

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 436, Page 4, Section 1.320, Line 93, by
2 inserting after all of said section and line, the following:

3
4 "21.750. 1. The general assembly hereby occupies and preempts the entire field of
5 legislation touching in any way firearms, components, ammunition and supplies to the complete
6 exclusion of any order, ordinance or regulation by any political subdivision of this state. Any
7 existing or future orders, ordinances or regulations in this field are hereby and shall be null and void
8 except as provided in subsection 3 of this section.

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

14 3. (1) Except as provided in subdivision (2) of this subsection, nothing contained in this
15 section shall prohibit any ordinance of any political subdivision which conforms exactly with any of
16 the provisions of sections 571.010 to 571.070, with appropriate penalty provisions, or which
17 regulates the open carrying of firearms readily capable of lethal use or the discharge of firearms
18 within a jurisdiction, provided such ordinance complies with the provisions of section 252.243.

19 (2) In any jurisdiction in which open carry of firearms is prohibited by ordinance, open carry
20 of a firearm shall not be prohibited in accordance with the following:

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

24 (b) The open carrying of a firearm shall be limited to a firearm sixteen inches or less in
25 overall length;

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

28 (d) In the absence of any reasonable and articular suspicion of criminal activity, no person
29 carrying a concealed or unconcealed handgun shall be disarmed or physically restrained by a law
30 enforcement officer unless under arrest; and

31 (e) Any person who violates this subdivision shall be subject to the penalty provided in
32 section 571.121.

Action Taken _____ Date _____

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

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

12 6. Nothing in this section shall prevent the state, a county, city, town, village or any other
13 political subdivision from bringing an action against a firearms or ammunition manufacturer or
14 dealer for breach of contract or warranty as to firearms or ammunition purchased by the state or such
15 political subdivision."; and

16
17 Further amend said bill by amending the title, enacting clause, and intersectional references
18 accordingly.