

**A CHEAP LEGAL MEMO
BILLS THAT PASSED**

K. L. Jamison

In the last session of the Missouri bills we pushed were voted out of committees in the House and Senate as “Do Pass.” They did not pass and were not even called up for a vote. Certain bills did pass that are relevant to our community. I am obliged to the Missouri Association of Criminal Defense Attorneys for the following summary.

CULPABLE MENTAL STATE FOR HOMICIDE OFFENSES (Section 565.003)

Under current law, the culpable mental state necessary to prove a homicide offense is found to exist if the only difference between what actually occurred and what was the object of the offender’s state of mind is that a different person or people were killed. This act adds that it shall not be a defense to a homicide charge that the identity of the person the offender intended to kill cannot be established. If the state proves beyond a reasonable doubt that the offender had the requisite mental state toward a specific person or a general class of persons who are not identified or who are not identifiable, such intent shall be transferred to a person who is killed by the offender while such mental state existed.

OFFENSE OF ENDANGERING THE WELFARE OF A CHILD (Section 568.045)

This act adds to the offense of endangering the welfare of a child in the first degree that any person who knowingly encourages or aids a child less than 17 to engage in any conduct violating law relating to firearms shall be guilty of a class D felony.

BLAIR'S LAW (Section 571.031)

This act establishes "Blair's Law" which specifies that a person commits the offense of unlawful discharge of a firearm if, with criminal negligence, he or she discharges a firearm within or into the limits of a municipality. Any such person shall be guilty of a class A misdemeanor for the first offense, a class E felony for the second offense, and a class D felony for any third or subsequent offenses. These provisions will not apply if the firearm is discharged under circumstances as provided in the act.

OFFENSE OF UNLAWFUL POSSESSION OF FIREARMS (Section 571.070)

Under current law, unlawful possession of a firearm is a Class D felony, unless a person has been convicted of a dangerous felony then it is a Class C felony. This act changes the penalty for the offense to a Class C felony, unless a person has been convicted of a dangerous felony or the person has a prior conviction for unlawful possession of a firearm, then it is a Class B felony.

MAX'S LAW (Sections 575.010, 575.353, 578.007, & 578.022)

This act creates "Max's Law." Under current law, the offense of assault on a law enforcement animal is a Class C misdemeanor. This act provides that the offense of assault on a law enforcement animal is a Class A misdemeanor, if the law enforcement animal is not injured to the point of requiring veterinary care or treatment; a Class E felony if the law enforcement animal is seriously injured to the point of requiring veterinary care or treatment; and a Class D felony if the assault results in the death of such animal.

RIGHTS OF VICTIMS OF CRIMES (Section 595.209)

Under current law, victims of certain crimes shall be notified by the prosecutor's office and law enforcement of certain filings or status updates in the criminal case of which he or she is a victim.

EXPUNGEMENT OF CRIMINAL RECORDS (SECTIONS 610.140 & 488.650)

This act modifies provisions relating to the number of crimes a person may apply to have expunged from his or her record. A person may seek to expunge all crimes as part of the same course of criminal conduct or as part of an extended course of criminal conduct, subject to limitations as provided in the act. Under current law, certain offenses, violations, and infractions are not eligible for expungement. This act adds that any offense that at the time of conviction requires registration as a sex offender is not eligible for expungement. Additionally, this act adds that the offenses, or successor offenses, of sexual conduct with a nursing facility resident in the second degree, use of a child in sexual performance, promoting a sexual performance of a child, or cross burning shall not be eligible for expungement. This act changes provisions regarding any offense of unlawful use of weapons as not eligible for expungement to any felony; offense of unlawful use of weapons is not eligible. This act provides that a person may petition for expungement of crimes

committed as part of an extended course of criminal conduct at least 10 years from the date of any sentence imposed under law. This act repeals the provision that a court can make a determination at the hearing based solely on a victim's testimony and adds that a court may find that the continuing impact of the offense upon the victim rebuts the presumption that expungement is warranted. This act also changes the time a person can petition to expunge arrest record for an eligible crime from three years after the date of the arrest to 18 months from the date of the arrest. This act provides that a person

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...dedicated to the restoration of the inalienable right to keep and bear arms as guaranteed by the 2nd Amendment

The Alliance is a regionally-based, grass-roots organization that seeks to:

1. Counter the designs of malicious legislators.
2. Confront the media's twisted portrayals of gun rights issues.
3. Politicize and activate gun owners in defense of their rights.
4. Acquaint the public with the true nature of the Second Amendment.
5. Network with other pro-gun groups to coordinate local, state and national strategies.
6. Train people in basic firearm safety and handgun defense.
7. Sponsor and support pro-gun legislation
8. Make politicians aware that gun owners are awakening from their accustomed apathy and
WILL TOLERATE NO FURTHER EROSION OF THEIR FREEDOMS

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COMING EVENTS

Events may be cancelled at last minute due to Covid Restrictions.

