

DRAFTING NOTE - change all text in (CAPS AND PARENTHESIS) to be specific to your state.

Be It Enacted by the Legislature of the State of (STATE):

SECTION 1. SHORT TITLE.

This act shall be known and may be cited as the "(STATE) 2nd Amendment Preservation Act."

SECTION 2. FINDINGS

The Legislature of the State of (STATE) finds:

- (1) that the right to keep and bear arms is a fundamental individual right that shall not be infringed;
- (2) that it is the intent of the Legislature in enacting this act to protect (STATE) employees, including law enforcement officers, from being directed, through federal executive orders, agency orders, statutes, laws, rules, or regulations enacted or promulgated on or after the effective date of this act, to violate their oath of office and individual rights affirmed under the 2nd Amendment to the Constitution for the United States and (SECTION AND ARTICLE) of the Constitution of the State of (STATE);
- (3) that pursuant to and in furtherance of the principles of federalism enshrined in the Constitution of the United States, the federal government may not commandeer this State's officers, agents, or employees to participate in the enforcement or facilitation of any federal program not expressly required by the Constitution of the United States;
- (4) that this right to be free from the commandeering hand of the federal government has been most notably recognized by the United States Supreme Court in *Printz v. United States* when the Court held: 'The Federal Government may neither issue directives requiring the States to address particular problems, nor command the States' officers, or those of their political subdivisions, to administer or enforce a federal regulatory program; and
- (5) that the anti-commandeering principles recognized by the U.S. Supreme Court in *Printz v. United States* are predicated upon the advice of James Madison, who in *Federalist #46* advised "a refusal to cooperate with officers of the Union" in response to either unconstitutional federal measures or constitutional but unpopular federal measures.

SECTION 3. PROHIBITIONS

A. Other than compliance with an order of the court, notwithstanding any law, regulation, rule or order to the contrary, no agency of this state, political subdivision of this state, or employee of an agency or political subdivision of this state acting in his or her official capacity shall:

(1) Knowingly and willingly participate in any way in the enforcement of any federal act, law, order, rule, or regulation issued, enacted or promulgated on or after the effective date of this act regarding a personal firearm, firearm accessory, or ammunition.

(2) Utilize any assets, state funds, or funds allocated by the state to local entities on or after the effective date of this act, in whole or in part, to engage in any activity that aids a federal agency, federal agent, or corporation providing services to the federal government in the enforcement or any investigation pursuant to the enforcement of any federal act, law, order, rule, or regulation issued, enacted or promulgated on or after the effective date of this act regarding a personal firearm, firearm accessory, or ammunition.

SECTION 4. PENALTIES

A. Any agent or employee of this state, or of any political subdivision of this state who knowingly violates the prohibitions in Section 3 of this act shall, on a first violation, be liable for a civil penalty not to exceed three thousand dollars (\$3,000) which shall be paid into the general fund of the state, and on a second or subsequent violation shall be guilty of a misdemeanor.

B. A political subdivision of this state may not receive state grant funds if the political subdivision adopts a rule, order, ordinance, or policy under which the political subdivision violates Section 3 of this Act. State grant funds for the political subdivision shall be denied for the fiscal year following the year in which a final judicial determination in an action brought under this section is made that the political subdivision has intentionally required actions which violate the prohibitions in Section 3 of this Act.

SECTION 5. SEVERABILITY

The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

SECTION 6. EFFECTIVE DATE

This act takes effect upon approval by the Governor.