

How some gun laws fail, even in Missouri

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May 18, 2022

Out of more than 30 bills filed this past legislative session concerning firearms, at least 23 were either similar or identical to bills filed in previous sessions.

Again this year, none of those bills became law.

Missouri has a reputation as a state friendly to gun rights, and in many ways already has some of the least restrictive laws in the country. So why do these bills — many with strong Republican backing and even some bipartisan support — struggle to see the governor's pen?

A lack of collaboration within the gun rights camp is partly to blame, as is the resistance from groups calling for more gun safety. The answer also lies in the complexities of the legislature and the process of passing a bill. The struggle of popular gun bills is indicative of how even strongly supported legislation can stall or become complicated inside the Capitol as a result of technicalities, lack of focus and clashing opinions.

Missouri gun laws and the NRA

If you ask Missouri Firearms Coalition Political Director Aaron Dorr, the NRA is mostly absent from the statehouse. Dorr worked closely with the sponsors of last year's Second Amendment Preservation Act (SAPA), which critics say has had unintended consequences for law enforcement agencies.

It was signed by Gov. Mike Parson last June. The act, which allows people to sue local enforcement if they feel an officer has prohibited them of a Second Amendment right, has the potential to invalidate federal gun laws. It faced bipartisan opposition within the legislature.

Although the NRA makes large contributions to Missouri politicians in federal office, Dorr and others say it is less involved in state government, including high-profile debates like this one.

"They were no help to us at all on last year's SAPA law push," Dorr said. "They came at the last minute when we finalized constitutional carry way back in 2016. So for our members, they are kind of a nonentity. They haven't been around for a long time."

The Missouri Sport Shooting Association is the official NRA state association of Missouri. President Kevin Jamison said the group encourages its members to reach out to their respective legislators. As a group, they are more concerned about legislation related to hunting and shooting ranges.

"We do not concentrate on politics as much as these other organizations, because there are other people who are oriented towards doing it," Jamison said.

Organizations like Dorr's MO Firearms Coalition are more committed to lobbying legislators directly about expanding Second Amendment rights.

"They are unabashed, unashamed, and they're more the sledgehammer approach to wanting to get stuff done," Sen. Rick Brattin, R-Harrisonville, said.

This session, Brattin sponsored SB 1048, a bill intended to discourage banks from excluding the firearms industry. Similar legislation has already passed in Texas.

Brattin doesn't view the two organizations to be at odds.

"We all want to advance and protect the Second Amendment," Brattin said. "And while one may have a different way in which they would go about it, they're both trying to achieve the same end goal."

'Thousands of ways a bill could fail'

Jamison said that some firearm proposals don't pass because the legislature gets distracted by bigger bills like the Second Amendment Preservation Act or major events, such as the pandemic or the Gov. Eric Greitens scandal.

"It takes a long time to get some things passed, simply because there are thousands of ways a bill can fail, but there's only one way that it can succeed," Jamison said.

Brattin said that the time constraints of a single legislative session, as well as budget considerations, limit what bills get passed.

"We do try to usually find one bill that we can kind of champion and continue to further," Brattin said. "The process is meant to be a cumbersome, slow process. I mean, that's our founders' design of the legislature."

Dorr agrees.

"Last year SAPA kind of took the forefront of those bills, but I'm hopeful that we'll be able to get another good kind of omnibus firearms bill to advance," Dorr said in a midsession interview.

Dorr had high hopes for HB 2118 this year. He and the MO Firearms Coalition were very involved in the drafting of the bill, which would have expanded the "castle doctrine" allowing for deadly force in more instances deemed self-defense. It was similar to a Senate bill that was rejected early in the session. Opponents nicknamed that bill the "Make Murder Legal Act".

While the Senate version failed to make it out of committee, HB 2118 was approved by two House committees yet never made it to the full House for a vote.

But even if the bill had made it to the Senate, there was no guarantee that the legislation would have fared any better than the original Senate bill. Some lawmakers cite vocal resistance from the other side of the gun debate as having serious impact.