• • •

WMSA

General Membership Meeting

July, 25, 2023

Sept. 26, 2023

Nov. 28, 2023

7:00 PM

Bass Pro

Independence, MO

• • •

MVACA

Missouri Valley Arms Collectors Assn.

July 29-30, 2023

KCI Expo Center

Kansas City, MO

• •

R. K. Shows

June 17-18, 2023

Aug. 19-20, 2023

Oct. 21-22, 2023

Nov. 25-26, 2023

Dec. 16-17, 2023

KCI Expo Center

July 15-16

American Legion Post 21

16701 E US Highway 40,

Independence, MO

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WANENMACHER'S

TULSA ARMS SHOW

Nov. 11-12, 2023

EXPO CENTER-EXPO SQUARE

(TULSA FAIRGROUNDS)

TULSA, OKLAHOMA

• • •

American Legion Gun & Knife Show

To be announced

16701 E. 40 Highway

Independence, MO

• • •

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www.wmsa.net**



LEGAL (Continued from page 1)

shall be fully restored to the status he or she occupied prior to the arrests, pleas, trials, or convictions expunged. Additionally, this act modifies provisions allowing a person to answer "no" to an employer's inquiry about any arrests, charges, or convictions of a crime. Finally, this act repeals provisions relating to the \$250 surcharge to file a petition for expungement

Please note the Endangering the Welfare of a Minor change. I increasingly see cases in which a parent is charged with endangerment because a child had access to a firearm and a tragedy ensued. Now there is a specific statute to support such charges and encourage sales of gun safes and locks.

Blair's Law is named after a child who was killed when members of a 4th of July party fired guns in celebration. One bullet skipped off a lake surface like a flat rock skips across a pond.

I am not yet sure if the Expungement bill restores a person's gun rights under federal law. Stay tuned.

These laws have not been signed by the governor. He has until 14 July, 2023 to do so. If signed they will not become law until 28 August, 2023.

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Please send questions to Kevin L. Jamison 2614 NE 56th Ter Gladstone Missouri 64119-2311 KLJamisonLaw@earthlink.net. Individual answers are not usually possible but may be addressed in future columns. This information is for legal information purposes and does not constitute legal advice. For specific questions you should consult a qualified attorney.

A Differing Opinion

As a former Police Officer and the Safety Team Leader at my church for the last 14 years I cannot honestly say I support approval of the change in the law. Requiring persons with CCW permits in Missouri to acquire permission of the church authority (as the law currently stands) means that as the responsible party for my church in issuing those permissions, I have an opportunity to explain our protocol for active shooters to the applicant. Here is what I tell them.

The Containment/Engagement Group of our Safety Team is composed of experienced first responders (police, fire, security, combat veterans, etc.) or civilians with highly expanded training far beyond the basic required CCW instruction required by the state. These people have extensive training regarding de-escalation, conflict resolution, tactics, law, and safety.

In an "active shooter in the sanctuary" situation on our campus, we want EVERYONE that is NOT a member of the Containment/Engagement Group to get as low as possible with as much cover and concealment as quickly as possible. Even CCW holders. That way, only the "bad guy(s) with a gun" and "the good guys with guns" are exposed. We all know who "we" are and where "we" will likely be seated. "We" also have an innocuous name tag of a certain color of which the meaning is not public knowledge. This aids in rapid and SAFE target acquisition of the active shooter(s) and allows for better target backdrops with everybody down instead of running in panic.

If every UNKNOWN or uniformed CCW person stands up to engage the shooter, they run the risk of accidentally being subject to friendly fire from our C/E group as an unidentified "person with a gun"! Persons ignoring the law as it currently is (that is not requesting permission) risk accidental injury or death. Encouraging even more people to be UNFAMILIAR with active shooter protocols at a church they might attend might end badly.

Personally, if I am carrying in another church, either legally or illegally, I will likely not jump up and start shooting simply because I know that might end badly for everybody if it was at MY church. Being in the gun industry as a dealer for 41 years and an NRA Pistol Instructor and CCW Qualification Instructor for 19 years, sometimes my view is contrary to those who feel there should be NO restrictions on gun possession. To me, common sense prevails. True "Constitutional Carry" (by strictest interpretation) would mean even felons and murderers could have guns legally. "Permitless Carry" as in Missouri means there are common sense rules in order for CCW to be legal. Unfortunately, "Permitless Carry" requires NO KNOWLEDGE safe firearms handling and/or self-defense law or tactics and that defies "common sense", in my opinion. Throw stones as you wish. I'm just explaining while I will not write the rebuttal.

