

FIRST REGULAR SESSION

# SENATE BILL NO. 268

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR NIEVES.

Read 1st time February 6, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

1331S.01I

## AN ACT

To repeal section 21.750, RSMo, and to enact in lieu thereof one new section relating to ordinances adopted by political subdivisions regulating firearms.

*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Section A. Section 21.750, RSMo, is repealed and one new section enacted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 sections  
15 571.010 to 571.070, with appropriate penalty provisions, [or which regulates the  
16 open carrying of firearms readily capable of lethal use] or **which regulates** the  
17 discharge of firearms within a jurisdiction, provided such ordinance complies with  
18 the provisions of section 252.243, **and incorporates all the justification**  
19 **defenses provided under chapter 563.**

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

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

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

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

Bill ✓

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