

**Veto Overridden - November 18, 2024**  
**See attached certification**

Floor Substitute  
October 14, 2024

**IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI**

**AN ORDINANCE** enacting section 5577., Jackson County Code, 1984, relating to possession of firearms and age restriction.

**ORDINANCE NO. 5865**, July 22, 2024

**INTRODUCED BY** Manuel Abarca IV, County Legislator

WHEREAS, on February 14, 2024, during the Chiefs' Championship Parade, a shooting was perpetrated that resulted in one death and twenty-two gunshot injuries; and,

WHEREAS, two of the alleged perpetrators of this heinous shooting were juveniles under the age of majority; and,

WHEREAS, the threat and reality of gun violence perpetrated by juvenile offenders is a growing and critical concern in Jackson County; and,

WHEREAS, it is the desire of the Jackson County Legislature to ensure the safety and security of all of Jackson County citizens; and,

WHEREAS, the Legislature desires to create a new section in Chapter 55 regarding possession of firearms and age restriction; now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, as follows:

Section A. Enacting Clause.

Section 5577., Jackson County Code, 1984, is hereby enacted, to read as follows:

5577. Firearms and Age Restriction.

Possession of a handgun or semiautomatic assault rifle by minor persons.

(1) A person under twenty-one years of age may not purchase a handgun or handgun ammunition, and, except as otherwise provided in this chapter, no person may sell or transfer a handgun or handgun ammunition to a person under twenty-one years of age.

(2) No person may recklessly sell, lease, loan, give or transfer any firearm to another person less than eighteen years of age without the express permission of that person's custodial parent or legal guardian.

(3) A person at least eighteen years of age, but less than twenty-one years of age, may not possess a semiautomatic assault rifle except under the following conditions are met:

(a) In attendance at a firearms safety course; or,

(b) Engaging in practice in the use of a firearm or target shooting at an established range authorized by the governing body of the jurisdiction in which such range is located or any other area where the discharge of a firearm is not prohibited; or,

(c) On real property under the control of his or her custodial parent, other relative, or legal guardian and who has the permission of the custodial parent or legal guardian to possess a firearm; or,

(d) Is a member of law enforcement, the armed forces of the United States, national guard, or organized reserves, when on duty.

Effective Date: This ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:

Bryan O. Dennis  
County Counselor

I hereby certify that the attached ordinance, Ordinance No. 5865 introduced on July 22, 2024, was duly passed on November 4, 2024 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 8                      Nays 0  
Abstaining 0                Absent 0  
Excused 1

This Ordinance is hereby transmitted to the County Executive for his signature.

11.4.2024  
Date

Mary Jo Spino  
Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 5865.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Frank White, Jr., County Executive

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**See attached certification**



## MARY JO SPINO

### CLERK OF THE COUNTY LEGISLATURE

415 EAST 12TH STREET, 2nd FLOOR  
KANSAS CITY, MO 64106  
(816) 881-3242  
FAX: (816) 881-3234

201 W. LEXINGTON, 2nd FLOOR  
INDEPENDENCE, MO 64050  
(816) 881-1626  
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State of Missouri        }  
County of Jackson       }       S.S.

I, Mary Jo Spino, Clerk of the County Legislature, within and for the County of Jackson, do hereby certify that Ordinance #5865 adopted by the County Legislature on November 4, 2024, was vetoed by the County Executive on November 14, 2024. The veto was overridden by a two-thirds vote of the Legislature on November 18, 2024.

Roll Call: Yes: 7 – Marshall, Anderson, Peyton, Arbarca IV, Huskey, Franklin and McGee  
No: 2 – Lauer and Smith

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County, at my office in Kansas City, Missouri this 20<sup>th</sup> day of November, 2024.

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Mary Jo Spino  
Clerk of the County Legislature



RECEIVED

NOV 14 2024

MARY JO SPINO  
COUNTY CLERK

MS.  
3:25 pm

**FRANK WHITE, JR.**  
Jackson County Executive

**Veto Message for Ordinance No. 5865**

**Date: November 14, 2024**

To the Honorable Members of the Jackson County Legislature,

I am returning Ordinance No. 5865 without my approval. My opposition to this ordinance has been clear from the outset, as stated in my July 29, 2024 letter. Despite recent amendments, this ordinance remains fundamentally flawed, unlawful, and counterproductive. Enacting it would mislead our residents, complicate law enforcement, and expose Jackson County to costly and unwinnable litigation.

I want to underscore that I am not reluctant to challenge the state on matters of public safety, especially when it comes to reducing gun violence. In 2021, Jackson County proudly joined forces with St. Louis City and County to oppose House Bill 85—a state law that recklessly restricted local law enforcement’s ability to cooperate with federal authorities on violent crime. Not only did we take a stand, but a federal judge has since suspended implementation of this law. Just as we were prepared to take on the state then, I remain committed to doing so when it is both necessary and legally sound.