Washington state bans evil black rifles

Washington Democrat Governor Jay Inslee celebrated infringing on his residents' Second Amendment rights as he signed into law three gun control bills, including one that bans "assault weapons." Inslee ridiculously asserted: "These weapons of war, assault weapons, have no reason other than mass murder. Their only purpose is to kill humans as rapidly as possible in large numbers." So, did Inslee's security detail immediately turn in their "assault weapons"? The legislation itself labeled "gun violence" as a "public health and safety" threat, meaning that these Democrats believe guns, not criminals, are responsible for the growing lawlessness and violence in the Evergreen State. Inslee also signed a bill to make firearm purchases contingent on a permit as well as the completion of gun-safety training, and another one that makes firearm manufacturers liable for ensuring that buyers aren't dangerous individuals. These laws make Washington one of the most anti-2A states in the nation. And these laws will do nothing to curb the state's growing crime problem.

"The Biden Administration wants an all-electric military vehicle fleet by 2030. Good luck finding a charging station in a Middle East desert."

—Stephen Moore



LIBERTY NOTES

By Kevin L. Jamison

It is a Good Day for Liberty.

A company claims to have produced a new model handgun that recognizes fingerprints and facial recognition. If the shooter wears gloves, it recognizes the face. If the shooter wears a face mask it recognizes the fingerprint. When the gun was demonstrated for the media it did not function reliably. Regardless, the company claims that it has received a great many orders for the handgun. A number of people would buy such a gun because it would be safer to have around children. On the other hand, some states have proposed that when such a gun becomes commercially available no other handgun can be sold. It will take a year after the gun is in public hands to see if it performs as advertised.

A Hispanic neo-nazi in Texas murdered eight people at a shopping mall. A police officer who happened to be on the scene killed him. This has inspired a new round of gun restriction hysteria. This hysteria misses the point that the killing stopped when the police officer shot back. The killer was not an illegal alien, as some have supposed. He was in the Army, briefly, until mental problems had him discharged. The Army does not take illegal aliens. If it did its recruiting problems would be easily solved. He was a licensed, armed, security guard; also subject to background checks. He appears to have purchased most, if not all, of his guns from private parties. This creates a danger to persons who sell guns privately. Gunshops get sued for legally selling to people who later commit crimes. A private seller would be easy pickings for the usual suspects. I know; how will they know who sold it? Nothing moves without leaving a trail anymore. Records of the last legal sale, photographs and stray witnesses appear at inconvenient times. If a buyer seems wrong, pass him by.

The killer was discharged from the Army due to mental problems. I am repeatedly told that mass murders are not the result of mental disease. This wonders me. If a person believes that some problem can only be solved by murdering innocent persons—is that not insanity?

Of less hysteria is an incident in Brownsville Texas. A man rammed his car into a crowd of immigrants killing eight. This indicates that in the absence of guns mass murder goes on.

On Oct. 1, 1946, three defendants were acquitted of all charges in the Indictments served on them at the Nuremberg War Crimes Trials: Hjalmar Schacht, Franz von Papen and Hans Fritzsche. I hear people screaming for justice. Justice is hard. Justice sometimes gives you things you don't want.

The charges against Alec Baldwin for shooting a woman during a scene from his movie "Rust" have been dropped. A gunsmith finally looked at the revolver and said that it was worn to the point that it might have accidentally fired. I thought that might be a defense. It was a prop gun rode hard and put away wet for many years. I had read that the FBI had examined the gun, for some reason, and found it in working order. We see cases in which competing experts declare conflicting conclusions to a reasonable scientific certainty. Of course, the county has discovered that it is expensive and difficult to prosecute a movie star. The county wants to attract more movie productions. Andrew Branca in his "Law of Self-Defense" blog states that it was a political decision. All these theories might be true.

I begin to see signature blocks which, in addition to name and address, include the signatory's preferred pronouns. If anyone was concerned over what pronouns they should use to reference me the answer is simple—I don't care. Given all the things I have been called in my life, a misplaced pronoun will not be noticed. Other people take great stock in such things. I indulge their beliefs to a point. If they wish to use the same bathroom as my granddaughters, there will be repercussions. I shall not do anything; but I have been teaching the girls how to throw a punch.

