

SECOND REGULAR SESSION

# HOUSE JOINT RESOLUTION NO. 155

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SMITH (46).

5713H.011

DANA RADEMAN MILLER, Chief Clerk

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## 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.

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*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  
2 following the first Monday in November, 2024, or at a special election to be called by the  
3 governor for that purpose, there is hereby submitted to the qualified voters of this state, for  
4 adoption or rejection, the following amendment to Article I of the Constitution of the state of  
5 Missouri:

Section A. Section 23, Article I, Constitution of Missouri, is repealed and one new  
2 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  
2 accessories typical to the normal function of such arms, in defense of his home, person,  
3 family and property, or when lawfully summoned in aid of the civil power, shall not be  
4 questioned. The rights guaranteed by this section shall be unalienable. Any restriction on  
5 these rights shall be subject to strict scrutiny and the state of Missouri shall be obligated to  
6 uphold these rights and shall under no circumstances decline to protect against their  
7 infringement. Nothing in this section shall be construed to prevent the general assembly from  
8 enacting general laws which limit the rights of convicted violent felons or those adjudicated  
9 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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