



**OFFICE OF THE COUNTY COUNSELOR**

JACKSON COUNTY COURTHOUSE

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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.