

IN THE CIRCUIT COURT OF JEFFERSON COUNTY  
STATE OF MISSOURI

CITY OF ARNOLD, MISSOURI, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 STATE OF MISSOURI, )  
 )  
 and )  
 )  
 ERIC SCHMITT, Attorney General )  
 For the State of Missouri, )  
 )  
 Defendants. )

Case No.: 22JE-cc00010

**BRIEF OF THE ST. LOUIS AREA POLICE CHIEFS ASSOCIATION AS AMICUS  
CURIAE IN SUPPORT OF PLAINTIFF**

J. Christopher Hesse, #41756  
Abigail B. Schwab, #61129  
HESSE MARTONE, P.C.  
530 Maryville Centre Drive, Suite 250  
St. Louis, MO 63141  
Telephone: (314) 862-0300  
[chrishesse@hessemartone.com](mailto:chrishesse@hessemartone.com)  
[abbyschwab@hessemartone.com](mailto:abbyschwab@hessemartone.com)

*Counsel for Amicus Curiae*

## I. INTEREST OF AMICUS CURIAE

The St. Louis Area Police Chiefs Association (“SLAPCA”) serves the Greater St. Louis community through a consortium of chief executive police leadership and partners that contribute to and support law enforcement, with the mission of establishing a unified leadership organization for law enforcement governance in the St. Louis region that encourages best police practices and standards for professionalism that support human rights and civil liberties.

SLAPCA, and its more than sixty (60) law enforcement agencies throughout multiple counties in the St. Louis region, have a critical interest in obtaining clarification of the interpretation of numerous provisions in the Second Amendment preservation Act (“SAPA”) so that law enforcement may effectively protect the rights of Missouri citizens and the public without the fear of frivolous litigation. The vague wording and structure of portions of SAPA have resulted in unintended interpretations that undermine law enforcement activities in Missouri, including the continuation of necessary partnerships with federal agencies.

SLAPCA and its members have a critical interest in the outcome of the declaratory judgment being sought by the City of Arnold, Missouri (“Plaintiff”). Support for Plaintiff’s lawsuit (as evidenced by the affidavits attached hereto as Exhibits A-1 to A-15) include SLAPCA members who supervise and command over 5,000 officers and civilians in the St. Louis region. It is the belief of SLAPCA and its members that the clarifications being sought by Plaintiff will permit Missouri’s law enforcement officers to effectively protect the citizens across the State, while preserving Missouri citizens’ Second Amendment rights.

## **II. ARGUMENT**

Protection of the constitution of the State of Missouri and our nation's constitution is monumentally important and a high priority of SLAPCA and every member. Every law enforcement officer in the State of Missouri takes an oath to protect the state and national Constitution as well as to preserve the rights of every citizen. The dedication to that commitment has been unquestionably established by the willingness of our officers to put their lives on the line and, at times, make the ultimate sacrifice. Our understanding of the importance of our state and national freedoms runs deep and is unwavering.

While SLAPCA and its members appreciate the State's intent to attempt to further insulate and protect those freedoms by the passage of the Second Amendment Preservation Act ("SAPA"), some of the wording and structure of SAPA has caused confusion among our members and the law enforcement community, as well as unintended and devastating legal implications. It is the goal of SLAPCA and its members to continue to protect the Second Amendment rights of all the citizens of our State while shielding police officers from frivolous civil litigation that they, their police departments and local governments cannot possibly afford.

The language contained in SAPA places a continuous and unreasonable burden on our members and the State's entire law enforcement community to interpret the vague language and attempt compliance. Due to the uncertainty caused by the structure and wording of SAPA, law enforcement officers throughout Missouri are left with no choice but to avoid any involvement with federal agencies or laws that could have anything to do with firearms, regardless of whether such involvement would better assist the law enforcement community in protecting the citizens of Missouri, or allow the law enforcement community to comply with other state and federal statutes.

Clarification of SAPA is vital to the law enforcement community's ability to continue to serve and protect the citizens of Missouri and the public.

**A. Section 1.420 of SAPA is vague and requires clarification.**

Section 1.420 of SAPA identifies a minimum of five (5) categories of “federal acts, laws, executive orders, administrative orders, rules, and regulations” that are considered an infringement “on the people’s right to keep and bear arms, as guaranteed by Amendment II of the United States Constitution and Article I, Section 23 of the Constitution of Missouri....” The categories identified in Section 1.420 that appear to have unintended consequences on law enforcement relate to: 1) the registration or tracking of firearms, firearms accessories or ammunitions, 2) the registration or tracking of the ownership of firearms, firearms accessories or ammunitions, 3) any act forbidding the possession, ownership, use, or transfer of a firearm, firearm accessory or ammunition for law-abiding citizens, and 4) any act ordering the confiscation of firearms, firearm accessories, or ammunition from law-abiding citizens. § 1.420(2)-(5).

However, because the language is vague and ambiguous and terms are left undefined, Section 1.420 is subject to countless interpretations, causing confusion among SLAPCA’s members and members of the law enforcement community.

1. SAPA is unclear as to which federal laws and acts constitute an “infringement.”

Perhaps one of the most significant issues with the language in Section 1.420 is the uncertainty surrounding the effective date of SAPA and to which federal “acts, laws, executive orders, administrative orders, rules, and regulations” Section 1.420 applies. Based on the language, it is unclear whether SAPA applies to EVERY federal act, law, regulation, executive order, administrative order and/or rule regardless of when it was enacted or whether it simply applies to those federal acts, laws, regulations, executive orders, administrative orders and/or rules

that are enacted AFTER the effective date of SAPA (whether it is June 12, 2021 or August 28, 2021 as it is unclear which is actually the effective date of the statute). Because it is unclear exactly which federal acts, laws, regulations, executive orders, administrative orders and/or rules are deemed to be an infringement on Missouri citizens' Second Amendment rights, members of SLAPCA and the law enforcement community are forced to try and interpret the language in order to comply and avoid frivolous litigation. In many instances, members of SLAPCA and the law enforcement community are forced to simply avoid any involvement with *any* federal act, law, regulation, executive order, administrative order and/or rule that may in any way relate to firearms, firearms accessory and/or ammunition because it is nearly impossible to determine whether such involvement will be found to be a violation of SAPA.

Therefore, it is imperative that this Court declare that SAPA only applies to those federal acts, laws, regulations, executive orders, administrative orders and/or rules enacted AFTER the effective date of SAPA (whether it be June 12, 2021 or August 28, 2021) to prevent a future finding that SAPA is unconstitutionally vague in violation of Article I, Sections 8 and 10 of the Missouri Constitution and/or a future finding that SAPA constitutes an *ex post facto* law which violates Article I, Section 13 of the Missouri Constitution.

2. SAPA purports to prohibit law enforcement from seizing firearms, ammunition and/or accessories for safekeeping.

Because Section 1.420 identifies “any act ordering the confiscation of firearms, firearm accessories, or ammunition from law-abiding citizens” as an “infringement[]” on the “people’s right to keep and bear arms,” the law enforcement community is left questioning whether they are permitted to seize firearms, accessories or ammunition for safekeeping in order to protect victims and the public in certain situations, including but not limited to incidents of domestic violence, suicide attempts, assaults and incidents involving individuals suffering from mental illness or

addiction, when law enforcement officers cannot determine if a firearm, accessory or ammunition is, or will be evidence. This confusion is further exacerbated by the ambiguous definition of “law-abiding citizen” contained in Section 1.480.1. Prohibiting law enforcement officers from seizing firearms, accessories or ammunition for safekeeping in certain situations puts already vulnerable members of the public at greater risk for violence.

Therefore, it is vital to SLAPCA and its members that this Court declare that SAPA does not prohibit law enforcement officers from seizing firearms, accessories and/or ammunition for safekeeping in order to protect victims and the public in certain situations, including but not limited to incidents of domestic violence, suicide attempts, assaults and incidents involving individuals suffering from mental illness or addiction, when the law enforcement officer cannot determine if a firearm, accessory and/or ammunition is, or will be, evidence.

3. SAPA purports to hinder law enforcement’s ability to utilize state and federal databases which are vital to policing efforts in Missouri and appears to violate Missouri statutes.

The vague language in Section 1.420 has also forced members of the law enforcement community to refrain from utilizing state databases which are connected to federal databases for purposes of assisting law enforcement. This is especially true in light of the fact that the term “tracking” is not defined anywhere within SAPA.

Because of this ambiguity, it is unclear whether law enforcement officers are prohibited from: 1) entering firearms, accessories or ammunition into local records management (“RMS”) and/or computer aided dispatch (“CAD”) systems; 2) entering stolen firearms into the National Crime Information Center database, the Missouri Incident Based Reporting System (“MIBRS”) and the National Incident Based Reporting System (“NIBRS”); or 3) entering ammunition and/or ballistics into the National Integrated Ballistics Information Network (“NIBIN”).

In other words, it is unclear whether running the serial numbers of firearms through the NCIC database constitutes “tracking,” and thus a violation of SAPA. If running the serial numbers of firearms through the NCIC database does constitute tracking and a violation of SAPA, is a law enforcement officer’s refusal to run the serial number of a firearm through NCIC in order to locate and seize stolen firearms encroach on the rights of gun owners and the Second Amendment rights of citizens nationwide by preventing law-abiding gun owners from reclaiming their firearms?

Additionally, when law enforcement receives a report of a stolen firearm, that officer will enter the firearm into NCIC in order to track it for the victim/gun owner, return the firearm once located and facilitate the criminal justice process to hold the suspect(s) accountable for stealing or illegally possessing the stolen firearm. The tracking of stolen firearms preserves and protects the constitutional Second Amendment rights of the gunowner to reclaim their property. Does entering a stolen gun into NCIC violate SAPA? Does a law enforcement officer’s refusal to enter stolen firearms into NCIC encroach on the rights of gun owners and the Second Amendment rights of the citizens of the State of Missouri by preventing them from reclaiming their stolen firearms?

In addition, SAPA’s apparent prohibition against entering information into state databases (“MIBRS”) which are connected to federal databases (“NIBRS”) appears to be in clear violation of § 43.505 of the Missouri Revised Statutes, which requires that every law enforcement agency in the State of Missouri submit crime reports to the department of public safety on forms or in the format prescribed by the department and submit any other crime incident information which may be required by the department of public safety. If law enforcement agencies attempt to comply with SAPA’s prohibition against entering information into federal databases, those law enforcement agencies are forced to risk violating § 43.505 RSMo, putting their eligibility to

receive Missouri's own state resources or federal funds for law enforcement, safety and/or criminal justice purposes in jeopardy.

Therefore, it is vital to SLAPCA and its members, as well as the law enforcement community, that the Court declare that Section 1.420 does not prohibit law enforcement officers from: 1) entering firearms, accessories or ammunition into local records management systems ("RMS") and/or computer aided dispatch ("CAD") systems; 2) entering stolen firearms into the National Crime Information Center ("NCIC") database; 3) running a firearm through the National Crime Information Center ("NCIC") to determine if it's stolen; 4) entering stolen firearms into the National Incident Based Reporting System ("NIBRS") or the Missouri Incident Based Reporting System ("MIBRS"); or 5) from entering ammunition and/or ballistics into the National Integrated Ballistics Information Network ("NIBIN").

