

NOTE: This model legislation is for introduction at the county, city and town level. If introducing at the county level, be sure to replace any references to the city with the appropriate locality and governing body. For example, "County" or "County Commissioners"

AN ORDINANCE, WHICH SHALL BE KNOWN AND MAY BE CITED AS THE 2ND AMENDMENT PRESERVATION ORDINANCE; PROHIBITING MATERIAL SUPPORT OR RESOURCES FOR THE ENFORCEMENT OF FEDERAL ACTS REGARDING FIREARMS, FIREARM ACCESSORIES AND AMMUNITION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, The 2nd Amendment to the Constitution of the United States reads as follows, "A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed" and;

WHEREAS, All federal acts, laws, orders, rules or regulations regarding firearms, firearms accessories, and ammunition are a violation of the 2nd Amendment, and;

WHEREAS, The 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;

WHEREAS, The anti-commandeering principles recognized by the United States 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.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF _____:

SECTION 1: Purpose

The City Council of _____ hereby declares that as a matter of public policy, pursuant to and in furtherance of the principles of federalism enshrined in the Constitution of the United States, the federal government may not commandeer officers, agents, or employees of this State, or any political subdivision of this state, to participate in the enforcement or implementation of any federal act or regulatory program. It is the intent of this Act to protect the employees of this city, including law enforcement officers, from being directed, through federal executive orders, agency orders, statutes, laws, rules, or regulations

in effect on or after the effective date of this Ordinance, 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).

SECTION 2: Prohibition On Material Support or Resources for Federal Enforcement

- A. No agent, employee, or official of the City of _____, or any corporation providing services to the City of _____ shall knowingly and willingly provide material support for or participate in any way in the enforcement or implementation of any federal acts, laws, orders, rules or regulations regarding firearms, firearms accessories, and ammunition.
- B. No assets or funds of the City of _____ shall be used, 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 of or any investigation pursuant to the enforcement of any federal act, law, order, rule, or regulation regarding a personal firearm, firearm accessory, or ammunition.

SECTION 3: Severability

Should any article, section, part, paragraph, sentence, phrase, clause, or word of this ordinance, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be illegal, inoperative, unconstitutional, invalid, or ineffective.

SECTION 4: Repealing Conflict

All ordinances and parts of ordinances in conflict with the ordinance are hereby repealed to the extent of conflict with this ordinance.

SECTION 5: Publishing and Effective Date

This ordinance shall be published and become effective in accordance with state law.