

1 SB2
2 209088-3
3 By Senator Allen
4 RFD: Judiciary
5 First Read: 11-JAN-22
6 PFD: 05/19/2021

1
2
3
4
5
6
7
8 SYNOPSIS: Under the anti-commandeering doctrine, the
9 federal government has no authority to force a
10 state or its officers to participate in
11 implementing or enforcing its acts.

12 This bill would create the Alabama Second
13 Amendment Preservation Act to prohibit the state
14 and political subdivisions of the state, and their
15 law enforcement officers, agents, and employees,
16 from participating in the implementation or
17 enforcement of any federal act, law, order, rule,
18 or regulation relating to firearms, firearm
19 accessories, or ammunition.

20 This bill would also provide criminal
21 penalties for a violation.

22 Amendment 621 of the Constitution of Alabama
23 of 1901, now appearing as Section 111.05 of the
24 Official Recompilation of the Constitution of
25 Alabama of 1901, as amended, prohibits a general
26 law whose purpose or effect would be to require a
27 new or increased expenditure of local funds from

1 becoming effective with regard to a local
2 governmental entity without enactment by a 2/3 vote
3 unless: it comes within one of a number of
4 specified exceptions; it is approved by the
5 affected entity; or the Legislature appropriates
6 funds, or provides a local source of revenue, to
7 the entity for the purpose.

8 The purpose or effect of this bill would be
9 to require a new or increased expenditure of local
10 funds within the meaning of the amendment. However,
11 the bill does not require approval of a local
12 governmental entity or enactment by a 2/3 vote to
13 become effective because it comes within one of the
14 specified exceptions contained in the amendment.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT
19

20 Relating to firearms; to create the Alabama Second
21 Amendment Preservation Act; to provide prohibitions on the
22 implementation and enforcement of federal laws relating to
23 firearms and accessories and ammunition thereof; to provide
24 criminal penalties for a violation; and in connection
25 therewith would have as its purpose or effect the requirement
26 of a new or increased expenditure of local funds within the
27 meaning of Amendment 621 of the Constitution of Alabama of

1 1901, now appearing as Section 111.05 of the Official
2 Recompilation of the Constitution of Alabama of 1901, as
3 amended.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. (a) This act shall be known and may be
6 cited as the Alabama Second Amendment Preservation Act.

7 (b) The Legislature finds and declares all of the
8 following:

9 (1) The State of Alabama supports the Constitution
10 of the United States of America.

11 (2) The Second Amendment to the Constitution of the
12 United States of America provides that the right to keep and
13 bear arms shall not be infringed.

14 (3) Employees of the State of Alabama and political
15 subdivisions thereof, including law enforcement officers,
16 agents, and other employees, swear an oath to support the
17 Constitution of the United States of America and the
18 Constitution of Alabama of 1901.

19 (4) The State of Alabama hereby declares that any
20 and all federal acts, laws, orders, rules, and regulations
21 related to firearms, firearm accessories, or ammunition are a
22 direct infringement on the Second Amendment to the
23 Constitution of the United States of America and therefore are
24 unconstitutional.

25 (5) No officer, agent, or employee of the State of
26 Alabama or a political subdivision thereof may enforce an
27 unconstitutional act, law, order, rule, or regulation.

1 (c) The state or a political subdivision of the
2 state, or a law enforcement officer, agent, or employee
3 thereof, when acting in his or her official capacity, may not
4 do either of the following:

5 (1) Knowingly and willingly participate in the
6 enforcement of a federal act, law, order, rule, or regulation
7 that relates to firearms, firearm accessories, or ammunition.

8 (2) Utilize any assets, state funds, or funds
9 allocated by the state to local entities, in whole or in part,
10 to engage in any activity that aids a federal agency, federal
11 agent, or corporation providing services to the federal
12 government in the enforcement, or any investigation pursuant
13 to the enforcement, of any federal act, law, order, rule, or
14 regulation that relates to firearms, firearm accessories, or
15 ammunition.

16 (d) (1) On a first conviction, a person who violates
17 subsection (c) shall be guilty of a Class C misdemeanor and
18 shall be fined not less than five hundred dollars (\$500) or
19 more than five thousand dollars (\$5,000).

20 (2) On a second or subsequent conviction, a person
21 who violates subsection (c) shall be guilty of a Class B
22 misdemeanor and shall be fined not less than one thousand
23 dollars (\$1,000) or more than seven thousand dollars (\$7,000).

24 (e) A political subdivision of this state may not
25 receive state grant funds if the political subdivision adopts
26 a rule, order, ordinance, or policy under which the political
27 subdivision violates this act. State grant funds for the

1 political subdivision shall be denied for the fiscal year
2 following the year in which a final judicial determination in
3 an action brought under this subsection is made that the
4 political subdivision has intentionally required actions that
5 violate this act. The state grant funds shall continue to be
6 denied for each subsequent fiscal year unless and until the
7 political subdivision is in full compliance with this act.

8 Section 2. This act shall become effective
9 immediately following its passage and approval by the
10 Governor, or its otherwise becoming law.