**Key Issues with Ordinance No. 5865**

**1. Clear Violation of State Preemption Laws and Financial Implications**

Missouri’s preemption statute (Mo. Rev. Stat. § 21.750) prohibits local jurisdictions from enacting firearms regulations beyond those authorized by state law. Ordinance 5865 disregards this statute, imposing prohibitions unsupported by state or federal law. Our County Counselor’s Office has advised that this ordinance is unenforceable and would lead to costly, inevitable legal challenges, likely from the Missouri Attorney General’s Office. These challenges will ultimately drain taxpayer resources that could be better allocated to lawful, effective safety initiatives, while not making our community any safer for our residents.

**2. Contradictory and Embarrassing Scenarios**

This ordinance’s drafting introduces contradictory restrictions. Under this ordinance, minors under 18 could lawfully use firearms in specific cases, while adults aged 18-20 would be restricted from similar lawful activities, like hunting or target shooting. These discrepancies create an untenable legal landscape, risking confusion and undermining the County’s credibility.



**3. Unenforceable Restrictions on Handgun and Ammunition Purchases**

Ordinance 5865 attempts to restrict handgun purchases and ammunition for those under 21, conflicting with both federal and state laws that govern these transactions. While federal law prohibits licensed dealers from selling handguns to individuals under 21, it permits unlicensed sales within this age group. Ignoring these established regulations by violating Missouri's preemption statute does not enhance public safety—and may, unfortunately, have the opposite effect.

**4. Restrictions on Semiautomatic Assault Rifles**

This ordinance imposes restrictions on semiautomatic assault rifles for individuals aged 18-20, with no basis in state or federal law, and introduces contradictory scenarios by permitting firearm use for minors in certain situations. Such restrictions violate Missouri's preemption statute, making this section unenforceable and exposing the County to avoidable and unwinnable litigation.


**5. A Path Forward: Proven, Legally Sound Alternatives**

I remain committed to advancing effective, lawful public safety measures. I would gladly support an ordinance modeled after Kansas City's firearm code, which respects state preemption laws. Kansas City's code includes thoughtful definitions and clear exceptions that allow for effective enforcement without risking legal challenges. Adopting this approach would enable us to address gun violence pragmatically, in a way that upholds the law and preserves taxpayer resources.

Given these substantial issues, I urge the Legislature to reconsider and instead pursue policies that respect legal boundaries and maintain public trust. Jackson County must reject performative legislation and focus on sustainable, common-sense efforts to enhance safety. I cannot support an ordinance that knowingly conflicts with state law, invites litigation, and undermines responsible governance.

Attached are Kansas City's code provisions and the latest opinion from the County Counselor on this matter.

**Respectfully,**



Frank White, Jr.  
County Executive





## OFFICE OF THE COUNTY COUNSELOR

JACKSON COUNTY COURTHOUSE

415 E. 12TH STREET  
KANSAS CITY, MO 64106

816-881-3355  
FAX 816-881-3398

TO: Frank White, County Executive  
FROM: Bryan Covinsky, County Counselor *BC 11/12/2024*  
DATE: November 7, 2024  
RE: Opinion on Ordinance 5865 Firearms and Age restrictions.

The counselor's office has been requested to provide an updated opinion as to the legality of Ordinance 5865 that was passed before the legislature on November 4, 2024. The Ordinance relates to the possession of firearms with an age restriction for those under the age of 21. Specifically, it restricts the purchase of firearms by those under the age of 21 and provides limitations on possessing a firearm for those between the ages of 18 and 20.

Section 21.750, RSMO outlines the preemption statute on firearms legislation:

1. The general assembly hereby occupies and preempts the entire field of legislation touching in any way firearms, components, ammunition and supplies to the complete exclusion of any order, ordinance or regulation by any political subdivision of this state. Any existing or future orders, ordinances or regulations in this field are hereby and shall be null and void except as provided in subsection 3 of this section.
2. No county, city, town, village, municipality, or other political subdivision of this state shall adopt any order, ordinance or regulation concerning in any way the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permit, registration, taxation other than sales and compensating use taxes or other controls on firearms, components, ammunition, and supplies except as provided in subsection 3 of this section.

The State of Missouri adopted the preemption statute on firearms in 2014 which made any effort to prohibit the possession or purchase of firearms by any governmental subdivision in the State invalid if it did not conform with the state statutes outlined in sections 571.010 to 571.070 RSMO.

The first section of the ordinance 5865 expands the federal firearms code to all people who try to sell or transfer a firearm to a person under the age of 21. The federal law pertains to sales by firearms licensees and it only pertains to handgun or handgun

ammunition for persons under 21. Therefore this section is subject to a challenge of its validity.

