

REFERENCE TITLE: firearms; prohibited governmental activities

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

HB 2300

Introduced by
Representatives Kern, Mitchell, Montenegro; Campbell, Lawrence, Leach

AN ACT

AMENDING TITLE 13, CHAPTER 31, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-3122; RELATING TO FIREARMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 13, chapter 31, Arizona Revised Statutes, is amended
3 by adding section 13-3122, to read:

4 13-3122. Second amendment violations; prohibited activities;
5 state treasurer; prohibited money transfers; civil
6 penalties; classification

7 A. NOTWITHSTANDING ANY OTHER LAW AND EXCEPT AS REQUIRED BY A COURT
8 ORDER, AN AGENCY OF THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE OR AN
9 EMPLOYEE OF AN AGENCY OR POLITICAL SUBDIVISION OF THIS STATE ACTING IN THE
10 EMPLOYEE'S OFFICIAL CAPACITY SHALL NOT DO ANY OF THE FOLLOWING:

11 1. KNOWINGLY AND WILLINGLY PARTICIPATE IN ANY WAY IN THE ENFORCEMENT
12 OF ANY FEDERAL ACT, LAW, ORDER, RULE OR REGULATION ISSUED, ENACTED OR
13 PROMULGATED ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION REGARDING A
14 PERSONAL FIREARM, A FIREARM ACCESSORY OR AMMUNITION.

15 2. USE ANY ASSETS, STATE MONIES OR MONIES ALLOCATED BY THIS STATE TO
16 POLITICAL SUBDIVISIONS OF THIS STATE ON OR AFTER THE EFFECTIVE DATE OF THIS
17 SECTION, IN WHOLE OR IN PART, TO ENGAGE IN ANY ACTIVITY THAT AIDS A FEDERAL
18 AGENCY, FEDERAL AGENT OR CORPORATION PROVIDING SERVICES TO THE FEDERAL
19 GOVERNMENT IN THE ENFORCEMENT OR ANY INVESTIGATION PURSUANT TO THE
20 ENFORCEMENT OF ANY FEDERAL ACT, LAW, ORDER, RULE OR REGULATION ISSUED,
21 ENACTED OR PROMULGATED ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION
22 REGARDING A PERSONAL FIREARM, A FIREARM ACCESSORY OR AMMUNITION.

23 B. NOTWITHSTANDING ANY OTHER LAW, THE STATE TREASURER SHALL NOT
24 TRANSFER ANY MONIES TO A POLITICAL SUBDIVISION OF THIS STATE IN THE FISCAL
25 YEAR AFTER A FINAL JUDICIAL DETERMINATION IS MADE THAT THE POLITICAL
26 SUBDIVISION OF THIS STATE ADOPTED A RULE, ORDER, ORDINANCE OR POLICY THAT
27 INTENTIONALLY VIOLATED THIS SECTION.

28 C. ANY AGENT OR EMPLOYEE OF THIS STATE OR ANY POLITICAL SUBDIVISION OF
29 THIS STATE WHO KNOWINGLY VIOLATES THIS SECTION IS SUBJECT TO THE FOLLOWING:

30 1. A CIVIL PENALTY OF NOT MORE THAN THREE THOUSAND DOLLARS FOR THE
31 FIRST VIOLATION OF THIS SECTION.

32 2. A CLASS 1 MISDEMEANOR FOR A SECOND OR SUBSEQUENT VIOLATION OF THIS
33 SECTION.

34 Sec. 2. Legislative findings

35 A. The legislature finds:

36 1. The right to keep and bear arms is a fundamental individual right
37 that shall not be infringed.

38 2. That it is the intent of the legislature in enacting this act to
39 protect Arizona employees, including law enforcement officers, from being
40 directed, through federal executive orders, agency orders, statutes, laws,
41 rules or regulations enacted or promulgated on or after the effective date of
42 this act to violate their oath of office and individual rights affirmed under
43 the second amendment to the Constitution of the United States and article II,
44 section 26, Constitution of Arizona.

1 3. That pursuant to and in furtherance of the principles of federalism
2 enshrined in the Constitution of the United States, the federal government
3 may not commandeer this state's officers, agents or employees to participate
4 in the enforcement or facilitation of any federal program not expressly
5 required by the Constitution of the United States.

6 4. That this right to be free from the commandeering hand of the
7 federal government has been most notably recognized by the United States
8 Supreme Court in Printz v. United States when the Court held, "The Federal
9 Government may neither issue directives requiring the States to address
10 particular problems, nor command the States' officers, or those of their
11 political subdivisions, to administer or enforce a federal regulatory
12 program."

13 5. That the anticommandeering principles recognized by the United
14 States Supreme Court in Printz v. United States are predicated on the advice
15 of James Madison, who in Federalist Number 46 advised "a refusal to cooperate
16 with officers of the Union" in response to either unconstitutional federal
17 measures or constitutional but unpopular federal measures.

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COMMITTEE ON JUDICIARY
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2300
(Reference to printed bill)

Page 1, lines 14 and 22, before the period insert "THAT INFRINGES THE RIGHT TO KEEP AND BEAR ARMS GUARANTEED BY THE SECOND AMENDMENT OF THE UNITED STATES CONSTITUTION OR THAT IMPAIRS THAT RIGHT IN VIOLATION OF ARTICLE 2, SECTION 26 OF THE ARIZONA CONSTITUTION"

Amend title to conform

and, as so amended, it do pass

EDDIE FARNSWORTH
CHAIRMAN

2300JUDICIARY
02/17/2016
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H: KP/rcn