The next Rally Day will be the 20th anniversary of the License to carry law going into effect. Something momentous must be planned. I am not sure what. Suggestions would be most welcome. The first birthday of the law we distributed birthday cupcakes. Early in the struggle we distributed walnuts painted orange; the gun safety color; we are the gun nuts. What memorializes a twentieth anniversary? What symbolizes a successful self-defense? Thousands of children have benefited from our gun safety courses. Having a someone appear and sing the Eddie Eagle jingle is a possibility. We could promote "Refuse to be a Victim" in some way.

An Illinois gun shop presented the Supreme Court with a proposed injunction against the state's "assault weapon" law. The court refused to issue an injunction without the benefit of briefs and action in lower courts. This is not unusual. One of the usual suspects took it as evidence that the conservative members of the court have reconsidered their position. This is a fantasy, but that is where these people live. The mills of the gods grind slowly.

LIBERTY (Continued on page 5)

LAFAYETTE GUN CLUB
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Sporting Clays
Match & Membership info
www.lgconline.org

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LIBERTY (Continued from page 4)

A basketball star has been disciplined by the NBA, for the second time, because he flashed a gun on social media. This is not a violation of his Second Amendment rights. Only a government agency can violate constitutional rights. As part of his contract to play for the NBA the man surrendered some of his rights. This does displace the anti-Second Amendment prejudices of organized sports. They display a paternalist, even proprietary, interest in their players. I would not agree to such an exchange. But, there was never the slightest chance I would be offered obscene amounts of money to play a game.

I Second That.

THE CONSEQUENCES OF GUN CONTROL

Within hours of a shooting at Michigan State University that left three dead and five in critical condition, Michigan State Rep. Ranjeev Puri took to Twitter to address the nation. "F*** your thoughts and prayers," he said, riffing on the progressive meme that thoughts and prayers in the aftermath of a school shooting distract from needed action on gun control. "Living in a society plagued by gun violence can be prevented," he said. "Our office will continue to work tirelessly to pass common sense gun control."

Forget, if you can, how embarrassed you would be if your son said something like that. Even on his terms, there is little chance the "common sense" regulations Puri had in mind would have prevented what unfolded Monday at Michigan State.

The shooter, Anthony McRae, was a disturbed forty-something who lived with his father. He had no connection to the university, had never been committed to a hospital, or been adjudicated incompetent. His only connection to law enforcement, save a handful of traffic violations, was an arrest in 2019 after he was found with an illegal firearm. Prosecutors dropped the felony charge and McRae pleaded down to a misdemeanor, resulting in probation. Had McRae been convicted of the felony, it would have been illegal for him to possess a firearm. But they didn't.

The standard menu of "common sense" measures would not have stopped the shooting. "Tightening up the background check system" wouldn't have done much; McRae didn't have a felony conviction or an outstanding commitment order, as would have been required to deny him a weapon under Michigan law. "Banning assault rifles" wouldn't have done much, either; police haven't said what weapon he used, and in any case, McRae had a record of obtaining guns illegally in the past and there's no reason to suspect he couldn't have done so again.

There are two only things, really, that could have prevented Monday's tragedy: confiscating every firearm in circulation, and enforcing existing laws against illegal possession. The first option, though it is probably the one Puri prefers, is a nonstarter. The second option—enforcing existing laws—is plausible, but as Connor Freirsdorf reports, progressive prosecutors around the country have been unwilling to do so.

In 2022, the *New York Times* reported that Manhattan District Attorney Alvin Bragg would "avoid prosecuting people for gun possession unless they were actually involved in violent crime." (He later changed his tune in response to pressure from Mayor Eric Adams.) Los Angeles's George Gascon filed 63 percent fewer gun-related sentencing enhancements than prosecutors had averaged over the previous nine years, saying "raw emotions and fear mongering" had resulted in a "tremendous amount of inequity" in the criminal justice system. Philadelphia D.A. Larry Krasner deferred seven times more gun possession cases between 2017 and 2018 than had been deferred in the two years before he took office.

Each was concerned that gun-law enforcement disproportionately burdened racial minorities. Others make more race-neutral arguments. In Michigan, defense lawyer Wade Fink defended the practice of pleading a first-time firearms defendant down to a misdemeanor charge to the *Detroit News*.

"It is exceedingly common for someone who doesn't have a criminal history to be carrying a concealed weapon. If everybody went to prison for that, you would have an overcrowding problem and you would be giving a lot of young people felonies, which hurts them their whole life."

Fink is right that better enforcement of existing weapons laws would increase the number of people incarcerated and the number of young people with felony convictions. That is a non-negligible human cost. But it is inevitable feature of gun control legislation.

