



Jackson County Missouri

Jackson County Courthouse
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Kansas City, Missouri 64106
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Legislation Details (With Text)

File #: 20708 **Version:** 0 **Name:** courtesy - challenging the constitutionality of HB 85 (firearms)
Type: Resolution **Status:** Passed
File created: 6/24/2021 **In control:** Health and Environment Committee
On agenda: 6/28/2021 **Final action:** 7/6/2021
Title: A RESOLUTION expressing the intent of the Legislature that Jackson County intervene in the pending lawsuit filed by St. Louis County and the City of St. Louis challenging the constitutionality of House Bill 85, recently adopted by the General Assembly and signed by the Governor.
Sponsors: Crystal Williams, Jalen Anderson, Tony Miller, Scott Burnett
Indexes: CITY OF ST. LOUIS, GOVERNOR OF MISSOURI, LAWSUIT, MISSOURI GENERAL ASSEMBLY
Code sections:
Attachments: 1. R.#20708adopt.pdf

Date	Ver.	Action By	Action	Result
7/6/2021	0	County Legislature	adopt	Pass
7/6/2021	0	Health and Environment Committee	recommend do pass	Pass
7/6/2021	0	County Legislature	Consent Agenda	
6/29/2021	0	County Legislature	Go To 1st Meeting	Pass
6/28/2021	0	County Legislature	assign to committee	

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

A RESOLUTION expressing the intent of the Legislature that Jackson County intervene in the pending lawsuit filed by St. Louis County and the City of St. Louis challenging the constitutionality of House Bill 85, recently adopted by the General Assembly and signed by the Governor.

RESOLUTION NO. 20708, June 28, 2021

INTRODUCED BY Crystal Williams, Jalen Anderson, Tony Miller, and Scott Burnett, County Legislators

WHEREAS, House Bill 85, recently adopted by the Missouri General Assembly and signed into law

by the Governor, significantly affects numerous state and federal laws as they pertain to the use, tracking, registration and control of and lawmaking regarding firearms in our state in a manner that almost certainly violates provisions of the United States and Missouri Constitutions; and,

WHEREAS, given this unconstitutionality and, more importantly, the public safety risks this law presents, St. Louis County and the City of St. Louis filed a lawsuit in the Circuit Court of Cole County challenging the bill; and,

WHEREAS, the public safety of our citizens as it relates to firearms cannot be ignored and should be of significant concern to the leaders of our state, particularly given the violence we are already seeing as a result of firearms, and also the potential risk this new law has now created; and,

WHEREAS, it is true that the right to bear arms is secured by the Second Amendment to the U.S. Constitution, but that right should be reasonably regulated and not carelessly tossed into the hands of citizens without thoughtful consideration for those citizens' well-being; and,

WHEREAS, it simply cannot be that those who framed the Second Amendment intended for it to be wielded without careful regard and with the result of countless people being killed each year due to the irresponsible or malicious use of firearms; and,

WHEREAS, we must consider the ability of our law enforcement agencies to work with the federal government to enforce our state and federal laws on firearms; and,

WHEREAS, House Bill 85 severely hinders law enforcement agencies' ability to regulate firearms in

such a way that keeps those firearms in the hands of responsible citizens and keeps them out of the hands of those with malign intentions; and,

WHEREAS, now more than ever, and given the increase in gun violence we are seeing in our communities statewide and nationally, it is essential for law enforcement professionals to have the power to track and regulate firearms use, the information from which provides them with an investigative tool to identify suspects in crimes and also potentially prevent crimes from even occurring, a power that has no deleterious effect on citizens' Second Amendment rights, but only provides an immense benefit to their safety; and,

WHEREAS, the Supremacy Clause of the U.S. Constitution expressly prohibits laws such as House Bill 85, and therefore this law cannot stand; and,

WHEREAS, it seems that House Bill 85 was born out of a concern over the Second Amendment rights of citizens but, if we are to uphold the Constitution as our controlling document, then we cannot ignore the other provisions it contains which prevent the very intentions and effects of House Bill 85; and,

WHEREAS, this part of the debate over the law is simple: under the Supremacy Clause, federal law takes precedence over state law when in conflict; and,

WHEREAS, if House Bill 85 stands, it will prevent citizens and state and local government officials alike from complying with federal law which, without a doubt, is the unconstitutional part in this entire conversation and cannot be imposed upon the citizens of this state; now therefore,

BE IT RESOLVED by the County Legislature of Jackson County, Missouri, that, in light of the dangers posed to our residents by House Bill 85 and the importance of upholding our nation's Constitution, the Legislature hereby expresses its intent that the County join the pending lawsuit on the side of plaintiffs St. Louis County and City of St. Louis.

Effective Date: This Resolution shall be effective immediately upon its passage by a majority of the Legislature.

APPROVED AS TO FORM:

Chief Deputy County Counselor County Counselor

Certificate of Passage

I hereby certify that the attached resolution, Resolution No. 20607 of June 28, 2021, was duly passed on July 6, 2021 by the Jackson County Legislature. The votes thereon were as follows:

Yeas _____ 5 _____

Nays _____ 3 _____

Abstaining _____ 0 _____

Absent _____ 1 _____

Date

Mary Jo Spino, Clerk of Legislature