571.030, 571.101, & 571.117

Under current law, a person, who is not a member of the United States Armed Forces or honorably discharged from the armed forces, must be at least 21 years of age in order to qualify for a concealed carry endorsement. This act lowers the age to at least 19 years of age.

Any permit fees required for a concealed carry endorsement are waived for applicants who are disabled veterans.

#### UNLAWFUL POSSESSION - 571.070

Under the act, a person commits the offense of unlawful possession of a firearm if the person is illegally in the United States or was admitted into the country on a nonimmigrant visa.

This act is similar to HB 436 (2013) and SB 352 (2013).