Prosecutors are tasked with enforcing the laws passed by legislators. Limited resources and the demands of justice may lead him to decline prosecution or plead particular defendants down. But at the level of principle, the passage of a law signals the state's willingness to prosecute those who violate that law. The legislature should not pass a law it would not see enforced, and gun control advocates should not push for new criminal penalties if they're unwilling to live with "overcrowding" in prisons or larger numbers of young felons.

Gun control advocates have to face that every "common sense" gun proposal, from expanded background checks to extensive permitting requirements, is backed by the threat of felony conviction. They also have to face another harsh reality: The group most disproportionately represented among the offenders of American gun laws are not evangelicals, downscale whites, Trump voters, or frat boys—the enemies of state—but African Americans. Nearly 50 percent of all people arrested on weapons charges in 2021 were black. Nearly 70 percent of Michigan homicide victims were, too.

If you enact the kind of "common sense gun laws" Representative Puri has in mind, you are going to create an entire class of gun owners who, overnight, go from being law-abiding gun owners to potential felons. A lot of them might be black. That is not necessarily an argument against those laws. It is a recognition of what might follow if gun control advocates get what they're asking for.



PRESIDENT'S CORNER

NOTHING

K. L. Jamison

We received nothing in the last session of the Missouri legislature. For years we have been working on bus carry by license holders. This is a small bone and the Senate has denied it to us every year. It has been voted "do pass" in committee and never brought to the floor by Senate leadership. We did not even get the Hawken Rifle declared the Missouri State Gun. It would be purely symbolic to honor this classic antique. We were not even given that.

The Senate was tied up with budget issues, gender issues and infighting among Republicans. All are important in their own way. But. We were promised that this was a pro-gun rights legislature. It has not thrown us even a symbolic bone.

We need to have more people contact the legislature. Letters, e-mails and the all-important visit can make the difference. We have to motivate more people to become active. I have to motivate more people. We all have to motivate more people or we will not get what we deserve. We will not be given anything. We have to earn it.

I thank-you for the honor of being your president.

The Inconvenient Gun Deaths

The sad truth is that the kids who will die across America this year on its streets will disproportionately be killed by nonwhite young men in gangs.

The Armalite 15, or AR-15, is not a military weapon that was ported to civilian use. It is a civilian rifle that later the military modified for itself. To say it is a military weapon is to repeat a talking point but reject a truth.

For those who do not know, the AR-15 is actually not as powerful as a hunting rifle and, in a number of states, cannot be used to hunt because it lacks power. You'd never know that from media coverage.

The AR-15 came out in the late 1950s and was not the first semi-automatic rifle. It was only a few years later the military used it as the basis for the M-16. In the 1970s, the patents on the AR-15 expired and it could be mass produced by multiple manufacturers. Congress made it the absolute best-selling rifle by temporarily banning its purchase in the 1990s, then letting that ban expire.

Shortly after the ban expired, which it should be noted could be gotten around by making the black rifle a pink rifle with minimal other cosmetic changes, buyers began buying them as quickly as possible. The most popular rifle in America, which is not the most powerful civilian rifle in America, became popular because of Congress.

What you also would not know if you just listened to the press's ignorant coverage of firearms and guns is that more kids died from gun violence in 2021 due to street violence, usually from gangs, than from all school shootings combined from Columbine to now.

One hundred seventy-five children have died since the massacre at Columbine, Colorado, a school shooting that happened during the assault weapons ban. In 2021, 465 children died on the streets of just nine American cities. You should really pay attention to this. In one year in just nine cities, more children died from street shootings than all school shootings in the last 24 years.

I understand the people calling for "assault weapons" bans. But many of them are also the same people who lecture the rest of us on white privilege. And in their own white privilege, they ignore the hundreds of nonwhite kids per year who die in gang violence on the streets of America and focus, instead, on the few kids who die in schools. No one cries out about the daily violence on the south side of Chicago or in St. Louis. The president does not hold press conferences about those.

If you want to begin to solve gun violence meaningfully, you could actually simply enforce existing gun laws and arrest existing violators of those laws without banning guns. Seriously.

More than 1,400 people were shot in Philadelphia from January to August of 2022, but the district attorney decided not to prosecute many gun possession crimes because that would mostly target young black men. Reason magazine quoted Philadelphia District Attorney Larry Krasner in 2022 saying, "People of color are disproportionately stopped in Philadelphia and arrested for illegal gun possession in Philadelphia and statewide." So, he does not prosecute those crimes.

Every child should be safe. No child should go to school wondering if they will die that day. But we must ask ourselves why Democrats use the dead bodies in school shootings to demand gun control and totally ignore all the kids who die annually in urban areas and choose not to enforce existing laws that would have kept those kids alive.