The second section is consistent with the federal firearm laws and the Missouri statutes wherein permission has been provided by a parent or legal guardian.

The third section of the ordinance which outlines requirements for possession of semiautomatic assault rifles by a person with a specific age range of 18 to 20 years would be prohibited by the preemption statute outlined in the Missouri Statutes.

It is the opinion of the County Counselor that under the current Missouri State laws, specifically the exemption contained in RSMo §21.750, would make Ordinance 5865 unenforceable and also expose potential liability on behalf of Jackson County.



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**Sec. 50-272. Unlawful transfer of weapons; parental or guardian consent for delivery of a firearm to minors; failure to report stolen or lost firearm.**

(a) *Definitions.*

*Bullet-cartridge* means an object consisting of a cartridge case, primer, powder, and projectile arranged in such a way that the projectile can be expelled by the action of an explosion.

*Minor* means a person less than 18 years old.

*Recklessly* means a person who consciously disregards a substantial and unjustifiable risk that circumstances exist or that a result will follow, and such disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation.

(b) *Unlawful transfer of a weapon.* A person commits the unlawful transfer of a weapon if the person recklessly sells, leases, loans, gives away or delivers any firearm, which includes a bullet-cartridge, to a minor without the consent of the minor's custodial parent or guardian; provided, that this does not prohibit the delivery of such weapons to any peace officer or member of the Armed Forces or National Guard while performing the officer's or member's official duty.

(c) *Violation.* A person violating this section shall be guilty of an ordinance violation.

(d) *Penalty.* The punishment for violating any provision of this section shall be the same as the punishment for the ordinance violation of unlawful use of weapons, which is defined by sections 50-261 and 50-262.

(e) *Severability.* If any section, subsection, word, or phrase in this law is held unenforceable, invalid, or illegal, every other section, subsection, word, and phrase shall continue to have the full force and effect of law.

(Ord. No. 190661, § 1, 8-29-19; Ord. No. 230643, § 1, 8-10-23)

**Sec. 50-273. Unlawful possession of a handgun by a minor.**

(a) *Definitions.*

(1) *Concealed.* The word "concealed" means kept hidden or removed from sight and either on one's person or within a person's reach.

(2) *Handgun.* The word "handgun" as used in this section means a firearm which has a short stock and is designed to be held and fired by the use of a single hand.

(3) *Minor.* The word "minor" as used in this section means a person less than 18 years old.

(b) *Unlawful possession of a handgun.* A minor commits the unlawful possession of a handgun, if the minor knowingly carries concealed upon or about his or her person a handgun or ammunition suitable only for use in a handgun in any place other than those specific places stated in subsection (c) of this section.

(c) *Exception.* The provisions of this section shall not apply to the following places:

(1) A temporary transfer of a handgun or ammunition to a minor or to the possession or use of a handgun or ammunition by a minor if the handgun and ammunition are possessed and used by the minor:

- a. In the course of employment, in the course of ranching or farming related to activities at the residence of the minor (or on property used for ranching or farming at which the minor, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch), target practice, hunting, or a course of instruction in the safe and lawful use of a handgun;

- 
- b. With the prior written consent of the minor's parent or guardian who is not prohibited by federal, state, or local law from possessing a firearm, except:
    - 1. During transportation by the minor of an unloaded handgun in a locked container directly from the place of transfer to a place at which an activity described in above is to take place and transportation by the minor of that handgun, unloaded and in a locked container, directly from the place at which such an activity took place to the transferor; or
    - 2. With respect to ranching or farming activities as described above, a minor may possess and use a handgun or ammunition with the prior written approval of the minor's parent or legal guardian and at the direction of an adult who is not prohibited by federal, state or local law from possessing a firearm;
  - c. The minor has the prior written consent in the minor's possession at all times when a handgun is in the possession of the minor; and
  - d. In accordance with state law and the code of ordinances; or,
    - (2) A minor who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun in the line of duty; or,
    - (3) A transfer by inheritance of title (but not possession) of a handgun or ammunition to a minor; or,
    - (4) The possession of a handgun or ammunition by a minor taken in defense of the minor or other persons against an intruder into the residence of the minor or a residence in which the minor is an invited guest.
- (d) *Violation.* A minor violating this section shall be guilty of an ordinance violation.
- (1) A minor violating this section shall be guilty of an ordinance violation. For a first time offender, a minor violating this section shall be subject to a fine not exceeding \$200.00, and if that minor does not qualify for a diversionary or probationary program, not more than 30 days in jail.
  - (2) In connection with that ordinance violation, the city manager is directed to identify a source of funding up to \$100,000.00 to support diversionary services for the minor (and their families) violating this ordinance.

(Ord. No. 190664, § 1, 8-29-19)