



THE GAVEL

Legislative Update by Dan Smith

2007 MO Firearms-Related Legislation

Background

Firearms/2nd Amendment bills are plentiful in the Missouri Legislature this year. Several could have a positive impact for us, while some are the usual bunch of hogwash portrayed as “firearms safety” issues.

There’s good news and better news to report on a number of bills. First of all, not one bill considered to be “negative” by those likely to read this column has found its way out of Committee (either House or Senate) this legislative year; therefore, there’s no reason to take up space speaking ill of the dead or dying.

Each year, the various major gun rights organizations in Missouri (MSSA, GCLA, WMSA, and others) informally develop priorities for legislative initiatives. For 2007, the priorities that were identified and for which legislative sponsorship could be obtained were: an improved “self defense law (aka, Castle Doctrine), firearms protection in public emergencies (remember Hurricane Katrina and Mayor No-Gun’s storm troopers body slamming a little old lady to “appropriate” her firearm), and getting rid of a permission slip from “Momma Sheriff” every time you want to buy a handgun (the infamous Permit To Acquire). As of this writing (about two weeks before the NRA Annual Meeting in St. Louis), all 3 priorities are still alive and in various states of wellness in the Legislature. Here is a quick summary:

Castle Doctrine Legislation

A good self-defense law contains five basic concepts: what situations justify the use of deadly force to protect oneself or others, whether an individual may “stand their ground” or must seek other alternatives (duty to retreat) before employing deadly force, where an individual may employ deadly force if justified, the presumption of justifiability unless a prosecutor can establish otherwise, and immunity from civil prosecution if the use of deadly force was justified. Current MO law (RSMo 563) and existing case law fails the test on four of the five key points. Two bills were introduced in the Senate this year (SB 61 and 42), combined in Committee as **SBS 61**, and ultimately passed by the Senate by a margin of 32-2. On the House side, a strong Castle Doctrine bill, **HB 189**, passed by a margin of 143-4. The Senate Bill is weaker in the sense that it limits the “stand your ground” concept to home or car, while HB 189 is “everywhere you have a lawful right to be.” Each now sits in Committee in the opposite chamber awaiting action. Our goal is final passage of a bill (either HB 189 or an amended SBS 62) which does not limit an individual’s capacity to lawfully defend his or herself based on geography! **We believe that the support exists to pass a full-blown Castle Doctrine legislation this year, and Governor Blunt has already said he will sign a good bill. We’re not ready to settle for less!**

PTA Elimination Legislation

Both House and Senate sponsors introduced identical bills (**HB 462** and **SB 457**) which **totally eliminate** the Permit To Acquire (PTA) system. Both sailed through their respective Committees and await action on the House and Senate floors. It is important to note that **no one** spoke in

opposition to these bills at public hearings. Once again, however, the Senate has made matters a little tougher than they had to be. SB 457 came out of the Senate Judiciary Committee *merged with SB 217*, a bill designed to **revoke** county and municipal authority (granted under RSMo 21.750.2) to locally regulate the open carrying of firearms. (The House version of this open-carry/preemption issue is HB 1045 and has yet to be heard on the House floor.) SB 217 is not a “bad” bill, but it is bound to cause opposition to SB 457 overall which did not exist before the merger – counties and municipalities aren’t about to relinquish their capacity to regulate open carry without a fight. SB 457 may, as a result, have a tough road ahead in the Senate. HB 462 should pass the House easily and arrive in the Senate in plenty of time to be taken up in its “pure form.” (The fate of HB 1045 in the House is unknown.)

Firearms in Emergencies

Sponsors introduced identical bills in both chambers (**HB 669** and **SB 257**). They prohibit modifying firearms laws or seizing firearms during an emergency as was done in Louisiana. SB 257 passed the Senate by a margin of 30-4 and is anticipated to pass the House by a similar huge majority. It is likely passage will occur before the NRA Meeting. Once again, Governor Blunt has stated he will sign such legislation.

Prognosis

April is a key month for finalization of Missouri legislation. We also have the national Second Amendment spotlight on Missouri with the NRA Annual Meeting (April 12-15) occurring smack dab in the middle of the primetime MO legislative season. The Legislature adjourns in mid May and does not reconvene until January 2008...**an election year.** Our focus needs to be on the MO Senate where one vote either way means far more than the much larger House. Also, the last two weeks of the MO legislative year get taken up by big ticket and controversial dog fights between and within each legislative chamber. Bills like ours tend to get lost or shoved aside in that last minute melee.

Bottom line...this may be our best chance for the next two years...**or longer**, depending on the 2008 election. **We believe all 3 “priorities” can happen this year if everyone takes the time to contact their State Senators and Representatives NOW.** Our legislators need to know you’re in favor of these changes, that you won’t take “no” or “do nothing” for an answer, and that you have a long memory for who supports our Second Amendment rights. Please take the time to write, call or email...better yet, do all three...*politely and firmly.*

Legislation is the “art of the possible.” Passage of legislation is a cold calculation of the electoral cost of doing something or doing nothing. **YOU** are a big factor in that calculation, **IF** your voice is heard by those who represent you. Silence is consent to ignore important issues.

ACT NOW

Go to: www.senate.mo.gov/lookup/leg_lookup.asp

Find your Representative and Senator and speak up!

Track bill status here: www.house.mo.gov/jointsearch/

About the Author – Dan Smith is a retired corporate executive, full time real estate agent with his wife Suzanne, NRA Instructor (Pistol and Personal Protection), Chief Range Safety Officer, and an active concealed carry endorsement instructor. Dan is also Vice President of GCLA and heads its Legislative Committee. As an MSSA member, he is currently coordinator of MSSA volunteers for the NRA Annual Meeting.
