

SECOND REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 173

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MOSLEY.

5734H.011

DANA RADEMAN MILLER, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing Section 23 of Article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to firearms, with penalty provisions.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2024, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to Article I of the Constitution of the state of Missouri:

Section A. Section 23, Article I, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as Section 23, to read as follows:

Section 23. ~~[That the right of every citizen to keep and bear arms, ammunition, and accessories typical to the normal function of such arms, in defense of his home, person, family and property, or when lawfully summoned in aid of the civil power, shall not be questioned. The rights guaranteed by this section shall be unalienable. Any restriction on these rights shall be subject to strict scrutiny and the state of Missouri shall be obligated to uphold these rights and shall under no circumstances decline to protect against their infringement. Nothing in this section shall be construed to prevent the general assembly from enacting general laws which limit the rights of convicted violent felons or those adjudicated by a court to be a danger to self or others as result of a mental disorder or mental infirmity.]~~

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

10 **In compliance with the Second Amendment of the Constitution of the United States and**
11 **limited by decisions of the United States Supreme Court and federal law, any county, the**
12 **city of St. Louis, and the city of Kansas City may, by ordinance duly enacted, regulate**
13 **the possession, carrying, or transfer of firearms within the limits of the city or county**
14 **notwithstanding any other provision of law, subject to the following:**

15 **(1) An ordinance authorizing the issuance of a permit or certificate may provide**
16 **for the city or county to charge a fee that is sufficient to cover the costs of issuing**
17 **permits or certificates but that does not exceed the costs therefor. Any permits or**
18 **certificates issued in accordance with such ordinance shall not be valid for more than**
19 **five years. The city or county may obtain background check information from the**
20 **federal National Instant Criminal Background Check System or any other**
21 **governmental agency providing such information service;**

22 **(2) Any ordinance adopted in accordance with this section may apply to**
23 **nonresidents as well as residents of the city or county but shall recognize as valid any**
24 **permit or certificate authorizing the possession or carrying of firearms issued by the**
25 **county of residence of the permit holder or certificate holder. Any such ordinance shall**
26 **also exempt any active duty or retired law enforcement officer who is currently certified**
27 **as compliant with the peace officer standards and training required in this state, any**
28 **full-time judge, and any person who is required to be armed as a condition of**
29 **employment during active employment as a licensed security guard or as a government**
30 **employee, including any member of the military; and**

31 **(3) Any ordinance adopted in accordance with this section may provide penalties**
32 **for violation, but such penalties shall not exceed a fine of one thousand dollars or**
33 **imprisonment in the county jail for a term exceeding one year, or both. Any such**
34 **ordinance may also authorize a law enforcement officer, upon probable cause, to seize**
35 **any firearm in the possession of a person who is ineligible by law to possess the firearm.**

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