

Advisory: Could a Missouri Law Overturn Federal Firearms Laws in the 'Show Me State?'

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Could a Missouri Law Overturn Federal Firearms Laws in the 'Show Me State?'

The State Senate of Missouri has recently introduced a bill that would effectively nullify every federal gun law on the books. The comprehensive piece of legislation prohibits state employees from enforcing any federal laws which are in opposition to the state law a similar provision makes it illegal for a "federal employee to enforce or attempt to enforce firearms laws declared invalid by the act."

SB613 states, in part:

All federal acts, laws, executive orders, administrative orders, court orders, rules, and regulations, whether past, present, or future, which infringe on the people's right to keep and bear arms as guaranteed by the Second Amendment to the United States I, Section 23 of the Missouri Constitution shall be invalid in this state, shall not be recognized by this state, shall be specifically rejected by this state, and shall be considered null and void and of no effect in this state.

In a 5-1 vote the Senate General Laws Committee voted to pass the bill on to the full Senate for consideration.

This is not the first time that such a bill has been brought up in the Missouri State Legislature. A similar bill passed both houses of the legislature last year but was vetoed by Governor Jay Nixon. The legislature attempted to override the veto, but failed to do so by one

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Missouri is not alone with this viewpoint. Senator Mae Beavers of Tennessee introduced a similar bill in the state's senate two weeks ago as SB1607 which states: "Any federal enactment or federal enforcement action relating to firearms, firearm accessories or ammunition, is void in this state."

A number of other states including Kansas, Wyoming, Montana and Idaho have passed similar measures. In 1958 the Supreme Court of the United States rejected these types of laws in which states could choose which federal laws apply to them in the landmark decision of [Cooper v. Aaron](#). Despite this precedent, there seems to be little challenge to these nullification laws and existing case law offers a mixed bag on enforcement and interpretation.

In the 1997 case, [Printz v. United States](#), the Supreme Court ruled that the federal government could not command state law enforcement authorities to conduct background checks on prospective handgun purchasers. Yet the Printz decision seems to have been nullified as the overwhelming majority of state and local authorities comply with background checks for firearm purchases.

The Bureau of Alcohol, Tobacco and Firearms (ATF) issued a letter to all Federal Firearms Licensees in 2009 specifically addressing the Firearms Freedom Act that passed in Montana holding that all federal firearms laws are still in effect. [ATF Open Letter Montana FFL Legislation](#)

The Heritage Foundation, a conservative think tank, released a [paper](#) in 2012 not speaking specifically to firearms laws that held that the concept of nullification is unlawful and unconstitutional. It held forth the premise in [Cooper v. Aaron](#) that nullification "is not a constitutional doctrine; it is illegal defiance of constitutional authority."

Nullification laws can cut both ways as more often than not federal law can override a more restrictive state law, such as the recent overturn of the handgun ban in Chicago by a US District Court.

Missouri's SB613 may turn out to be more symbolic than effective, yet the trend with states passing such laws may point out that the federal government's attempts at firearms control are being seen as overbearing.



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