"That's the other part of that conversation that I think a lot of times people don't realize: that gun bills typically draw a lot of opposition," Rep. Ben Baker, R-Neosho, said.

Baker sponsored HB 1698, which would have allowed those with concealed carry weapons permits to bring firearms into places of worship. That bill has been proposed for several years, with no success.

Missouri's 'hot button' issue

Missouri ranks high among organizations that track gun freedoms and rights in the nation; the state places 12th according to the Cato Institute, which annually ranks states' freedoms on a variety of issues.

Yet while gun freedoms can result from bills that take action to change laws like Dorr's, inaction can also be a success of the gun lobby.

In 2020, Giffords Law Center, which advocates against gun violence, gave Missouri an "F" on its annual report card. According to its website, strengthening protections for victims of domestic violence is one provision that could improve that ranking.

Federal legislation prohibits people who have been convicted of a domestic violence felony or misdemeanor, as well as those under a domestic violence protective order, from owning firearms. Missouri law once reflected this provision, but it was removed in 2016 by an expansion of concealed carry. Since then, several unsuccessful attempts have been made to reflect the law in Missouri.

One such attempt this year was HB 1458, sponsored by Rep. Richard Brown, D-Kansas City. Brown has sponsored the bill since 2018, when he took over the reins from its former sponsor, Rep. Donna Lichtenegger, R-Jackson.

The House passed the bill in 2018. Since then, it has never been heard by a committee.

"I don't see anything wrong with mirroring federal law," Brown said. "I think in the eyes of some people it's anti-gun legislation, and so it's shunned."

Brown said he would file the bill again next year.

For Tara Bennett, a volunteer for the Missouri chapter of Moms Demand Action, common-sense gun legislation at the state level should, at the very least, mirror federal law.

"We don't see any conflict with holding the ideas of supporting legal gun ownership," Bennett said. "But we know that guns in certain sensitive places make things more dangerous."

Last May, Sen. Lauren Arthur, D-Kansas City, attempted to stall the vote of the Second Amendment Preservation Act with an amendment similar to Brown's bill. The amendment failed.

"Too many of my colleagues are afraid that that vote would be spun, and that it would hurt them politically," Arthur said.

The senator believes some legislation from the other side of the aisle, as well as the decision to vote against other bills, comes as a result of the competitive election system and pressure to appeal to constituents.

“Right now, our political system incentivizes polarization,” Arthur said. “There’s not much incentive to make common sense policy, you’re just trying to pass the most extreme legislation that’s going to appease a Republican base.”

Advocates of the Second Amendment don’t see it that way.

William Bland, a member of the Western Missouri Shooters Alliance, frequently testifies in support of bills he feels further the right to bear arms. He supported HB 1462, which would have allowed people with a concealed carry weapons permit to bring their firearms onto public transportation.

The sponsor of the bill, Rep. Adam Schnelting, R-St. Charles, noted prior bipartisan support for the bill at its January hearing. The bill is substantially similar to legislation proposed in every session since 2015.

“Crime and violence don’t discriminate,” Schnelting said at the hearing. “We all have these situations where we run into the necessity of having to defend ourselves, to say nothing of our constitutional rights to do so.”

The bill passed the House with a 101-40 vote, but it didn’t make it out of the Senate.

“The gist of my testimony for 1462 is that concealed carry weapon holders are some of the most law-abiding citizens,” Bland said. “I feel our arguments were rational.”

People on all sides of what Bland calls a “hot-button issue” have a different idea of rational arguments and common-sense gun laws. For some, any law that protects an individual’s Second Amendment right and allows them to protect themselves with firearms is legitimate. For others, it means following federal legislation on gun safety.

Often, those who want more gun freedoms aren’t advocating for gun violence and those who want more gun safety aren’t anti-Second Amendment.

“It’s much easier for a soundbite, to paint that in black and white,” Bennett said. “The world we live in is in shades of gray.”