4. SAPA and Section 1.420 have jeopardized the law enforcement community's relationships and partnerships with federal agencies.

The confusion and unintended legal implications caused by the vague wording and structure of SAPA, including Section 1.420, has jeopardized the relationships and working partnerships Missouri's law enforcement community has with federal agencies – relationships that are critical to our mission of serving and protecting the citizens of this State and the public. These joint endeavors have helped Missouri's law enforcement keep the citizens of our State safe from violent and dangerous criminals. For example, our drug tasks forces work with federal partners at the Drug Enforcement Agency ("DEA") to remove those who deal in illicit opioid and narcotics, poison our youth and terrorize our neighborhoods. Our cybercrimes units and anti-human trafficking units work with federal partners at the Federal Bureau of Investigation ("FBI"), Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), Immigration and Customs Enforcement ("ICE"), United States Department of Homeland Security ("USDHS"), United States Secret

Service (“USSS”), United States Postal Inspection Service, the United States Marshalls Service and the United States Coast Guard, among others, to protect children from abuse, molestation and forced prostitution along with removing dangerous and violent fugitives from our communities. The partnership we have with the U.S. Attorney’s office allows us to take guns out of the hands of dangerous and violent criminals and successfully prosecute them, leading to incarceration terms that remove them from preying on our society.

Therefore, it is vital to the mission of SLAPCA, its members, and law enforcement in Missouri that the Court declare that SAPA does not 1) prohibit law enforcement officers from having municipal, county or state officers designated or working as a Task Force Officer (“TFO”); 2) prohibit a municipality or county from entering into a Memorandum of Understanding (“MOU”) with a Federal Task Force; 3) prohibit the participation in or filling a seat on a governing board of a drug task force or any local task force with a federal nexus/partnership and associating MOUs; or 4) prohibit a municipality or county from aiding a Federal Task Force in any way.

**B. Section 1.470.1 of SAPA appears to prohibit law enforcement agencies from employing anyone currently or formerly employed by or affiliated with the federal government, including military personnel.**

Section 1.470.1 of SAPA appears to prohibit municipalities and counties from employing any “individual acting or who previously acted as an official, agent, employee, or deputy of the government of the United States, or otherwise acted under the color of federal law within the borders of this state, who has knowingly, as defined under section 562.016, after the adoption of this section: (1) [e]nforced or attempted to enforce any of the infringements listed in section 1.420; or (2) [g]iven material aid and support to the efforts of another who enforces or attempts to enforce any of the infringements identified in section 1.420.” Those who violate Section 1.470.1 shall be

subject to a civil penalty of fifty thousand dollars (\$50,000.00) per employee hired by the political subdivision or law enforcement agency.

The language in Section 1.470.1 appears to restrict the recruitment, hiring and retention of law enforcement officers who are currently or formerly employed by or affiliated with the federal government, including military personnel and veterans. This restriction is not only in direct conflict with the Federal Reemployment Rights Act of 1994 (“USERRA”) and Missouri law, §§ 41.730, and 105.270 RSMo, but creates an unnecessary hardship and enormous uncertainty in hiring of law enforcement officers at a time when the recruitment, hiring and retention of qualified law enforcement officers is extremely difficult. Municipalities and counties are now apprehensive to hire anyone with any connection, regardless of how nominal, to the federal government for fear of violating SAPA and being subject to frivolous litigation.

Therefore, it is crucial to SLAPCA, its members and Missouri’s law enforcement community that the Court declare that Section 1.470.1 does not prohibit municipalities or counties from recruiting, hiring and/or retaining as a law enforcement officer any individual currently or formerly employed by or affiliated with any agency of the United States federal government, including military personnel and veterans.

**C. The definition of “law-abiding citizen” contained in Section 1.480.1 is vague and requires clarification.**

Section 1.480.1 of SAPA defines a “law-abiding citizen” as a “person who is not otherwise precluded under state law from possessing a firearm and shall not be constructed to include anyone who is not legally present in the United States or the state of Missouri.” However, it is unclear whether SAPA’s definition of a “law-abiding citizen” includes a person committing a felony with a firearm because he or she is not illegally in the country and does not have a prior felony conviction which restricts his or her ownership of the firearm.

Therefore, it is necessary to SLAPCA's mission and to law enforcement in Missouri that the Court declare that the term "law-abiding citizen" shall mean "a person who is not otherwise precluded under state law from possessing a firearm and shall not be construed to include anyone who is not legally present in the United States or the State of Missouri or who is or has committed or is in the act of committing a crime which is in any way related to or results in law enforcement's interaction with them."

**D. The term "merely ancillary" as used in Section 1.480.4 of SAPA is vague and requires clarification.**

Section 1.480.4 of SAPA provides that it is not a violation of Sections 1.410 to 1.480 to provide material aid to federal prosecution for:

- (1) Felony crimes against a person when such prosecution includes weapons violations substantially similar to those found in chapter 570 or chapter 571 so long as such weapons violations are merely ancillary to such prosecution; or
- (2) Class A or Class B felony violations substantially similar to those found in chapter 570 when such prosecution includes weapons violations substantially similar to those found in chapter 570 or chapter 571 so long as such weapons violations are merely ancillary to such prosecution.

While Section 1.480.4 purports to be a safe harbor provision for law enforcement agencies and officers, the phrase "merely ancillary" is not defined or even mentioned anywhere else in SAPA, making it impossible for SLAPCA, its members and the law enforcement community to determine whether a law enforcement officer can aid federal law enforcement and/or federal prosecutors with, for example, the investigation into and/or prosecution of a drug dealer who had his/her illegal guns seized and who has pending federal charges relating to both guns and drugs. Missouri's law enforcement's partnership with the U.S. Attorney's office, as well as other federal agencies and task forces, allow us to keep Missouri citizens safe from violent and dangerous criminals, and the uncertainty that is caused by the undefined phrase "merely ancillary" leaves

Missouri's law enforcement agencies and officers with little choice other than to avoid *any* involvement with federal agencies or laws regardless of the consequences on policing and law enforcement.

Therefore, it is vital to SLAPCA, its members and law enforcement in the State of Missouri that the Court declare that the phrase "merely ancillary," means "in addition to" as it relates to Section 1.408.4 of SAPA.

### **III. CONCLUSION**

It is the goal of SLAPCA and its members to continue to protect the Second Amendment rights of all the citizens of our State while shielding police officers from frivolous civil litigation, ultimately allowing us to guard our community members against dangerous and violent criminals who victimize them and their families. For the foregoing reasons, SLAPCA respectfully supports the City of Arnold, Missouri's action for declaratory judgment in order to promote public safety and effective law enforcement.

Respectfully submitted,

/s/ J. Christopher Hesse

J. Christopher Hesse, #41756

Abigail B. Schwab, #61129

HESSE MARTONE, P.C.

530 Maryville Centre Drive, Suite 250

St. Louis, MO 63141

Telephone: (314) 862-0300

[chrishesse@hessemartone.com](mailto:chrishesse@hessemartone.com)

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*Counsel for Amicus Curiae*

**CERTIFICATE OF SERVICE**

I hereby certify that on January 7, 2022, a copy of the foregoing was electronically served on all counsel of record via the Court's electronic filing system.

/s/ J. Christopher Hesse

IN THE CIRCUIT COURT OF JEFFERSON COUNTY  
STATE OF MISSOURI

CITY OF ARNOLD, MISSOURI, )  
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Serve: Eric Schmitt )  
Office of Attorney General )  
207 High Street ) Case No.: 22JE-cc00010  
Jefferson City, Mo. )  
65102 )  
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ERIC SCHMITT, Attorney General )  
For the State of Missouri )  
Serve: Office of Attorney General )  
207 High Street )  
Jefferson City, Mo. )  
65102 )  
)  
Defendants. )

**AFFIDAVIT IN SUPPORT OF BRIEF OF *AMICUS CURIAE* ST. LOUIS AREA POLICE  
CHIEFS ASSOCIATION**

I, Chief Andrew Mackey, being duly sworn upon my oath, do state and testify that:

1. I am an adult resident of St. Louis County, Missouri and I have firsthand knowledge of the matters set forth herein.
2. I have been employed by the City of Overland since 1994, and currently serve as its Chief of Police.
3. I have been a member of the Missouri Police Chiefs' Association and the St. Louis Area Police Chiefs Association since 2018.

4. I am a law-abiding citizen and gun owner in the State of Missouri and a supporter of the Second Amendment.

5. While I understand and appreciate the Second Amendment Preservation Act's ("SAPA") attempts to insulate and protect Missouri citizens' Second Amendment rights, some of the wording and structure of SAPA has inadvertently caused confusion and raised a number of questions that hinder law enforcement's ability to defend and protect Missouri citizens.

6. The vague wording and structure of SAPA has raised, at a minimum, the following issues and questions which require clarification:

a. Does Section 1.420 of SAPA apply to EVERY federal law, regulation, executive order, administrative order, rule and/or regulation regardless of when it was enacted, or does it only apply to "federal acts, laws, executive orders, administrative orders, rules and regulations" enacted into law AFTER August 28, 2021 (the effective date of SAPA)?

b. Can law enforcement officers seize firearms, accessories or ammunition for safekeeping in order to protect victims and the public in certain situations, including but not limited to, domestic violence incidents, suicide attempts, assaults and incidents involving subjects suffering from mental illness or addiction, when the law enforcement officer cannot determine if the gun is, or will be, evidence?

c. Does Section 1.420 prohibit law enforcement officers from entering firearms, accessories or ammunition into local records management ("RMS") and/or computer aided dispatch ("CAD") systems?

d. Does Section 1.420 prohibit law enforcement officers from entering stolen firearms into the National Crime Information Center ("NCIC") database?

e. Does Section 1.420 prohibit law enforcement officers from entering stolen firearms into the National Incident Based Reporting System (“NIBRS”) or the Missouri Incident Based Reporting System (“MIBRS”)?

f. If it is a violation of SAPA for law enforcement officers to enter stolen firearms into the NCIC, NIBIRS and/or MIBRS databases, what mechanism is available to law enforcement officers to assist law-abiding citizens in the recovery of their stolen firearms?

g. Does Section 1.420 prohibit law enforcement officers from entering annunciation and/or ballistics into the National Integrated Ballistics Information Network (“NIBIN”)?

h. What is the meaning of the phrase “merely ancillary” as used in Sections 1.480.4 (1) and 1.480.4 (2), so that I may determine if one of my officers can aid federal law enforcement and/or federal prosecutors with for example, a drug dealer who has illegal guns which are seized and there are federal charges regarding both guns and drugs?

i. Is participating in a federal task force by having municipal, county or state officers designated as a Task Force Officer (“TFO”) a violation of SAPA?

j. Does a municipality or county violate SAPA by entering into a Memorandum of Understanding (“MOU”) with a Federal Task Force?