We may not be able to agree on new laws banning so-called assault weapons. But it is mind-boggling that the party demanding gun bans is also the party that supports defunding police and refusing to prosecute existing gun laws due to alleged racial discrimination.

The sad truth is that the kids who will die across America this year on its streets will disproportionately be killed by nonwhite young men in gangs. But too many people on the Left will excuse the data as the ramifications of a systemically racist society and choose not to enforce the very laws that would save lives while demanding new laws instead.



Maryland gun rights group reacts to state's new conceal carry law

Just hours after Governor Wes Moore signed a new gun control bill into law in Maryland, there was a flurry of lawsuits challenging it.

Maryland's gun control law was passed in direct response to the Supreme Court's decision last June affirming the Second Amendment right to carry a gun outside your home for self-defense.

This new law creates new rules for who can carry a gun in public and limits where they can be carried with a concealed carry permit.

Beginning Oct. 1, the Gun Safety Act of 2023 restricts carrying guns near places licensed to sell alcohol like restaurants. It also blocks carrying at stadiums, museums, amusement parks, and other public locations.

In addition to the NRA lawsuit, local guns rights group, Maryland Shall Issue, filed its federal lawsuit representing three permit holders. Mark Pennak heads the group.

He's been working with the legislature to pare down the original draft of the law that had more expansive restrictions on guns. But, he says, the final version still doesn't cut it, and targeting conceal carry permit holders is not the right way to reduce violence.

"Guns are inanimate objects," Pennak told FOX 5. "What people ought to be worried about is those who misuse them and that's really the criminal element. And they quite frankly are not the least bit perturbed about the passage of SB-1 because they are already prohibitive persons, and they are already subject to severe penalties for carrying, and they do anyhow."

According to the Violence Policy Center, there were 24 instances of police killed in the line of duty by an individual with a concealed carry permit since 2007. There have also been mass shootings by concealed carry permit holders, including the Virginia Beach gunman who killed 12 people in 2019 before police killed him.

In the six months since the Supreme Court's Bruen decision came down on June 23 and the end of 2022, Maryland State Police received nearly 80,000 new applications for concealed carry permits. In 2021, they received just over 12,000 new applications.

That 650% jump is why the legislature passed this new law.

The Left wants you to be too scared to stand up for your right to self-defense

Now, life is getting harder and it's feeling more dangerous in the liberal utopias like San Francisco, where we just were, or L.A., Philly, Chicago — regular, sane people are getting tired of paying through the nose for a declining quality of life. And as we've seen in New York, well, they're just deciding, "I'm going to pick up and move." Now, seeing a lot of for lease signs — I have over the last few days — they're hanging in all the office building windows. And one real estate expert is warning of a permanent collapse of real estate, commercial real estate, due to what's being called an "urban doom loop." Oh, my God. It sounds awful. Of course, who would want to make the trek into the city when it seems that criminals have the run of the place, especially with leftist prosecutors like New York's Alvin Bragg in charge?

As a Soros-backed prosecutor, he doesn't consider prosecuting career criminals a top priority. He considers a top priority to be hunting down heroes like subway Good Samaritan, Daniel Penny. That's one of his most important missions. Now, Bragg wants to make an example out of Mr. Penny. And it's something like this: Defend yourself or defend others, and you're doing it at your own risk — the risk of prosecution.

And now things are getting worse. Bragg is widening the net. According to the New York Post tonight, investigators appear to have identified one of the two men seen on the video helping Penny. Now, the sources said authorities have been scouring surveillance footage looking for them. And so, I'm thinking to myself, do they simply want to question these two men as potential witnesses? Well, considering it's Bragg, that's doubtful. More likely he wants to bag a few accomplices, two more vigilante scalps on the wall. Now, this is a sick manhunt for two men who did nothing wrong. Two nights ago, we interviewed a woman who was brutally beaten in the subway. She told us things could have been different if someone like Mr. Penny was around.



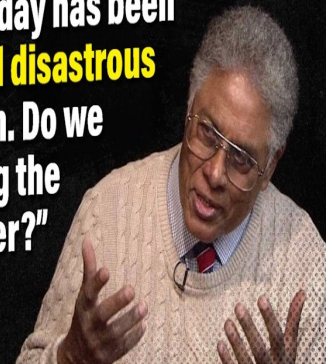
Roger
Helle

"While politicians are supposed to represent the people who elected them, they now see voters as their servants."

GRASSROOTS PERSPECTIVE

"One of the most important reasons for studying history is that virtually every stupid idea that is in vogue today has been tried before and proved disastrous before, time and again. Do we need to keep repeating the same mistakes forever?"

