



Maneke law column

Advertising firearm sales is allowed, but publish what you are comfortable

The recent tragic incidents relating to shootings have brought gun issues to the forefront of the news again. Perhaps this is a good time to rehash with members the laws in Missouri regarding gun sale advertising. Periodically there will be a call to the hotline relating to whether it is permissible to run a “classified” ad from a private person selling a gun - sometimes a handgun, sometimes an automatic rifle or a similar device.

Publishers struggle with whether they should be running an ad from a private individual gun seller, as opposed to running an ad from a gun dealer or a gun show coming through their community. Many states have a number of provisions that restrict sales of various kinds of guns or sales to unlicensed individuals, all of which complicate this issue of accepting advertising in those states.

Missouri is different. Our state has very limited restrictions in terms of gun sales. Having or not having a Federal Firearms License is not a qualification in Missouri in terms of purchasing a gun. The only restriction I am aware of is related to a buyer known by the seller to be prohibited from purchasing a firearm. And that would not be something the newspaper could know at the time the ad was published.

Therefore, at this point in time and under current legal standards, it appears that there are no restrictions in Missouri in terms of a newspaper publishing an ad regarding the sale of a weapon.

That means it is simply up to the paper to make its own decision as to what kinds of advertising it accepts. Of course, each paper can decide for itself

whether to run gun ads or not, and under what conditions. If your newspaper chooses to limit advertising from private individuals, the paper should probably have a written advertising policy regarding such matters, either in its rate card or perhaps even being published as a small notice in that section of your classified ads. Illinois Press Association has drafted an advertising policy it suggests for its members which might be helpful if you are pondering this issue. While the language below is definitely particular to that State alone, it will at least give you a place to start thinking about language, if you are considering this issue.

“It is not the role of a newspaper to monitor compliance with gun registration laws enacted by the federal, state, or local governments. However, because of potential claims arising from non-compliance with these laws, and to ensure that only firearms advertising in this newspaper are legal to sell in the state of Illinois, this newspaper adopts the following policy on the advertisement of firearms:

“This newspaper will accept advertising which includes firearms for sale when placed by the following advertisers: a) bonded auction houses that include firearms on a sale bill; b) licensed gun shows, and c) antique firearms collectibles. We regret that we are not able to accept other firearms advertisements.”

Finally, a quick heads up about another issue that is beginning to be discussed industry-wide. There is some litigation in other jurisdictions regarding

website compliance with the Americans With Disabilities Act. Certain businesses that fall under Title 1 of the Act (relating to size of the business) or that are held to be “public accommodations” under Title III are covered by the ADA and supposedly should have a website that is accessible to those who are blind, deaf, or who rely on speech navigation, screen readers or other assistive technologies in order to access web information. A newspaper might potentially fall under the portion of that law that governs private businesses that are used by the public.

There are no clear government regulations relating to this rule.

This issue has not arisen in Missouri litigation yet, but lawsuits over this are already well underway in other jurisdictions. These cases bear some resemblance to the “copyright troll” cases which have proliferated in Missouri in recent years. Most of these ADA lawsuits appear to be driven by one law firm which has reportedly been looking for quick financial settlements for its clients. One federal court decision of the 7th Circuit appellate courts recently upheld the dismissal of one of these cases, but it was on procedural grounds, not substantive grounds. It’s likely this isn’t the last we’ll hear of these matters.



Know what’s expected of you when covering Missouri’s courts

[Two videos](#) from the Missouri Press-Bar Commission can help provide guidance to reporters covering the state’s courts.

The judiciary worked with the Press-Bar Commission to create these videos and help reporters understand the legal system and the technicalities of the court process, in hopes it will give reporters what they need to make this task easier.

Another resource for reporters is the [News Reporter’s Handbook on Law and Courts](#). A PDF of the handbook is available online at www.mobar.org

You can also view the [handbook](#), as well as a [glossary of commonly used courtroom terms](#), on the Missouri Bar Association’s website.