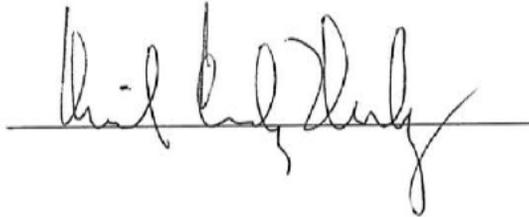
k. Is participation in or filling a seat on a governing board of a drug task force or any local task force with a federal nexus/partnership and associating MOUs a violation of SAPA?

l. Is a person committing a felony with a firearm really a “law abiding citizen” under SAPA because he or she is not illegally in the country and does not have a prior felony which restricts his ownership of the firearm?

m. Does SAPA require Police Departments to refuse to hire a veteran because the veteran was previously an “employee of the government of the United States” who “enforced or attempted to enforce any infringements” of SAPA or gave “material aid and support of the efforts of another who enforces or attempts to enforce any infringement” of SAPA a violation of Federal laws that prohibit discriminatory practices against veterans?

I, Chief Andrew Mackey, have read and understood the preceding six (6) paragraphs and confirm their accuracy to the best of my knowledge, information and belief.

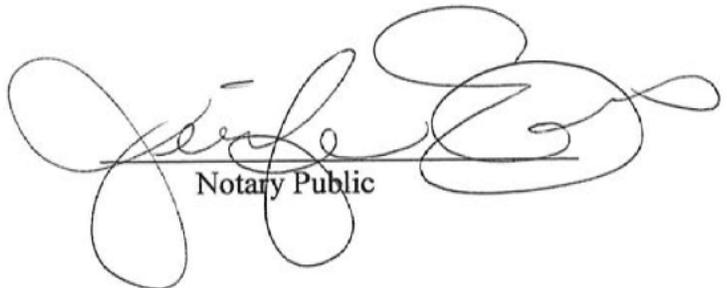
FURTHER AFFIANT SAYETH NOT.



STATE OF MISSOURI     )  
  ) ss.  
COUNTY OF \_\_\_\_\_ )

I hereby certify that on the 21 day of December 2021, before me, Jennifer Evans, a notary public in the state of Missouri, personally appeared Chief Andy Mackey and made his/her Affirmation in due form of law that the matters and facts set forth in the Affidavit are true.

As witness my hand and notarial seal.

  
Notary Public

Jennifer Evans  
NOTARY PUBLIC - NOTARY SEAL  
State of Missouri  
Saint Louis County  
Commission #14624018  
My Commission Expires June 5, 2022

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I, Christopher A. DiGiuseppi, being duly sworn upon my oath, do state and testify that:

1. I am an adult resident of St. Charles County, Missouri and I have firsthand knowledge of the matters set forth herein.
2. I have been employed by the City of Lake St. Louis since 1992, and currently serve as its Chief of Police.
3. I have been a member of the St. Louis Area Police Chiefs Association since 2017, and currently serve as its executive board Vice President.

4. I am a law-abiding citizen and gun owner in the State of Missouri and a supporter of the Second Amendment.

5. While I understand and appreciate the Second Amendment Preservation Act's ("SAPA") attempts to insulate and protect Missouri citizens' Second Amendment rights, some of the wording and structure of SAPA has inadvertently caused confusion and raised a number of questions that hinder law enforcement's ability to defend and protect Missouri citizens.

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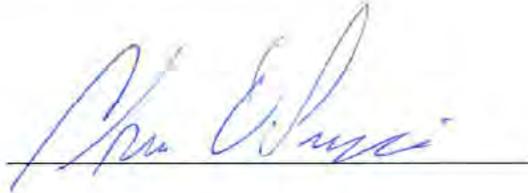
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I, Christopher A. DiGiuseppi, have read and understood the preceding six (6) paragraphs and confirm their accuracy to the best of my knowledge, information and belief.

FURTHER AFFIANT SAYETH NOT.



STATE OF MISSOURI     )  
  ) ss.  
COUNTY OF St. Charles )

I hereby certify that on the 20<sup>th</sup> day of December, 2021, before me, Kristine K. Westhoff, a notary public in the state of Missouri, personally appeared Christopher A. DiGiuseppi and made his/her Affirmation in due form of law that the matters and facts set forth in the Affidavit are true.

As witness my hand and notarial seal.



Notary Public



KRISTINE K. WESTHOFF  
My Commission Expires  
April 15, 2022  
Lincoln County  
Commission #14387903

IN THE CIRCUIT COURT OF JEFFERSON COUNTY  
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CHIEFS ASSOCIATION**

I, Dale Curtis, being duly sworn upon my oath, do state and testify that:

1. I am an adult resident of Saint Louis County, Missouri and I have firsthand knowledge of the matters set forth herein.
2. I have been employed by the City of Webster Groves, MO since 1997, and currently serve as its Chief of Police.
3. I have been a member of the Saint Louis Area Police Chiefs Association since 1997, and its past Chairperson and Executive Board Member 2003-2007.

4. I am a law-abiding citizen and gun owner in the State of Missouri and a supporter of the Second Amendment.

5. While I understand and appreciate the Second Amendment Preservation Act's ("SAPA") attempts to insulate and protect Missouri citizens' Second Amendment rights, some of the wording and structure of SAPA has inadvertently caused confusion and raised a number of questions that hinder law enforcement's ability to defend and protect Missouri citizens.

6. The vague wording and structure of SAPA has raised, at a minimum, the following issues and questions which require clarification:

a. Does Section 1.420 of SAPA apply to EVERY federal law, regulation, executive order, administrative order, rule and/or regulation regardless of when it was enacted, or does it only apply to "federal acts, laws, executive orders, administrative orders, rules and regulations" enacted into law AFTER August 28, 2021 (the effective date of SAPA)?

b. Can law enforcement officers seize firearms, accessories or ammunition for safekeeping in order to protect victims and the public in certain situations, including but not limited to, domestic violence incidents, suicide attempts, assaults and incidents involving subjects suffering from mental illness or addiction, when the law enforcement officer cannot determine if the gun is, or will be, evidence?

c. Does Section 1.420 prohibit law enforcement officers from entering firearms, accessories or ammunition into local records management ("RMS") and/or computer aided dispatch ("CAD") systems?

d. Does Section 1.420 prohibit law enforcement officers from entering stolen firearms into the National Crime Information Center ("NCIC") database?

e. Does Section 1.420 prohibit law enforcement officers from entering stolen firearms into the National Incident Based Reporting System (“NIBRS”) or the Missouri Incident Based Reporting System (“MIBRS”)?

f. If it is a violation of SAPA for law enforcement officers to enter stolen firearms into the NCIC, NIBRS and/or MIBRS databases, what mechanism is available to law enforcement officers to assist law-abiding citizens in the recovery of their stolen firearms?

g. Does Section 1.420 prohibit law enforcement officers from entering annunciation and/or ballistics into the National Integrated Ballistics Information Network (“NIBIN”)?

h. What is the meaning of the phrase “merely ancillary” as used in Sections 1.480.4 (1) and 1.480.4 (2), so that I may determine if one of my officers can aid federal law enforcement and/or federal prosecutors with for example, a drug dealer who has illegal guns which are seized and there are federal charges regarding both guns and drugs?

i. Is participating in a federal task force by having municipal, county or state officers designated as a Task Force Officer (“TFO”) a violation of SAPA?

j. Does a municipality or county violate SAPA by entering into a Memorandum of Understanding (“MOU”) with a Federal Task Force?

k. Is participation in or filling a seat on a governing board of a drug task force or any local task force with a federal nexus/partnership and associating MOUs a violation of SAPA?

l. Is a person committing a felony with a firearm really a "law abiding citizen" under SAPA because he or she is not illegally in the country and does not have a prior felony which restricts his ownership of the firearm?

m. Does SAPA require Police Departments to refuse to hire a veteran because the veteran was previously an "employee of the government of the United States" who "enforced or attempted to enforce any infringements" of SAPA or gave "material aid and support of the efforts of another who enforces or attempts to enforce any infringement" of SAPA a violation of Federal laws that prohibit discriminatory practices against veterans?

I, Dale Curtis, have read and understand the preceding six (6) paragraphs and confirm their accuracy to the best of my knowledge, information and belief.

FURTHER AFFIANT SAYETH NOT.

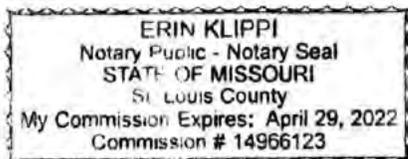


STATE OF MISSOURI     )  
                                  ) ss.  
COUNTY OF St. Louis )

I hereby certify that on the 20<sup>th</sup> day of Dec, 2021, before me, Erin Klippi, a notary public in the state of Missouri, personally appeared Dale Curtis and made his/her Affirmation in due form of law that the matters and facts set forth in the Affidavit are true.

As witness my hand and notarial seal.

Erin Klippi  
Notary Public



IN THE CIRCUIT COURT OF JEFFERSON COUNTY  
STATE OF MISSOURI

CITY OF ARNOLD, MISSOURI, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 STATE OF MISSOURI, )  
 )  
 Serve: Eric Schmitt )  
 Office of Attorney General )  
 207 High Street ) Case No.: 22JE-cc00010  
 Jefferson City, Mo. )  
 65102 )  
 )  
 and )  
 )  
 ERIC SCHMITT, Attorney General )  
 For the State of Missouri )  
 Serve: Office of Attorney General )  
 207 High Street )  
 Jefferson City, Mo. )  
 65102 )  
 )  
 Defendants. )

**AFFIDAVIT IN SUPPORT OF BRIEF OF *AMICUS CURIAE* ST. LOUIS AREA POLICE  
CHIEFS ASSOCIATION**

I, Doug Schaeffler, being duly sworn upon my oath, do state and testify that:

1. I am an adult resident of St Louis County, Missouri and I have firsthand knowledge of the matters set forth herein.
2. I have been employed by the City of Ballwin since 2019, and currently serve as its Chief of Police.
3. I have been a member of the St. Louis Are Police Chiefs’ Association since 2017, and currently serve as its Chairman.

4. I am a law-abiding citizen and gun owner in the State of Missouri and a supporter of the Second Amendment.

5. While I understand and appreciate the Second Amendment Preservation Act's ("SAPA") attempts to insulate and protect Missouri citizens' Second Amendment rights, some of the wording and structure of SAPA has inadvertently caused confusion and raised a number of questions that hinder law enforcement's ability to defend and protect Missouri citizens.

