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FRANK WHITE, JR.
Jackson County Executive

Veto Message for Ordinance No. 5865

Date: November 14, 2024

To the Honorable Members of the Jackson County Legislature,

I am returning Ordinance No. 5865 without my approval. My opposition to this ordinance has been clear from the outset, as stated in my July 29, 2024 letter. Despite recent amendments, this ordinance remains fundamentally flawed, unlawful, and counterproductive. Enacting it would mislead our residents, complicate law enforcement, and expose Jackson County to costly and unwinnable litigation.

I want to underscore that I am not reluctant to challenge the state on matters of public safety, especially when it comes to reducing gun violence. In 2021, Jackson County proudly joined forces with St. Louis City and County to oppose House Bill 85—a state law that recklessly restricted local law enforcement’s ability to cooperate with federal authorities on violent crime. Not only did we take a stand, but a federal judge has since suspended implementation of this law. Just as we were prepared to take on the state then, I remain committed to doing so when it is both necessary and legally sound.

Key Issues with Ordinance No. 5865

1. Clear Violation of State Preemption Laws and Financial Implications

Missouri’s preemption statute (Mo. Rev. Stat. § 21.750) prohibits local jurisdictions from enacting firearms regulations beyond those authorized by state law. Ordinance 5865 disregards this statute, imposing prohibitions unsupported by state or federal law. Our County Counselor’s Office has advised that this ordinance is unenforceable and would lead to costly, inevitable legal challenges, likely from the Missouri Attorney General’s Office. These challenges will ultimately drain taxpayer resources that could be better allocated to lawful, effective safety initiatives, while not making our community any safer for our residents.

2. Contradictory and Embarrassing Scenarios

This ordinance’s drafting introduces contradictory restrictions. Under this ordinance, minors under 18 could lawfully use firearms in specific cases, while adults aged 18-20 would be restricted from similar lawful activities, like hunting or target shooting. These discrepancies create an untenable legal landscape, risking confusion and undermining the County’s credibility.



3. Unenforceable Restrictions on Handgun and Ammunition Purchases

Ordinance 5865 attempts to restrict handgun purchases and ammunition for those under 21, conflicting with both federal and state laws that govern these transactions. While federal law prohibits licensed dealers from selling handguns to individuals under 21, it permits unlicensed sales within this age group. Ignoring these established regulations by violating Missouri's preemption statute does not enhance public safety—and may, unfortunately, have the opposite effect.

4. Restrictions on Semiautomatic Assault Rifles

This ordinance imposes restrictions on semiautomatic assault rifles for individuals aged 18-20, with no basis in state or federal law, and introduces contradictory scenarios by permitting firearm use for minors in certain situations. Such restrictions violate Missouri's preemption statute, making this section unenforceable and exposing the County to avoidable and unwinnable litigation.

5. A Path Forward: Proven, Legally Sound Alternatives

I remain committed to advancing effective, lawful public safety measures. I would gladly support an ordinance modeled after Kansas City's firearm code, which respects state preemption laws. Kansas City's code includes thoughtful definitions and clear exceptions that allow for effective enforcement without risking legal challenges. Adopting this approach would enable us to address gun violence pragmatically, in a way that upholds the law and preserves taxpayer resources.

Given these substantial issues, I urge the Legislature to reconsider and instead pursue policies that respect legal boundaries and maintain public trust. Jackson County must reject performative legislation and focus on sustainable, common-sense efforts to enhance safety. I cannot support an ordinance that knowingly conflicts with state law, invites litigation, and undermines responsible governance.

Attached are Kansas City's code provisions and the latest opinion from the County Counselor on this matter.

Respectfully,



Frank White, Jr.
County Executive

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE enacting section 5577., Jackson County Code, 1984, relating to possession of firearms and age restriction.

ORDINANCE NO. 5865, July 22, 2024

INTRODUCED BY Manuel Abarca IV, County Legislator

WHEREAS, on February 14, 2024, during the Chiefs' Championship Parade, a shooting was perpetrated that resulted in one death and twenty-two gunshot injuries; and,

WHEREAS, two of the alleged perpetrators of this heinous shooting were juveniles under the age of majority; and,

WHEREAS, the threat and reality of gun violence perpetrated by juvenile offenders is a growing and critical concern in Jackson County; and,

WHEREAS, it is the desire of the Jackson County Legislature to ensure the safety and security of all of Jackson County citizens; and,

WHEREAS, the Legislature desires to create a new section in Chapter 55 regarding possession of firearms and age restriction; now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, as follows:

Section A. Enacting Clause.

Section 5577., Jackson County Code, 1984, is hereby enacted, to read as follows:

5577. Firearms and Age Restriction.

Possession of a handgun or semiautomatic assault rifle by minor persons.

(1) A person under twenty-one years of age may not purchase a handgun or handgun ammunition, and, except as otherwise provided in this chapter, no person may sell or transfer a handgun or handgun ammunition to a person under twenty-one years of age.

(2) No person may recklessly sell, lease, loan, give or transfer any firearm to another person less than eighteen years of age without the express permission of that person's custodial parent or legal guardian.

(3) A person at least eighteen years of age, but less than twenty-one years of age, may not possess a semiautomatic assault rifle except under the following conditions are met:

(a) In attendance at a firearms safety course; or,

(b) Engaging in practice in the use of a firearm or target shooting at an established range authorized by the governing body of the jurisdiction in which such range is located or any other area where the discharge of a firearm is not prohibited; or,

(c) On real property under the control of his or her custodial parent, other relative, or legal guardian and who has the permission of the custodial parent or legal guardian to possess a firearm; or,

(d) Is a member of law enforcement, the armed forces of the United States, national guard, or organized reserves, when on duty.

Effective Date: This ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:

Bryan D. Bennett
County Counselor

I hereby certify that the attached ordinance, Ordinance No. 5865 introduced on July 22, 2024, was duly passed on November 4, 2024 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 8 Nays 0
Abstaining 0 Absent 0
Excused 1

This Ordinance is hereby transmitted to the County Executive for his signature.

11.4.2024
Date

Mary Jo Spino
Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 5865.

Date

Frank White, Jr., County Executive