

FIRST REGULAR SESSION

SENATE BILL NO. 217

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CROWELL.

Pre-filed January 2, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

0976S.011

AN ACT

To repeal section 21.750, RSMo, and to enact in lieu thereof one new section relating to firearm ordinances.

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Section A. Section 21.750, RSMo, is repealed and one new section enacted
2 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
2 field of legislation touching in any way firearms, components, ammunition and
3 supplies to the complete exclusion of any order, ordinance or regulation by any
4 political subdivision of this state. Any existing or future orders, ordinances or
5 regulations in this field are hereby and shall be null and void except as provided
6 in subsection 3 of this section.

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

13 3. Nothing contained in this section shall prohibit any ordinance of any
14 political subdivision which conforms exactly with any of the provisions of
15 [sections 571.010 to 571.070] **chapter 571**, RSMo, with appropriate penalty
16 provisions[, or which regulates the open carrying of firearms readily capable of
17 lethal use or the discharge of firearms within a jurisdiction].

18 4. The lawful design, marketing, manufacture, distribution, or sale of
19 firearms or ammunition to the public is not an abnormally dangerous activity and

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 does not constitute a public or private nuisance.

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

31 6. Nothing in this section shall prevent the state, a county, city, town,
32 village or any other political subdivision from bringing an action against a
33 firearms or ammunition manufacturer or dealer for breach of contract or warranty
34 as to firearms or ammunition purchased by the state or such political subdivision.

✓
Bill

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