6. The vague wording and structure of SAPA has raised, at a minimum, the following issues and questions which require clarification:

a. Does Section 1.420 of SAPA apply to EVERY federal law, regulation, executive order, administrative order, rule and/or regulation regardless of when it was enacted, or does it only apply to "federal acts, laws, executive orders, administrative orders, rules and regulations" enacted into law AFTER August 28, 2021 (the effective date of SAPA)?

b. Can law enforcement officers seize firearms, accessories or ammunition for safekeeping in order to protect victims and the public in certain situations, including but not limited to, domestic violence incidents, suicide attempts, assaults and incidents involving subjects suffering from mental illness or addiction, when the law enforcement officer cannot determine if the gun is, or will be, evidence?

c. Does Section 1.420 prohibit law enforcement officers from entering firearms, accessories or ammunition into local records management ("RMS") and/or computer aided dispatch ("CAD") systems?

d. Does Section 1.420 prohibit law enforcement officers from entering stolen firearms into the National Crime Information Center ("NCIC") database?

e. Does Section 1.420 prohibit law enforcement officers from entering stolen firearms into the National Incident Based Reporting System (“NIBRS”) or the Missouri Incident Based Reporting System (“MIBRS”)?

f. If it is a violation of SAPA for law enforcement officers to enter stolen firearms into the NCIC, NIBRS and/or MIBRS databases, what mechanism is available to law enforcement officers to assist law-abiding citizens in the recovery of their stolen firearms?

g. Does Section 1.420 prohibit law enforcement officers from entering annunciation and/or ballistics into the National Integrated Ballistics Information Network (“NIBIN”)?

h. What is the meaning of the phrase “merely ancillary” as used in Sections 1.480.4 (1) and 1.480.4 (2), so that I may determine if one of my officers can aid federal law enforcement and/or federal prosecutors with for example, a drug dealer who has illegal guns which are seized and there are federal charges regarding both guns and drugs?

i. Is participating in a federal task force by having municipal, county or state officers designated as a Task Force Officer (“TFO”) a violation of SAPA?

j. Does a municipality or county violate SAPA by entering into a Memorandum of Understanding (“MOU”) with a Federal Task Force?

k. Is participation in or filling a seat on a governing board of a drug task force or any local task force with a federal nexus/partnership and associating MOUs a violation of SAPA?

l. Is a person committing a felony with a firearm really a "law abiding citizen" under SAPA because he or she is not illegally in the country and does not have a prior felony which restricts his ownership of the firearm?

m. Does SAPA require Police Departments to refuse to hire a veteran because the veteran was previously an "employee of the government of the United States" who "enforced or attempted to enforce any infringements" of SAPA or gave "material aid and support of the efforts of another who enforces or attempts to enforce any infringement" of SAPA a violation of Federal laws that prohibit discriminatory practices against veterans?

I, Doug Schaeffler, have read and understood the preceding six (6) paragraphs and confirm their accuracy to the best of my knowledge, information and belief.

FURTHER AFFIANT SAYETH NOT.



STATE OF MISSOURI     )  
  ) ss.  
COUNTY OF Jefferson )

I hereby certify that on the 20 day of Dec 2021, before me, April Minton, a notary public in the state of Missouri, personally appeared Douglas Schaeffler and made his/her Affirmation in due form of law that the matters and facts set forth in the Affidavit are true.

As witness my hand and notarial seal.



APRIL D MINTON  
My Commission Expires  
February 29, 2024  
Jefferson County  
Commission #16166093

April D. Minton  
Notary Public

IN THE CIRCUIT COURT OF JEFFERSON COUNTY  
STATE OF MISSOURI

CITY OF ARNOLD, MISSOURI, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 STATE OF MISSOURI, ) Case No.: 22JE-cc00010  
 Serve: Eric Schmitt )  
 Office of Attorney General )  
 207 High Street )  
 Jefferson City, Mo. )  
 65102 )  
 )  
 and )  
 )  
 ERIC SCHMITT, Attorney General )  
 For the State of Missouri )  
 Serve: Office of Attorney General )  
 207 High Street )  
 Jefferson City, Mo. )  
 65102 )  
 )  
 Defendants. )

**AFFIDAVIT IN SUPPORT OF BRIEF OF *AMICUS CURIAE* ST. LOUIS AREA POLICE  
CHIEFS ASSOCIATION**

I, Gerald Rohr, being duly sworn upon my oath, do state and testify that:

1. I am an adult resident of St. Louis County, Missouri and I have firsthand knowledge of the matters set forth herein.
2. I have been employed by the City/County of Richmond Heights since 1999, and currently serve as its Chief of Police.
3. I have been a member of the St. Louis Area Police Chiefs Association since 2020.
4. I am a law-abiding citizen and gun owner in the State of Missouri and a supporter of the Second Amendment.

5. While I understand and appreciate the Second Amendment Preservation Act's ("SAPA") attempts to insulate and protect Missouri citizens' Second Amendment rights, some of the wording and structure of SAPA has inadvertently caused confusion and raised a number of questions that hinder law enforcement's ability to defend and protect Missouri citizens.

6. The vague wording and structure of SAPA has raised, at a minimum, the following issues and questions which require clarification:

a. Does Section 1.420 of SAPA apply to EVERY federal law, regulation, executive order, administrative order, rule and/or regulation regardless of when it was enacted, or does it only apply to "federal acts, laws, executive orders, administrative orders, rules and regulations" enacted into law AFTER August 28, 2021 (the effective date of SAPA)?

b. Can law enforcement officers seize firearms, accessories or ammunition for safekeeping in order to protect victims and the public in certain situations, including but not limited to, domestic violence incidents, suicide attempts, assaults and incidents involving subjects suffering from mental illness or addiction, when the law enforcement officer cannot determine if the gun is, or will be, evidence?

c. Does Section 1.420 prohibit law enforcement officers from entering firearms, accessories or ammunition into local records management ("RMS") and/or computer aided dispatch ("CAD") systems?

d. Does Section 1.420 prohibit law enforcement officers from entering stolen firearms into the National Crime Information Center ("NCIC") database?

e. Does Section 1.420 prohibit law enforcement officers from entering stolen firearms into the National Incident Based Reporting System (“NIBRS”) or the Missouri Incident Based Reporting System (“MIBRS”)?

f. If it is a violation of SAPA for law enforcement officers to enter stolen firearms into the NCIC, NIBRS and/or MIBRS databases, what mechanism is available to law enforcement officers to assist law-abiding citizens in the recovery of their stolen firearms?

g. Does Section 1.420 prohibit law enforcement officers from entering annunciation and/or ballistics into the National Integrated Ballistics Information Network (“NIBIN”)?

h. What is the meaning of the phrase “merely ancillary” as used in Sections 1.480.4 (1) and 1.480.4 (2), so that I may determine if one of my officers can aid federal law enforcement and/or federal prosecutors with for example, a drug dealer who has illegal guns which are seized and there are federal charges regarding both guns and drugs?

i. Is participating in a federal task force by having municipal, county or state officers designated as a Task Force Officer (“TFO”) a violation of SAPA?

j. Does a municipality or county violate SAPA by entering into a Memorandum of Understanding (“MOU”) with a Federal Task Force?

k. Is participation in or filling a seat on a governing board of a drug task force or any local task force with a federal nexus/partnership and associating MOUs a violation of SAPA?

l. Is a person committing a felony with a firearm really a "law abiding citizen" under SAPA because he or she is not illegally in the country and does not have a prior felony which restricts his ownership of the firearm?

m. Does SAPA require Police Departments to refuse to hire a veteran because the veteran was previously an "employee of the government of the United States" who "enforced or attempted to enforce any infringements" of SAPA or gave "material aid and support of the efforts of another who enforces or attempts to enforce any infringement" of SAPA a violation of Federal laws that prohibit discriminatory practices against veterans?

I, Gerald Rohr, have read and understood the preceding six (6) paragraphs and confirm their accuracy to the best of my knowledge, information and belief.

FURTHER AFFIANT SAYETH NOT.

Gerald Rohr

STATE OF MISSOURI     )  
  ) ss.  
COUNTY OF St. Louis     )

I hereby certify that on the 20 day of December 2021, before me, Laurie Beeko, a notary public in the state of Missouri, personally appeared Gerald Rohr and made his/her Affirmation in due form of law that the matters and facts set forth in the Affidavit are true.

As witness my hand and notarial seal.



Laurie Beeko  
My Commission Expires  
July 25, 2022  
St. Louis County  
Commission #14754147

Laurie Beeko  
Notary Public

IN THE CIRCUIT COURT OF JEFFERSON COUNTY  
STATE OF MISSOURI

CITY OF ARNOLD, MISSOURI, )  
)  
Plaintiff, )  
)  
v. )  
)  
STATE OF MISSOURI, )  
Serve: Eric Schmitt )  
Office of Attorney General )  
207 High Street )  
Jefferson City, Mo. )  
65102 )  
)  
and )  
)  
ERIC SCHMITT, Attorney General )  
For the State of Missouri )  
Serve: Office of Attorney General )  
207 High Street )  
Jefferson City, Mo. )  
65102 )  
)  
Defendants. )

Case No.: 22JE-cc00010

**AFFIDAVIT IN SUPPORT OF BRIEF OF *AMICUS CURIAE* ST. LOUIS AREA POLICE  
CHIEFS ASSOCIATION**

I, Gregg Hall, being duly sworn upon my oath, do state and testify that:

1. I am an adult resident of St. Charles County, Missouri and I have firsthand knowledge of the matters set forth herein.
2. I have been employed by the City of Hazelwood since 07-09-1979, and currently serve as its Chief of Police.
3. I have been a member of the St. Louis Area Police Chiefs Association since 07-2011, and currently serve as its member.

4. I am a law-abiding citizen and gun owner in the State of Missouri and a supporter of the Second Amendment.

5. While I understand and appreciate the Second Amendment Preservation Act's ("SAPA") attempts to insulate and protect Missouri citizens' Second Amendment rights, some of the wording and structure of SAPA has inadvertently caused confusion and raised a number of questions that hinder law enforcement's ability to defend and protect Missouri citizens.

6. The vague wording and structure of SAPA has raised, at a minimum, the following issues and questions which require clarification:

a. Does Section 1.420 of SAPA apply to EVERY federal law, regulation, executive order, administrative order, rule and/or regulation regardless of when it was enacted, or does it only apply to "federal acts, laws, executive orders, administrative orders, rules and regulations" enacted into law AFTER August 28, 2021 (the effective date of SAPA)?

b. Can law enforcement officers seize firearms, accessories or ammunition for safekeeping in order to protect victims and the public in certain situations, including but not limited to, domestic violence incidents, suicide attempts, assaults and incidents involving subjects suffering from mental illness or addiction, when the law enforcement officer cannot determine if the gun is, or will be, evidence?

c. Does Section 1.420 prohibit law enforcement officers from entering firearms, accessories or ammunition into local records management ("RMS") and/or computer aided dispatch ("CAD") systems?

d. Does Section 1.420 prohibit law enforcement officers from entering stolen firearms into the National Crime Information Center ("NCIC") database?

e. Does Section 1.420 prohibit law enforcement officers from entering stolen firearms into the National Incident Based Reporting System (“NIBRS”) or the Missouri Incident Based Reporting System (“MIBRS”)?

f. If it is a violation of SAPA for law enforcement officers to enter stolen firearms into the NCIC, NIBRS and/or MIBRS databases, what mechanism is available to law enforcement officers to assist law-abiding citizens in the recovery of their stolen firearms?

g. Does Section 1.420 prohibit law enforcement officers from entering annunciation and/or ballistics into the National Integrated Ballistics Information Network (“NIBIN”)?

h. What is the meaning of the phrase “merely ancillary” as used in Sections 1.480.4 (1) and 1.480.4 (2), so that I may determine if one of my officers can aid federal law enforcement and/or federal prosecutors with for example, a drug dealer who has illegal guns which are seized and there are federal charges regarding both guns and drugs?

i. Is participating in a federal task force by having municipal, county or state officers designated as a Task Force Officer (“TFO”) a violation of SAPA?

j. Does a municipality or county violate SAPA by entering into a Memorandum of Understanding (“MOU”) with a Federal Task Force?

k. Is participation in or filling a seat on a governing board of a drug task force or any local task force with a federal nexus/partnership and associating MOUs a violation of SAPA?

l. Is a person committing a felony with a firearm really a “law abiding citizen” under SAPA because he or she is not illegally in the country and does not have a prior felony which restricts his ownership of the firearm?

m. Does SAPA require Police Departments to refuse to hire a veteran because the veteran was previously an “employee of the government of the United States” who “enforced or attempted to enforce any infringements” of SAPA or gave “material aid and support of the efforts of another who enforces or attempts to enforce any infringement” of SAPA a violation of Federal laws that prohibit discriminatory practices against veterans?