~ Thomas Sowell





Injunction Blocking New Jersey’s Bruen Response Law Hits All the High Notes

After the historic *NYSRPA v. Bruen* decision was handed down last June, some jurisdictions went to work subverting Second Amendment rights, regardless of the high court’s order. They enacted Bruen response bills, erecting new roadblocks to lawful concealed carry. New York most famously passed and enacted the “Concealed Carry Improvement Act” and right next door, New Jersey’s lesser-known “carry killer” bill became law in December of 2022.

With the prospect of citizens of the Garden State finally being repatriated with their right to bear arms, all three branches of New Jersey’s government conspired to make legally carrying a firearm as difficult and expensive as possible. Shortly after the law went into effect, however, US District Court Judge Renee Marie Bumb issued a temporary restraining order, and this week she handed down a preliminary injunction blocking important portions of the law.

Two cases — *Siegel* and *Koons* — challenged Assemblyman Joe Danielson’s anti-gun A4769 law. The *Siegel* case involves several plaintiffs and is spearheaded by the Association of New Jersey Rifle and Pistol Clubs, with attorney Daniel L. Schmutter at the helm. The *Koons* case also involves several plaintiffs and is lead by the Second Amendment Foundation, Firearms Policy Coalition, Coalition of New Jersey Firearm Owners, and New Jersey Second Amendment Society, with attorney David Jensen representing them.

The cases were consolidated and both attorneys delivered arguments in March, asking the United States District Court for the District of New Jersey for a preliminary injunction against many of the most restrictive provisions of the carry killer law. This week, Judge Bumb granted their wish.

New Jersey’s law created an extensive list of 25 so-called “sensitive locations” that made it a felony to be in possession of a firearm there. The legislature’s intent was obvious. At the behest of Governor Phil Murphy, they made carrying firearms impractical to the point that Assemblyman Brian Bergen famously noted during a hearing that people would only be able to legally carry a firearm while walking down the street.

Bergen further drew the analogy that if a person was to be walking their dog and went to clean up poop from someone’s lawn — private property — it would be a felony for carrying there without permission. The bill’s primary sponsor, Joe Danielson — the *second* biggest jackass in New Jersey politics — noted that a felony charge would be appropriate under such a situation.

In addition to creating the list of no-go zones for carriers, Danielson’s bill increased the price for pistol purchaser’s permits by more than 10 times, firearms identification cards by 20 times, and the cost of carry permits was tripled. The bill also banned gun ownership for people who received certain voluntary mental health assistance unless they got their records expunged.

The law also mandated that carriers obtain non-existent insurance policies providing up to \$300,000.00 in damages, required people keep their firearms unloaded and cased in cars, required in-person interviews for getting a permit, and allowed issuing authority to use things like social media posts against applicants seeking to obtain a permit to carry.

US District Judge Renee Marie Bumb’s opinion this week clocks in at 235 pages and extensively picks apart each argument the state used to support the law. She noted what virtually everyone already knew...that most of the law, as written, is likely to be found unconstitutional in a post-*Bruen* world.

The preliminary injunction enjoins the law that blocked carry at these locations . . .

Zoos

Parks, beaches, recreation facility or area owned or controlled by a State, county or local government unit, or any part of such a place, which is designated as a gun-free zone by the governing authority based on considerations of public safety

Publicly owned or leased libraries or museums

Bars or restaurants where alcohol is served, and any other sites or facilities where alcohol is sold for consumption on the premises

Privately or publicly owned and operated entertainment facilities within this State, including but not limited to a theaters, stadiums, museums, arenas, racetracks or other place where performances, concerts, exhibits, games or contests are held

Casinos and related facilities, including but not limited to appurtenant hotels, retail premises, restaurant and bar facilities, and entertainment and recreational venues located within the casino property

Certain “health care facilities”

INJUNCTION (Continued on page 9)



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INJUNCTION *(Continued from page 8)*

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Private property, including but not limited to residential, commercial, industrial, agricultural, institutional or undeveloped property – which is open to the public

The order further enjoined the requirement that permit to carry holders obtain liability insurance, be subjected to in-person interviews by the police, and the functional firearms in their vehicles prohibition has been lifted.

Judge Bumb was adamant that playgrounds, regardless of location, still remain sensitive areas, and during the arguments in March she strongly stated “no guns in schools.”

On behalf of the Second Amendment Foundation, founder and Executive Vice President Alan M. Gottlieb noted the following about the order:

“Judge Bumb’s ruling clearly recognizes the issues we raised with New Jersey’s restrictive gun law, and she’s fired a legal shot across the state’s bow. When New Jersey passed Chapter 131, it did away with the ‘justifiable need’ requirement, but replaced it with an equally egregious ‘sensitive places’ restriction to effectively prohibit carrying a legally-licensed handgun anywhere in the state. That just doesn’t pass the smell test.”

