

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for House Bill No. 602, Page 2, Section 1.1000, Line 26, by  
2 inserting after all of said section the following:

3  
4 "1.304. 1. This section shall be known and may be cited as the "Fundamental Freedom from  
5 Government Act".

6 2. Neither this state nor any political subdivision thereof shall infringe or unnecessarily  
7 restrict any citizen's fundamental rights to freely exercise his or her religion and to keep and bear  
8 arms.

9 3. (1) At all times during a state of emergency declared by the governor, religious services  
10 and activities of a religious organization shall be among those identified as essential needs and  
11 services and no rule, order, declaration, or direction of the state government shall treat any religious  
12 organization less favorably or more strictly than any other similarly situated organization in terms of  
13 function, service, assembly, size, or conduct. Any restriction of this right shall be subject to strict  
14 scrutiny.

15 (2) The state or any individual, agent, or entity acting under the authority of the state or any  
16 county, municipality, or any other political subdivision thereof shall obtain a declaratory court order  
17 establishing by clear and convincing evidence that the intended action does not unnecessarily violate  
18 any citizen's fundamental individual right or rights described in this subsection and is necessary to  
19 protect public safety before ordering or requiring any citizen or religious organization to cease,  
20 limit, or suspend any religious service, assembly, or function or imposing a fine or penalty for  
21 failure to comply with such order or requirement.

22 4. (1) Any restriction to the right of personal privacy to use sex-specific restrooms, spas,  
23 baths, showers, dressing rooms, locker rooms, or other intimate facilities or settings and the  
24 fundamental right to the free exercise of religious beliefs by any person, business, religious  
25 organization, or other organization in establishing sex-specific standards or policies concerning  
26 access to restrooms, spas, baths, showers, dressing rooms, locker rooms, or other intimate facilities  
27 or settings shall be subject to strict scrutiny. Nothing in this section shall be construed to prevent the  
28 state or any political subdivision thereof, any business, or any other entity from providing gender-  
29 neutral facilities that respect the fundamental rights of personal privacy and free exercise of  
30 religious beliefs.

31 (2) The state or any individual, agent, or entity acting under the authority of the state or any  
32 county, municipality, or any other political subdivision thereof shall obtain a declaratory court order  
33 establishing by clear and convincing evidence that the intended action does not unnecessarily violate  
34 the fundamental rights described in this subsection before ordering or requiring any person,  
35 business, organization, or religious organization to provide gender-neutral access to restrooms, spas,  
36 baths, showers, dressing rooms, locker rooms, or other intimate facilities or settings.

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1           5. (1) The fundamental right of every citizen to keep and bear arms, ammunition, and  
2 accessories typical to the normal function of such arms in defense of home, person, family, and  
3 property, and in protecting others when lawfully summoned in aid of the civil power shall not be  
4 infringed upon by this state or any political subdivision thereof. The private, individual, and  
5 collective rights of all citizens to keep and bear arms, ammunition, and accessories shall not be  
6 infringed upon. These rights shall remain unalienable and independent of all other individual and  
7 collective rights. The general assembly of the state of Missouri strongly promotes responsible gun  
8 ownership, including parental supervision of minors in the proper use, storage, and ownership of all  
9 firearms; prompt reporting of stolen firearms; and proper enforcement of all state gun laws. The  
10 general assembly of the state of Missouri hereby condemns any unlawful transfer of firearms and  
11 the use of any firearm in any criminal or unlawful activity. Arms, ammunition, and accessories  
12 protected by this section shall include, but not be limited to, arms, ammunition, and accessories  
13 commonly used to lawfully hunt; sport shoot; and defend home, property, self, and others. Any  
14 restriction of this right shall be subject to strict scrutiny. Nothing in this section shall be construed  
15 to prevent limits on the rights of convicted violent felons or those adjudicated by a court to be a  
16 danger to self or others as result of a mental disorder or mental infirmity.

17           (2) No state, county, municipal law enforcement authority shall be ordered or required to  
18 take any action that he or she reasonably believes to be in violation of law protecting the  
19 fundamental right of any citizen to keep and bear arms, ammunition, and accessories absent a  
20 declaratory court order establishing by clear and convincing evidence that the intended action does  
21 not unnecessarily violate any fundamental individual right or rights described in this subsection or is  
22 otherwise required by law. Nothing in this section shall be construed to prevent state and local law  
23 enforcement from operating jointly with other state, local, and federal authorities in task forces  
24 enforcing state and local criminal laws.

25           6. This section does not create any cause of action except for declaratory relief as set forth  
26 in this section nor does it prevent injunctive or declaratory relief for violation of this section.

27           7. All suits brought under this section shall be advanced on the court docket and heard and  
28 decided by the court as quickly as possible.

29           8. This section shall not be construed to preclude or limit any other relief available under  
30 federal or state law for deprivation or violation of constitutional or statutory rights or protections.

31           9. If in any action for declaratory or injunctive relief as set forth in this section or in any  
32 violation of this section the prevailing party is neither the state nor any of its political subdivisions,  
33 the prevailing party shall be entitled to recovery of reasonable attorney's fees and collection of court  
34 costs.

35           10. All political subdivisions of this state shall confine and restrict their jurisdiction and  
36 passage of ordinances to and in conformity with this section.

37           11. If any provision of this section or the application to any person or circumstance is held  
38 invalid, such determination shall not affect the provisions or applications of this section which may  
39 be given effect without the invalid provision or application, and to that end the provisions of this  
40 section are severable."; and

41  
42 Further amend said bill by amending the title, enacting clause, and intersectional references  
43 accordingly.