I, Gregg Hall, have read and understood the preceding six (6) paragraphs and confirm their accuracy to the best of my knowledge, information and belief.

FURTHER AFFIANT SAYETH NOT.

*Gregg Hall*

STATE OF MISSOURI     )  
  )  
COUNTY OF St Louis    ) ss.

I hereby certify that on the 22 day of December 2021, before me, Cara Renee Fry, a notary public in the state of Missouri, personally appeared Chief Gregg Hall and made his/her Affirmation in due form of law that the matters and facts set forth in the Affidavit are true.

As witness my hand and notarial seal.

*Cara Renee Fry*  
Notary Public



IN THE CIRCUIT COURT OF JEFFERSON COUNTY  
STATE OF MISSOURI

CITY OF ARNOLD, MISSOURI, )  
)  
Plaintiff, )  
)  
v. )  
)  
STATE OF MISSOURI, ) Case No.: 22JE-cc00010  
Serve: Eric Schmitt )  
Office of Attorney General )  
207 High Street )  
Jefferson City, Mo. )  
65102 )  
)  
and )  
)  
ERIC SCHMITT, Attorney General )  
For the State of Missouri )  
Serve: Office of Attorney General )  
207 High Street )  
Jefferson City, Mo. )  
65102 )  
)  
Defendants. )

**AFFIDAVIT IN SUPPORT OF BRIEF OF AMICUS CURIAE ST. LOUIS AREA POLICE  
CHIEFS ASSOCIATION**

I, James Cavins, being duly sworn upon my oath, do state and testify that:

1. I am an adult resident of St. Clair County, Illinois and I have firsthand knowledge of the matters set forth herein.
2. I have been employed by the City of Town and Country, Missouri since July 15, 2019, and currently serve as its Chief of Police.
3. I have been a member of the St. Louis Area Police Chiefs Association since 2019.
4. I am a law-abiding citizen, gun owner and a supporter of the Second Amendment.

5. While I understand and appreciate the Second Amendment Preservation Act's ("SAPA") attempts to insulate and protect Missouri citizens' Second Amendment rights, some of the wording and structure of SAPA has inadvertently caused confusion and raised a number of questions that hinder law enforcement's ability to defend and protect Missouri citizens.

6. The vague wording and structure of SAPA has raised, at a minimum, the following issues and questions which require clarification:

a. Does Section 1.420 of SAPA apply to EVERY federal law, regulation, executive order, administrative order, rule and/or regulation regardless of when it was enacted, or does it only apply to "federal acts, laws, executive orders, administrative orders, rules and regulations" enacted into law AFTER August 28, 2021 (the effective date of SAPA)?

b. Can law enforcement officers seize firearms, accessories or ammunition for safekeeping in order to protect victims and the public in certain situations, including but not limited to, domestic violence incidents, suicide attempts, assaults and incidents involving subjects suffering from mental illness or addiction, when the law enforcement officer cannot determine if the gun is, or will be, evidence?

c. Does Section 1.420 prohibit law enforcement officers from entering firearms, accessories or ammunition into local records management ("RMS") and/or computer aided dispatch ("CAD") systems?

d. Does Section 1.420 prohibit law enforcement officers from entering stolen firearms into the National Crime Information Center ("NCIC") database?

e. Does Section 1.420 prohibit law enforcement officers from entering stolen firearms into the National Incident Based Reporting System (“NIBRS”) or the Missouri Incident Based Reporting System (“MIBRS”)?

f. If it is a violation of SAPA for law enforcement officers to enter stolen firearms into the NCIC, NIBRS and/or MIBRS databases, what mechanism is available to law enforcement officers to assist law-abiding citizens in the recovery of their stolen firearms?

g. Does Section 1.420 prohibit law enforcement officers from entering annunciation and/or ballistics into the National Integrated Ballistics Information Network (“NIBIN”)?

h. What is the meaning of the phrase “merely ancillary” as used in Sections 1.480.4 (1) and 1.480.4 (2), so that I may determine if one of my officers can aid federal law enforcement and/or federal prosecutors with for example, a drug dealer who has illegal guns which are seized and there are federal charges regarding both guns and drugs?

i. Is participating in a federal task force by having municipal, county or state officers designated as a Task Force Officer (“TFO”) a violation of SAPA?

j. Does a municipality or county violate SAPA by entering into a Memorandum of Understanding (“MOU”) with a Federal Task Force?

k. Is participation in or filling a seat on a governing board of a drug task force or any local task force with a federal nexus/partnership and associating MOUs a violation of SAPA?

l. Is a person committing a felony with a firearm really a “law abiding citizen” under SAPA because he or she is not illegally in the country and does not have a prior felony which restricts his ownership of the firearm?

m. Does SAPA require Police Departments to refuse to hire a veteran because the veteran was previously an “employee of the government of the United States” who “enforced or attempted to enforce any infringements” of SAPA or gave “material aid and support of the efforts of another who enforces or attempts to enforce any infringement” of SAPA a violation of Federal laws that prohibit discriminatory practices against veterans?

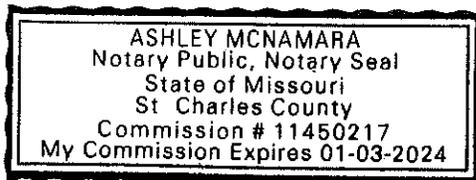
I, **James Cavins**, have read and understood the preceding six (6) paragraphs and confirm their accuracy to the best of my knowledge, information and belief.

FURTHER AFFIANT SAYETH NOT.

STATE OF MISSOURI     )  
  ) ss.  
COUNTY OF St. Louis     )

I hereby certify that on the 28<sup>th</sup> day of December 2021, before me, Ashley McNamara, a notary public in the state of Missouri, personally appeared James Cavins and made his/her Affirmation in due form of law that the matters and facts set forth in the Affidavit are true.

As witness my hand and notarial seal.



Ashley McNamara  
Notary Public

IN THE CIRCUIT COURT OF JEFFERSON COUNTY  
STATE OF MISSOURI

CITY OF ARNOLD, MISSOURI, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 STATE OF MISSOURI, ) Case No.: 22JE-cc00010  
 Serve: Eric Schmitt )  
 Office of Attorney General )  
 207 High Street )  
 Jefferson City, Mo. )  
 65102 )  
 )  
 and )  
 )  
 ERIC SCHMITT, Attorney General )  
 For the State of Missouri )  
 Serve: Office of Attorney General )  
 207 High Street )  
 Jefferson City, Mo. )  
 65102 )  
 )  
 Defendants. )

**AFFIDAVIT IN SUPPORT OF BRIEF OF *AMICUS CURIAE* ST. LOUIS AREA POLICE  
CHIEFS ASSOCIATION**

I, Jeffrey Hartman, being duly sworn upon my oath, do state and testify that:

1. I am an adult resident of St. Charles County, Missouri and I have firsthand knowledge of the matters set forth herein.
2. I have been employed by the City of Creve Coeur since 1997, and currently serve as its Chief of Police.
3. I have been a member of the St. Louis Area Police Chiefs' Association since 2021.
4. I am a law-abiding citizen and gun owner in the State of Missouri and a supporter of the Second Amendment.

5. While I understand and appreciate the Second Amendment Preservation Act's ("SAPA") attempts to insulate and protect Missouri citizens' Second Amendment rights, some of the wording and structure of SAPA has inadvertently caused confusion and raised a number of questions that hinder law enforcement's ability to defend and protect Missouri citizens.

6. The vague wording and structure of SAPA has raised, at a minimum, the following issues and questions which require clarification:

a. Does Section 1.420 of SAPA apply to EVERY federal law, regulation, executive order, administrative order, rule and/or regulation regardless of when it was enacted, or does it only apply to "federal acts, laws, executive orders, administrative orders, rules and regulations" enacted into law AFTER August 28, 2021 (the effective date of SAPA)?

b. Can law enforcement officers seize firearms, accessories or ammunition for safekeeping in order to protect victims and the public in certain situations, including but not limited to, domestic violence incidents, suicide attempts, assaults and incidents involving subjects suffering from mental illness or addiction, when the law enforcement officer cannot determine if the gun is, or will be, evidence?

c. Does Section 1.420 prohibit law enforcement officers from entering firearms, accessories or ammunition into local records management ("RMS") and/or computer aided dispatch ("CAD") systems?

d. Does Section 1.420 prohibit law enforcement officers from entering stolen firearms into the National Crime Information Center ("NCIC") database?

e. Does Section 1.420 prohibit law enforcement officers from entering stolen firearms into the National Incident Based Reporting System (“NIBRS”) or the Missouri Incident Based Reporting System (“MIBRS”)?

f. If it is a violation of SAPA for law enforcement officers to enter stolen firearms into the NCIC, NIBRS and/or MIBRS databases, what mechanism is available to law enforcement officers to assist law-abiding citizens in the recovery of their stolen firearms?

g. Does Section 1.420 prohibit law enforcement officers from entering annunciation and/or ballistics into the National Integrated Ballistics Information Network (“NIBIN”)?

h. What is the meaning of the phrase “merely ancillary” as used in Sections 1.480.4 (1) and 1.480.4 (2), so that I may determine if one of my officers can aid federal law enforcement and/or federal prosecutors with for example, a drug dealer who has illegal guns which are seized and there are federal charges regarding both guns and drugs?

i. Is participating in a federal task force by having municipal, county or state officers designated as a Task Force Officer (“TFO”) a violation of SAPA?

j. Does a municipality or county violate SAPA by entering into a Memorandum of Understanding (“MOU”) with a Federal Task Force?

k. Is participation in or filling a seat on a governing board of a drug task force or any local task force with a federal nexus/partnership and associating MOUs a violation of SAPA?

l. Is a person committing a felony with a firearm really a “law abiding citizen” under SAPA because he or she is not illegally in the country and does not have a prior felony which restricts his ownership of the firearm?

m. Does SAPA require Police Departments to refuse to hire a veteran because the veteran was previously an “employee of the government of the United States” who “enforced or attempted to enforce any infringements” of SAPA or gave “material aid and support of the efforts of another who enforces or attempts to enforce any infringement” of SAPA a violation of Federal laws that prohibit discriminatory practices against veterans?

I, Jeffrey Hartman, have read and understood the preceding six (6) paragraphs and confirm their accuracy to the best of my knowledge, information and belief.

FURTHER AFFIANT SAYETH NOT.

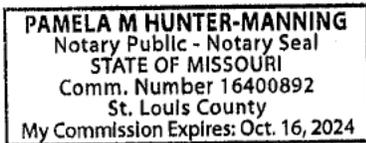
Jeffrey Hartman

STATE OF MISSOURI     )  
  ) ss.  
COUNTY OF St. Louis     )

I hereby certify that on the 22 day of December 2021, before me, Pamela M. Hunter-Manning, a notary public in the state of Missouri, personally appeared Jeffrey Hartman and made his/her Affirmation in due form of law that the matters and facts set forth in the Affidavit are true.