Adam Kraut, SAF’s executive director and a practicing attorney, agreed and stated:

“[The] order granting our preliminary injunction against the State of New Jersey’s anti-carry law reaffirms that the rule of law is alive and well. After the Supreme Court decided Bruen last summer, the State of New Jersey enacted a series of restrictions that were wholly incompatible with the Constitution and disregarded the Supreme Court’s directive. It is unfortunate that a lawsuit was required in order to force the State to respect its residents’ constitutional right to bear arms. We look forward to continuing to litigate these issues in New Jersey, and across the nation, to ensure constitutional rights are not meaningless words on paper.”

Firearms Policy Coalition Director of Legal Operations Bill Sack spoke about the order as well:

“FPC is thrilled with [the] outcome. New Jersey lawmakers appear intent on continuing to thumb their noses at the mandates of the Constitution but today the Court issued a resounding ‘No.’”

We reached out to David Jensen, the lead attorney on the *Koons* case about the injunction and he said, “We’re pleased with the result, and we appreciate the Court’s careful and thorough analysis. It was (and still is) tragic that the New Jersey legislature opted to declare war on law-abiding gun owners and the right to bear arms, rather than taking the opportunity to do something constructive.”

Daniel L. Schmutter, the lead attorney for the Association of New Jersey Rifle and Pistol Clubs’ *Siegel* case, told TTAG “We are very pleased that the Court recognizes the extreme degree by which the State is attempting to trample New Jerseyans’ fundamental constitutional rights.” Scott Bach, the Executive Director of ANJRPC, further expanded on Schmutter’s statement and observed . . .

“This represents a devastating blow to Governor Murphy’s law blocking legal self-defense. Instead of interfering with the carry rights of honest citizens, Murphy should instead focus on severely punishing violent criminals. Murphy’s blatantly unconstitutional new carry law will ultimately go down in flames for good.”

There’s a lot to the injunction and much to celebrate here. While this injunction didn’t hit every element on the gun owners’ wish list, it provides a path forward for what burdens must be met to see permanent injunctions against the remaining items being challenged.

The injunction is a huge win for Garden State Second Amendment supporters. While the state of New Jersey has already filed for an appeal, we remain hopeful that the Third Circuit Court won’t stay Bumb’s order. It’s an important step in restoring civil liberties here in the Land of 1000 Dinners.

“No compact among men ... can be pronounced everlasting and inviolable, and if I may so express myself, that no Wall of words, that no mound of parchment can be so formed as to stand against the sweeping torrent of boundless ambition on the one side, aided by the sapping current of corrupted morals on the other.”

—George Washington

“Violence, naked force, has settled more issues in history than has any other factor, and the contrary opinion is wishful thinking at its worst. Nations and peoples who forget this basic truth have always paid for it with their lives and freedoms.”

—Robert A. Heinlein

“Our society — unlike most in the world — presupposes that freedom and liberty are in a frame of reference that makes the individual, not government, the keeper of his tastes, beliefs, and ideas; that is the philosophy of the First Amendment; and it is this article of faith that sets us apart from most nations in the world.”

—William O. Douglas

“Those who seek absolute power, even though they seek it to do what they regard as good, are simply demanding the right to enforce their own version of heaven on earth, and let me remind you they are the very ones who always create the most hellish tyranny.”

—Barry Goldwater



Henry Big Boy Rifle Drawing

We will have a limited number of raffle tickets (1,000). We will not mail tickets to members to sell. Tickets will be available at all General meetings and at events where WMSA has a table. Additionally, to build our treasury for the coming year, this year's raffle is aimed towards gaining more WMSA members.

The tickets are \$5 each or 5 for \$20. As an added incentive, bring in a new member at a General Membership Meeting and get a free raffle ticket. Any current member who brings in a new WMSA member gets a free raffle ticket for each new member added to our rolls.

Bring your prospective new member to a general membership meeting and when the new member completes the membership application and pays their dues, you are handed a ticket, no charge! **The drawing will be in January 2024, either at the RK Shows or the WMSA General Membership Meeting.**



Henry Big Boy Rifle Cal. .44 Magnum

Go recruit new members, get a free ticket for every member, and exhaust our limited number of tickets.

Tickets can also be obtained via mail by sending a check to the WMSA, P.O. Box 11144, Kansas City, MO 64119.

Tickets are \$5 each or 5 for \$20

Come to our next General meeting and buy your tickets!



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- 5) Network with other pro-gun groups to coordinate local, state and national strategies.
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