

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS#3/SCS/Senate Bill No. 131, Page 1, Section Title, Lines 3-4,

2 by striking "tax relief"; and

3 Further amend said bill and page, Section A, line 3, by
4 inserting after all of said line the following:

5 "1.486. 1. This section shall be known and may be
6 cited as the "Anti-Red Flag Gun Seizure Act".

7 2. As used in this section, "red flag law" means:

8 (1) Any gun control law, order, or measure that
9 directs the temporary or permanent seizure of any firearm,
10 firearm accessory, or ammunition of an individual without
11 the adjudication of a contested court case; or

12 (2) Any federal statute, federal rule, federal
13 executive order, or federal judicial order or finding or any
14 state statute, state rule, state executive order, state
15 judicial order or finding that:

16 (a) Prohibits a Missouri citizen from owning,
17 possessing, transporting, transferring, or receiving any
18 firearm, firearm accessory, or ammunition unless the
19 individual has been convicted of a violent felony crime or
20 is otherwise disqualified under section 455.050 or 571.070;
21 or

22 (b) Orders the removal or requires the surrender of
23 any firearm, firearm accessory, ammunition from a Missouri
24 citizen unless the individual has been convicted of a
25 violent felony crime, is otherwise disqualified under
26 section 455.050 or 571.070, or is ordered to surrender any

27 firearm as part of a criminal investigation by a law
28 enforcement officer or agency.

29 3. Any federal order of protection, other judicial
30 order issued by a federal court, or federal executive order
31 that is a red flag law or otherwise directs the confiscation
32 of any firearm, firearm accessory, or ammunition from any
33 law-abiding citizen within the borders of this state shall
34 be considered an infringement on the people's right to keep
35 and bear arms, as guaranteed by Amendment II of the
36 Constitution of the United States and Article I, Section 23
37 of the Constitution of Missouri, and an infringement upon a
38 citizen's right to due process, as guaranteed by Amendments
39 V and XIV of the Constitution of the United States and
40 Article I, Section 10 of the Constitution of Missouri. Any
41 such order shall not be enforced in this state.

42 4. No state agency, political subdivision, or state or
43 local law enforcement agency shall receive any federal
44 moneys for the purpose of enforcing any federal statute,
45 federal rule, federal executive order, or federal judicial
46 order or findings or for the purpose of enforcing any state
47 statute, state rule, state executive order, or state
48 judicial order or findings that would have the effect of
49 enforcing a red flag law against a Missouri citizen.

50 5. No state entity or employee thereof, political
51 subdivision or employee thereof, or other entity or person
52 shall have the authority to enforce or attempt to enforce a
53 red flag law regardless of the red flag law's origin or the
54 authority of the issuing entity. This subsection shall not
55 apply to any agent of the federal government enforcing a
56 federal law or federal order.

57 6. (1) A political subdivision or state or local law
58 enforcement agency that employs a law enforcement officer
59 who knowingly acts to violate this section and enforce a red

60 flag law under the color of any state statute, state rule,
61 state executive order, or state judicial order or finding
62 shall be liable to the party against whom the red flag law
63 was enforced in an action at law, suit in equity, or other
64 proper proceeding for redress and shall be subject to a
65 civil penalty of fifty thousand dollars per occurrence.

66 (2) Any person injured under this section shall have
67 standing to pursue an action for injunctive relief in the
68 circuit court of the county in which the action allegedly
69 occurred or in the circuit court of Cole County. The
70 attorney general shall also have standing to bring an action
71 to enforce the provisions of this section.

72 (3) The court shall hold a hearing on any motion for a
73 temporary restraining order or preliminary injunction within
74 thirty days of service of a petition for the same.

75 (4) In an action brought under this section by a party
76 against whom the red flag law was enforced, a court may
77 order injunctive or other equitable relief, recovery of
78 damages, other legal remedies, and payment of reasonable
79 attorney's fees, costs, and expenses of the party. The
80 relief and remedies set forth shall not be deemed exclusive
81 and shall be in addition to any other relief or remedies
82 permitted by law. The court may award the prevailing party,
83 if not the state of Missouri or a political subdivision
84 thereof, reasonable attorney's fees and costs.

85 (5) Sovereign immunity shall not be an affirmative
86 defense to any action brought under this section."; and

87 Further amend said bill, page 4, Section 144.064, line
88 25, by inserting after all of said line the following:

89 "Section B. Because immediate action is necessary to
90 limit any overreach of the federal government's power and to
91 protect citizens' rights to bear arms, the enactment of
92 section 1.486 of this act is deemed necessary for the

93 immediate preservation of the public health, welfare, peace,
94 and safety, and is hereby declared to be an emergency act
95 within the meaning of the constitution, and the enactment of
96 section 1.486 of this act shall be in full force and effect
97 upon its passage and approval."; and

98 Further amend the title and enacting clause accordingly.