As witness my hand and notarial seal.

Pamela M. Hunter-Manning  
Notary Public



IN THE CIRCUIT COURT OF JEFFERSON COUNTY  
STATE OF MISSOURI

CITY OF ARNOLD, MISSOURI, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 STATE OF MISSOURI, )  
 Serve: Eric Schmitt )  
 Office of Attorney General )  
 207 High Street )  
 Jefferson City, Mo. )  
 65102 )  
 )  
 and )  
 )  
 ERIC SCHMITT, Attorney General )  
 For the State of Missouri )  
 Serve: Office of Attorney General )  
 207 High Street )  
 Jefferson City, Mo. )  
 65102 )  
 )  
 Defendants. )

Case No.: 22JE-cc00010

**AFFIDAVIT IN SUPPORT OF BRIEF OF *AMICUS CURIAE* ST. LOUIS AREA POLICE  
CHIEFS' ASSOCIATION**

I, Jeremy Ihler, being duly sworn upon my oath, do state and testify that:

1. I am an adult resident of St. Charles County, Missouri and I have firsthand knowledge of the matters set forth herein.
2. I have been employed by the City of Bellefontaine Neighbors since 1999, and currently serve as its Chief of Police.
3. I have been a member of the St. Louis Area Police Chiefs' Association since 2017, and currently serve as its Treasurer.

4. I am a law-abiding citizen and gun owner in the State of Missouri and a supporter of the Second Amendment.

5. While I understand and appreciate the Second Amendment Preservation Act's ("SAPA") attempts to insulate and protect Missouri citizens' Second Amendment rights, some of the wording and structure of SAPA has inadvertently caused confusion and raised a number of questions that hinder law enforcement's ability to defend and protect Missouri citizens.

6. The vague wording and structure of SAPA has raised, at a minimum, the following issues and questions which require clarification:

a. Does Section 1.420 of SAPA apply to EVERY federal law, regulation, executive order, administrative order, rule and/or regulation regardless of when it was enacted, or does it only apply to "federal acts, laws, executive orders, administrative orders, rules and regulations" enacted into law AFTER August 28, 2021 (the effective date of SAPA)?

b. Can law enforcement officers seize firearms, accessories or ammunition for safekeeping in order to protect victims and the public in certain situations, including but not limited to, domestic violence incidents, suicide attempts, assaults and incidents involving subjects suffering from mental illness or addiction, when the law enforcement officer cannot determine if the gun is, or will be, evidence?

c. Does Section 1.420 prohibit law enforcement officers from entering firearms, accessories or ammunition into local records management ("RMS") and/or computer aided dispatch ("CAD") systems?

d. Does Section 1.420 prohibit law enforcement officers from entering stolen firearms into the National Crime Information Center ("NCIC") database?

e. Does Section 1.420 prohibit law enforcement officers from entering stolen firearms into the National Incident Based Reporting System (“NIBRS”) or the Missouri Incident Based Reporting System (“MIBRS”)?

f. If it is a violation of SAPA for law enforcement officers to enter stolen firearms into the NCIC, NIBRS and/or MIBRS databases, what mechanism is available to law enforcement officers to assist law-abiding citizens in the recovery of their stolen firearms?

g. Does Section 1.420 prohibit law enforcement officers from entering annunciation and/or ballistics into the National Integrated Ballistics Information Network (“NIBIN”)?

h. What is the meaning of the phrase “merely ancillary” as used in Sections 1.480.4 (1) and 1.480.4 (2), so that I may determine if one of my officers can aid federal law enforcement and/or federal prosecutors with for example, a drug dealer who has illegal guns which are seized and there are federal charges regarding both guns and drugs?

i. Is participating in a federal task force by having municipal, county or state officers designated as a Task Force Officer (“TFO”) a violation of SAPA?

j. Does a municipality or county violate SAPA by entering into a Memorandum of Understanding (“MOU”) with a Federal Task Force?

k. Is participation in or filling a seat on a governing board of a drug task force or any local task force with a federal nexus/partnership and associating MOUs a violation of SAPA?

l. Is a person committing a felony with a firearm really a “law abiding citizen” under SAPA because he or she is not illegally in the country and does not have a prior felony which restricts his ownership of the firearm?

m. Does SAPA require Police Departments to refuse to hire a veteran because the veteran was previously an “employee of the government of the United States” who “enforced or attempted to enforce any infringements” of SAPA or gave “material aid and support of the efforts of another who enforces or attempts to enforce any infringement” of SAPA a violation of Federal laws that prohibit discriminatory practices against veterans?

I, Jeremy Ihler, have read and understood the preceding six (6) paragraphs and confirm their accuracy to the best of my knowledge, information and belief.

FURTHER AFFIANT SAYETH NOT.

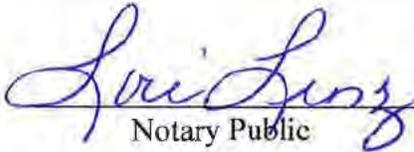
  
\_\_\_\_\_

STATE OF MISSOURI     )  
  ) ss.  
COUNTY OF ST. LOUIS    )

I hereby certify that on the 20 day of Dec 2021, before me, Lori Lenz, a notary public in the state of Missouri, personally appeared Jeremy Ihler and made his/her Affirmation in due form of law that the matters and facts set forth in the Affidavit are true.

As witness my hand and notarial seal.



  
\_\_\_\_\_  
Notary Public

IN THE CIRCUIT COURT OF JEFFERSON COUNTY  
STATE OF MISSOURI

CITY OF ARNOLD, MISSOURI, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 STATE OF MISSOURI, ) Case No.: 22JE-cc00010  
 Serve: Eric Schmitt )  
 Office of Attorney General )  
 207 High Street )  
 Jefferson City, Mo. )  
 65102 )  
 )  
 and )  
 )  
 ERIC SCHMITT, Attorney General )  
 For the State of Missouri )  
 Serve: Office of Attorney General )  
 207 High Street )  
 Jefferson City, Mo. )  
 65102 )  
 )  
 Defendants. )

**AFFIDAVIT IN SUPPORT OF BRIEF OF *AMICUS CURIAE* ST. LOUIS AREA POLICE  
CHIEFS ASSOCIATION**

I, Mark Guttman, being duly sworn upon my oath, do state and testify that:

1. I am an adult resident of St. Charles County, Missouri and I have firsthand knowledge of the matters set forth herein.
2. I have been employed by the City of Frontenac since 1990, and currently serve as its Chief of Police.
3. I have been a member of the St. Louis Area Police Chiefs Association since 2018.
4. I am a law-abiding citizen and gun owner in the State of Missouri and a supporter of the Second Amendment.

5. While I understand and appreciate the Second Amendment Preservation Act's ("SAPA") attempts to insulate and protect Missouri citizens' Second Amendment rights, some of the wording and structure of SAPA has inadvertently caused confusion and raised a number of questions that hinder law enforcement's ability to defend and protect Missouri citizens.

6. The vague wording and structure of SAPA has raised, at a minimum, the following issues and questions which require clarification:

a. Does Section 1.420 of SAPA apply to EVERY federal law, regulation, executive order, administrative order, rule and/or regulation regardless of when it was enacted, or does it only apply to "federal acts, laws, executive orders, administrative orders, rules and regulations" enacted into law AFTER August 28, 2021 (the effective date of SAPA)?

b. Can law enforcement officers seize firearms, accessories or ammunition for safekeeping in order to protect victims and the public in certain situations, including but not limited to, domestic violence incidents, suicide attempts, assaults and incidents involving subjects suffering from mental illness or addiction, when the law enforcement officer cannot determine if the gun is, or will be, evidence?

c. Does Section 1.420 prohibit law enforcement officers from entering firearms, accessories or ammunition into local records management ("RMS") and/or computer aided dispatch ("CAD") systems?

d. Does Section 1.420 prohibit law enforcement officers from entering stolen firearms into the National Crime Information Center ("NCIC") database?

e. Does Section 1.420 prohibit law enforcement officers from entering stolen firearms into the National Incident Based Reporting System (“NIBRS”) or the Missouri Incident Based Reporting System (“MIBRS”)?

f. If it is a violation of SAPA for law enforcement officers to enter stolen firearms into the NCIC, NIBRS and/or MIBRS databases, what mechanism is available to law enforcement officers to assist law-abiding citizens in the recovery of their stolen firearms?

g. Does Section 1.420 prohibit law enforcement officers from entering annunciation and/or ballistics into the National Integrated Ballistics Information Network (“NIBIN”)?

h. What is the meaning of the phrase “merely ancillary” as used in Sections 1.480.4 (1) and 1.480.4 (2), so that I may determine if one of my officers can aid federal law enforcement and/or federal prosecutors with for example, a drug dealer who has illegal guns which are seized and there are federal charges regarding both guns and drugs?

i. Is participating in a federal task force by having municipal, county or state officers designated as a Task Force Officer (“TFO”) a violation of SAPA?

j. Does a municipality or county violate SAPA by entering into a Memorandum of Understanding (“MOU”) with a Federal Task Force?

k. Is participation in or filling a seat on a governing board of a drug task force or any local task force with a federal nexus/partnership and associating MOUs a violation of SAPA?

l. Is a person committing a felony with a firearm really a “law abiding citizen” under SAPA because he or she is not illegally in the country and does not have a prior felony which restricts his ownership of the firearm?

m. Does SAPA require Police Departments to refuse to hire a veteran because the veteran was previously an “employee of the government of the United States” who “enforced or attempted to enforce any infringements” of SAPA or gave “material aid and support of the efforts of another who enforces or attempts to enforce any infringement” of SAPA a violation of Federal laws that prohibit discriminatory practices against veterans?

I, Mark Guttman, have read and understood the preceding six (6) paragraphs and confirm their accuracy to the best of my knowledge, information and belief.

FURTHER AFFIANT SAYETH NOT.

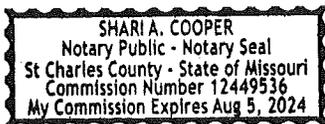
Mark Guttman

STATE OF MISSOURI     )  
  ) ss.  
COUNTY OF St. Louis     )

I hereby certify that on the 28 day of Dec 2021, before me, Shari Cooper, a notary public in the state of Missouri, personally appeared Mark Guttman and made his/her Affirmation in due form of law that the matters and facts set forth in the Affidavit are true.

As witness my hand and notarial seal.

Shari A Cooper  
Notary Public



IN THE CIRCUIT COURT OF JEFFERSON COUNTY  
STATE OF MISSOURI

CITY OF ARNOLD, MISSOURI, )  
)  
Plaintiff, )  
)  
v. )  
)  
STATE OF MISSOURI, ) Case No.: 22JE-cc00010  
Serve: Eric Schmitt )  
Office of Attorney General )  
207 High Street )  
Jefferson City, Mo. )  
65102 )  
)  
and )  
)  
ERIC SCHMITT, Attorney General )  
For the State of Missouri )  
Serve: Office of Attorney General )  
207 High Street )  
Jefferson City, Mo. )  
65102 )  
)  
Defendants. )

**AFFIDAVIT IN SUPPORT OF BRIEF OF AMICUS CURIAE ST. LOUIS AREA POLICE  
CHIEFS ASSOCIATION**

I, Mark A. Mossotti, being duly sworn upon my oath, do state and testify that:

1. I am an adult resident of St. Charles County, Missouri and I have firsthand knowledge of the matters set forth herein.

2. I have been employed by the City of Bridgeton since 1986, and currently serve as its Chief of Police.

3. I have been a member of the St. Louis Area Police Chiefs Association since 2014.

4. I am a law-abiding citizen and gun owner in the State of Missouri and a supporter of the Second Amendment.

5. While I understand and appreciate the Second Amendment Preservation Act's ("SAPA") attempts to insulate and protect Missouri citizens' Second Amendment rights, some of the wording and structure of SAPA has inadvertently caused confusion and raised a number of questions that hinder law enforcement's ability to defend and protect Missouri citizens.

6. The vague wording and structure of SAPA has raised, at a minimum, the following issues and questions which require clarification:

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b. Can law enforcement officers seize firearms, accessories or ammunition for safekeeping in order to protect victims and the public in certain situations, including but not limited to, domestic violence incidents, suicide attempts, assaults and incidents involving subjects suffering from mental illness or addiction, when the law enforcement officer cannot determine if the gun is, or will be, evidence?

c. Does Section 1.420 prohibit law enforcement officers from entering firearms, accessories or ammunition into local records management ("RMS") and/or computer aided dispatch ("CAD") systems?

d. Does Section 1.420 prohibit law enforcement officers from entering stolen firearms into the National Crime Information Center ("NCIC") database?

e. Does Section 1.420 prohibit law enforcement officers from entering stolen firearms into the National Incident Based Reporting System (“NIBRS”) or the Missouri Incident Based Reporting System (“MIBRS”)?

f. If it is a violation of SAPA for law enforcement officers to enter stolen firearms into the NCIC, NIBRS and/or MIBRS databases, what mechanism is available to law enforcement officers to assist law-abiding citizens in the recovery of their stolen firearms?

g. Does Section 1.420 prohibit law enforcement officers from entering annunciation and/or ballistics into the National Integrated Ballistics Information Network (“NIBIN”)?

h. What is the meaning of the phrase “merely ancillary” as used in Sections 1.480.4 (1) and 1.480.4 (2), so that I may determine if one of my officers can aid federal law enforcement and/or federal prosecutors with for example, a drug dealer who has illegal guns which are seized and there are federal charges regarding both guns and drugs?

i. Is participating in a federal task force by having municipal, county or state officers designated as a Task Force Officer (“TFO”) a violation of SAPA?

j. Does a municipality or county violate SAPA by entering into a Memorandum of Understanding (“MOU”) with a Federal Task Force?

k. Is participation in or filling a seat on a governing board of a drug task force or any local task force with a federal nexus/partnership and associating MOUs a violation of SAPA?

l. Is a person committing a felony with a firearm really a "law abiding citizen" under SAPA because he or she is not illegally in the country and does not have a prior felony which restricts his ownership of the firearm?

m. Does SAPA require Police Departments to refuse to hire a veteran because the veteran was previously an "employee of the government of the United States" who "enforced or attempted to enforce any infringements" of SAPA or gave "material aid and support of the efforts of another who enforces or attempts to enforce any infringement" of SAPA a violation of Federal laws that prohibit discriminatory practices against veterans?

I, Mark A. Mossotti, have read and understood the preceding six (6) paragraphs and confirm their accuracy to the best of my knowledge, information and belief.

FURTHER AFFIANT SAYETH NOT.

Mark A Mossotti

STATE OF MISSOURI     )  
  ) ss.  
COUNTY OF ST LOUIS    )

I hereby certify that on the 28 day of December 2021, before me, Jennifer Dussold, a notary public in the state of Missouri, personally appeared Mark A. Mossotti and made his/her Affirmation in due form of law that the matters and facts set forth in the Affidavit are true.

As witness my hand and notarial seal.

JENNIFER DUSSOLD  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for St. Charles County  
My Commission Expires: May 22, 2025  
Commission Number: 17950526

J. Dussold  
Notary Public

IN THE CIRCUIT COURT OF JEFFERSON COUNTY  
STATE OF MISSOURI

CITY OF ARNOLD, MISSOURI, )  
)  
Plaintiff, )  
)  
v. )  
)  
STATE OF MISSOURI, ) Case No.: 22JE-cc00010  
Serve: Eric Schmitt )  
Office of Attorney General )  
207 High Street )  
Jefferson City, Mo. )  
65102 )  
)  
and )  
)  
ERIC SCHMITT, Attorney General )  
For the State of Missouri )  
Serve: Office of Attorney General )  
207 High Street )  
Jefferson City, Mo. )  
65102 )  
)  
)  
Defendants. )

**AFFIDAVIT IN SUPPORT OF BRIEF OF *AMICUS CURIAE* ST. LOUIS AREA POLICE  
CHIEFS ASSOCIATION**

I, Mark J. Smith, being duly sworn upon my oath, do state and testify that:

1. I am an adult resident of St. Louis County, Missouri and I have firsthand knowledge of the matters set forth herein.
2. I have been employed by the City of Clayton since 2000, and currently serve as its Chief of Police.
3. I have been a member of the St. Louis Area Police Chiefs Association since 2020.
4. I am a law-abiding citizen and gun owner in the State of Missouri and a supporter of the Second Amendment.

5. While I understand and appreciate the Second Amendment Preservation Act's ("SAPA") attempts to insulate and protect Missouri citizens' Second Amendment rights, some of the wording and structure of SAPA has inadvertently caused confusion and raised a number of questions that hinder law enforcement's ability to defend and protect Missouri citizens.

6. The vague wording and structure of SAPA has raised, at a minimum, the following issues and questions which require clarification:

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b. Can law enforcement officers seize firearms, accessories or ammunition for safekeeping in order to protect victims and the public in certain situations, including but not limited to, domestic violence incidents, suicide attempts, assaults and incidents involving subjects suffering from mental illness or addiction, when the law enforcement officer cannot determine if the gun is, or will be, evidence?

c. Does Section 1.420 prohibit law enforcement officers from entering firearms, accessories or ammunition into local records management ("RMS") and/or computer aided dispatch ("CAD") systems?

d. Does Section 1.420 prohibit law enforcement officers from entering stolen firearms into the National Crime Information Center ("NCIC") database?

e. Does Section 1.420 prohibit law enforcement officers from entering stolen firearms into the National Incident Based Reporting System (“NIBRS”) or the Missouri Incident Based Reporting System (“MIBRS”)?

f. If it is a violation of SAPA for law enforcement officers to enter stolen firearms into the NCIC, NIBRS and/or MIBRS databases, what mechanism is available to law enforcement officers to assist law-abiding citizens in the recovery of their stolen firearms?

g. Does Section 1.420 prohibit law enforcement officers from entering annunciation and/or ballistics into the National Integrated Ballistics Information Network (“NIBIN”)?

h. What is the meaning of the phrase “merely ancillary” as used in Sections 1.480.4 (1) and 1.480.4 (2), so that I may determine if one of my officers can aid federal law enforcement and/or federal prosecutors with for example, a drug dealer who has illegal guns which are seized and there are federal charges regarding both guns and drugs?

i. Is participating in a federal task force by having municipal, county or state officers designated as a Task Force Officer (“TFO”) a violation of SAPA?

j. Does a municipality or county violate SAPA by entering into a Memorandum of Understanding (“MOU”) with a Federal Task Force?

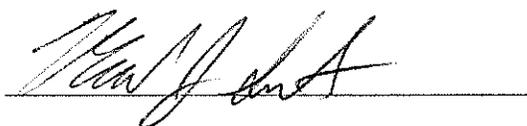
k. Is participation in or filling a seat on a governing board of a drug task force or any local task force with a federal nexus/partnership and associating MOUs a violation of SAPA?

l. Is a person committing a felony with a firearm really a “law abiding citizen” under SAPA because he or she is not illegally in the country and does not have a prior felony which restricts his ownership of the firearm?

m. Does SAPA require Police Departments to refuse to hire a veteran because the veteran was previously an “employee of the government of the United States” who “enforced or attempted to enforce any infringements” of SAPA or gave “material aid and support of the efforts of another who enforces or attempts to enforce any infringement” of SAPA a violation of Federal laws that prohibit discriminatory practices against veterans?

I, Mark J. Smith, have read and understood the preceding six (6) paragraphs and confirm their accuracy to the best of my knowledge, information and belief.

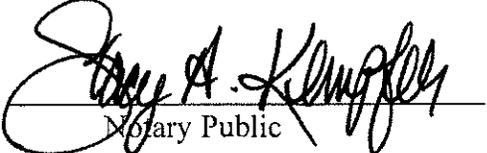
FURTHER AFFIANT SAYETH NOT.

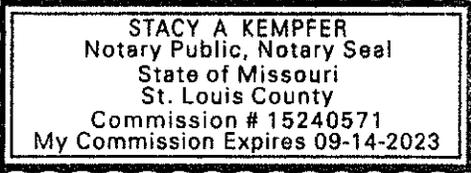


STATE OF MISSOURI     )  
  ) ss.  
COUNTY OF ST. LOUIS    )

I hereby certify that on the 20th day of December 2021, before me Stacy A. Kempfer, a notary public in the state of Missouri, personally appeared Mark J. Smith and made his/her Affirmation in due form of law that the matters and facts set forth in the Affidavit are true.

As witness my hand and notarial seal.

  
Notary Public



MIN THE CIRCUIT COURT OF JEFFERSON COUNTY  
STATE OF MISSOURI

CITY OF ARNOLD, MISSOURI, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 STATE OF MISSOURI, )  
 Serve: Eric Schmitt )  
 Office of Attorney General )  
 207 High Street )  
 Jefferson City, Mo. )  
 65102 )  
 )  
 and )  
 )  
 ERIC SCHMITT, Attorney General )  
 For the State of Missouri )  
 Serve: Office of Attorney General )  
 207 High Street )  
 Jefferson City, Mo. )  
 65102 )  
 )  
 Defendants. )

Case No.: 22JE-cc00010

**AFFIDAVIT IN SUPPORT OF BRIEF OF *AMICUS CURIAE* ST. LOUIS AREA POLICE  
CHIEFS' ASSOCIATION**

I, Matthew Nighbor, being duly sworn upon my oath, do state and testify that:

1. I am an adult resident of St. Louis County, Missouri and I have firsthand knowledge of the matters set forth herein.
2. I have been employed by the City of Maplewood since 2001, and currently serve as its Acting Chief of Police.
3. I have been a member of the St. Louis Area Police Chiefs' Association since 2021.
4. I am a law-abiding citizen and gun owner in the State of Missouri and a supporter of the Second Amendment.

5. While I understand and appreciate the Second Amendment Preservation Act's ("SAPA") attempts to insulate and protect Missouri citizens' Second Amendment rights, some of the wording and structure of SAPA has inadvertently caused confusion and raised a number of questions that hinder law enforcement's ability to defend and protect Missouri citizens.

6. The vague wording and structure of SAPA has raised, at a minimum, the following issues and questions which require clarification:

a. Does Section 1.420 of SAPA apply to EVERY federal law, regulation, executive order, administrative order, rule and/or regulation regardless of when it was enacted, or does it only apply to "federal acts, laws, executive orders, administrative orders, rules and regulations" enacted into law AFTER August 28, 2021 (the effective date of SAPA)?

b. Can law enforcement officers seize firearms, accessories or ammunition for safekeeping in order to protect victims and the public in certain situations, including but not limited to, domestic violence incidents, suicide attempts, assaults and incidents involving subjects suffering from mental illness or addiction, when the law enforcement officer cannot determine if the gun is, or will be, evidence?

c. Does Section 1.420 prohibit law enforcement officers from entering firearms, accessories or ammunition into local records management ("RMS") and/or computer aided dispatch ("CAD") systems?

d. Does Section 1.420 prohibit law enforcement officers from entering stolen firearms into the National Crime Information Center ("NCIC") database?

e. Does Section 1.420 prohibit law enforcement officers from entering stolen firearms into the National Incident Based Reporting System (“NIBRS”) or the Missouri Incident Based Reporting System (“MIBRS”)?

f. If it is a violation of SAPA for law enforcement officers to enter stolen firearms into the NCIC, NIBRS and/or MIBRS databases, what mechanism is available to law enforcement officers to assist law-abiding citizens in the recovery of their stolen firearms?

g. Does Section 1.420 prohibit law enforcement officers from entering annunciation and/or ballistics into the National Integrated Ballistics Information Network (“NIBIN”)?

h. What is the meaning of the phrase “merely ancillary” as used in Sections 1.480.4 (1) and 1.480.4 (2), so that I may determine if one of my officers can aid federal law enforcement and/or federal prosecutors with for example, a drug dealer who has illegal guns which are seized and there are federal charges regarding both guns and drugs?

i. Is participating in a federal task force by having municipal, county or state officers designated as a Task Force Officer (“TFO”) a violation of SAPA?

j. Does a municipality or county violate SAPA by entering into a Memorandum of Understanding (“MOU”) with a Federal Task Force?

k. Is participation in or filling a seat on a governing board of a drug task force or any local task force with a federal nexus/partnership and associating MOUs a violation of SAPA?

l. Is a person committing a felony with a firearm really a “law abiding citizen” under SAPA because he or she is not illegally in the country and does not have a prior felony which restricts his ownership of the firearm?

m. Does SAPA require Police Departments to refuse to hire a veteran because the veteran was previously an “employee of the government of the United States” who “enforced or attempted to enforce any infringements” of SAPA or gave “material aid and support of the efforts of another who enforces or attempts to enforce any infringement” of SAPA a violation of Federal laws that prohibit discriminatory practices against veterans?

I, Matthew Nighbor, have read and understood the preceding six (6) paragraphs and confirm their accuracy to the best of my knowledge, information and belief.

FURTHER AFFIANT SAYETH NOT.

Matthew Nighbor

STATE OF MISSOURI     )  
  ) ss.  
COUNTY OF St. Louis     )

I hereby certify that on the 29 day of Dec 2021, before me, Gina Komerous, a notary public in the state of Missouri, personally appeared Matthew Nighbor and made his/her Affirmation in due form of law that the matters and facts set forth in the Affidavit are true.

As witness my hand and notarial seal.

GINA KOMEROUS  
NOTARY PUBLIC - NOTARY SEAL  
STATE OF MISSOURI  
COMMISSIONED FOR ST. LOUIS CITY  
MY COMMISSION EXPIRES JUN. 19, 2025  
ID #13406963

Gina Komerous  
Notary Public

IN THE CIRCUIT COURT OF JEFFERSON COUNTY  
STATE OF MISSOURI

CITY OF ARNOLD, MISSOURI, )  
)  
Plaintiff, )  
)  
v. )  
)  
STATE OF MISSOURI, ) Case No.: 22JE-cc00010  
Serve: Eric Schmitt )  
Office of Attorney General )  
207 High Street )  
Jefferson City, Mo. )  
65102 )  
)  
and )  
)  
ERIC SCHMITT, Attorney General )  
For the State of Missouri )  
Serve: Office of Attorney General )  
207 High Street )  
Jefferson City, Mo. )  
65102 )  
)  
Defendants. )

**AFFIDAVIT IN SUPPORT OF BRIEF OF *AMICUS CURIAE* ST. LOUIS AREA POLICE  
CHIEFS ASSOCIATION**

I, Ray Juengst, being duly sworn upon my oath, do state and testify that:

1. I am an adult resident of St. Charles County, Missouri and I have firsthand knowledge of the matters set forth herein.
2. I have been employed by the City of St. Charles since 1995, and currently serve as its Chief of Police.
3. I have been a member of the St. Louis Area Police Chiefs Association since 2019.
4. I am a law-abiding citizen and gun owner in the State of Missouri and a supporter of the Second Amendment.

5. While I understand and appreciate the Second Amendment Preservation Act's ("SAPA") attempts to insulate and protect Missouri citizens' Second Amendment rights, some of the wording and structure of SAPA has inadvertently caused confusion and raised a number of questions that hinder law enforcement's ability to defend and protect Missouri citizens.

6. The vague wording and structure of SAPA has raised, at a minimum, the following issues and questions which require clarification:

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I, Ray Juengst, have read and understood the preceding six (6) paragraphs and confirm their accuracy to the best of my knowledge, information and belief.

FURTHER AFFIANT SAYETH NOT.



STATE OF MISSOURI     )  
  ) ss.  
COUNTY OF St. Charles)

I hereby certify that on the 27<sup>th</sup> day of Dec 2021, before me, Heather R Schnelle, a notary public in the state of Missouri, personally appeared Ray Juengst and made his/her Affirmation in due form of law that the matters and facts set forth in the Affidavit are true.

As witness my hand and notarial seal.



Heather R. Schnelle  
Notary Public

IN THE CIRCUIT COURT OF JEFFERSON COUNTY  
STATE OF MISSOURI

CITY OF ARNOLD, MISSOURI, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 STATE OF MISSOURI, )  
 Serve: Eric Schmitt )  
 Office of Attorney General )  
 207 High Street )  
 Jefferson City, Mo. )  
 65102 )  
 )  
 and )  
 )  
 ERIC SCHMITT, Attorney General )  
 For the State of Missouri )  
 Serve: Office of Attorney General )  
 207 High Street )  
 Jefferson City, Mo. )  
 65102 )  
 )  
 Defendants. )

Case No.: 22JE-cc00010

**AFFIDAVIT IN SUPPORT OF BRIEF OF *AMICUS CURIAE* ST. LOUIS AREA POLICE  
CHIEFS ASSOCIATION**

I, Robert N. Connell, being duly sworn upon my oath, do state and testify that:

1. I am an adult resident of Lincoln County, Missouri and I have firsthand knowledge of the matters set forth herein.
2. I have been employed by the City of St. John since 2002, and currently serve as its Chief of Police.
3. I have been a member of the St. Louis Area Police Chiefs' Association since 2020.
4. I am a law-abiding citizen and gun owner in the State of Missouri and a supporter of the Second Amendment.

5. While I understand and appreciate the Second Amendment Preservation Act's ("SAPA") attempts to insulate and protect Missouri citizens' Second Amendment rights, some of the wording and structure of SAPA has inadvertently caused confusion and raised a number of questions that hinder law enforcement's ability to defend and protect Missouri citizens.

6. The vague wording and structure of SAPA has raised, at a minimum, the following issues and questions which require clarification:

a. Does Section 1.420 of SAPA apply to EVERY federal law, regulation, executive order, administrative order, rule and/or regulation regardless of when it was enacted, or does it only apply to "federal acts, laws, executive orders, administrative orders, rules and regulations" enacted into law AFTER August 28, 2021 (the effective date of SAPA)?

b. Can law enforcement officers seize firearms, accessories or ammunition for safekeeping in order to protect victims and the public in certain situations, including but not limited to, domestic violence incidents, suicide attempts, assaults and incidents involving subjects suffering from mental illness or addiction, when the law enforcement officer cannot determine if the gun is, or will be, evidence?

c. Does Section 1.420 prohibit law enforcement officers from entering firearms, accessories or ammunition into local records management ("RMS") and/or computer aided dispatch ("CAD") systems?

d. Does Section 1.420 prohibit law enforcement officers from entering stolen firearms into the National Crime Information Center ("NCIC") database?

e. Does Section 1.420 prohibit law enforcement officers from entering stolen firearms into the National Incident Based Reporting System (“NIBRS”) or the Missouri Incident Based Reporting System (“MIBRS”)?

f. If it is a violation of SAPA for law enforcement officers to enter stolen firearms into the NCIC, NIBRS and/or MIBRS databases, what mechanism is available to law enforcement officers to assist law-abiding citizens in the recovery of their stolen firearms?

g. Does Section 1.420 prohibit law enforcement officers from entering annunciation and/or ballistics into the National Integrated Ballistics Information Network (“NIBIN”)?

h. What is the meaning of the phrase “merely ancillary” as used in Sections 1.480.4 (1) and 1.480.4 (2), so that I may determine if one of my officers can aid federal law enforcement and/or federal prosecutors with for example, a drug dealer who has illegal guns which are seized and there are federal charges regarding both guns and drugs?

i. Is participating in a federal task force by having municipal, county or state officers designated as a Task Force Officer (“TFO”) a violation of SAPA?

j. Does a municipality or county violate SAPA by entering into a Memorandum of Understanding (“MOU”) with a Federal Task Force?

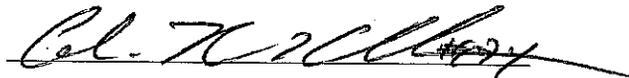
k. Is participation in or filling a seat on a governing board of a drug task force or any local task force with a federal nexus/partnership and associating MOUs a violation of SAPA?

l. Is a person committing a felony with a firearm really a "law abiding citizen" under SAPA because he or she is not illegally in the country and does not have a prior felony which restricts his ownership of the firearm?

m. Does SAPA require Police Departments to refuse to hire a veteran because the veteran was previously an "employee of the government of the United States" who "enforced or attempted to enforce any infringements" of SAPA or gave "material aid and support of the efforts of another who enforces or attempts to enforce any infringement" of SAPA a violation of Federal laws that prohibit discriminatory practices against veterans?

I, Robert N. Connell, have read and understood the preceding six (6) paragraphs and confirm their accuracy to the best of my knowledge, information and belief.

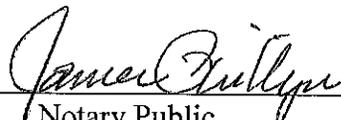
FURTHER AFFIANT SAYETH NOT.



STATE OF MISSOURI     )  
  ) ss.  
COUNTY OF ST. LOUIS     )

I hereby certify that on the 3 day of JANUARY 2022, before me, JAMES PHILLIPS, a notary public in the state of Missouri, personally appeared ROBERT CONNELL and made his/her Affirmation in due form of law that the matters and facts set forth in the Affidavit are true.

As witness my hand and notarial seal.

  
\_\_\_\_\_  
Notary Public