



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

House: MAPS DPA/SE 8-6-0-1 | 3rd Read 31-28-1-0

Senate: MAPS DP 4-2-1-0 | 3rd Read 16-14-0-0

HB 2309: ~~sovereign authority; law enforcement~~

NOW: law enforcement; sovereign authority

Sponsor: Representative Jones, LD 17

Senate Engrossed

Overview

Declares Arizona's sovereign authority over federal laws, treaties, orders, rules, regulations, actions and programs (Acts) that are inconsistent with the authority of state and local law enforcement. Permits members of the Legislature to direct the Attorney General to render an opinion on the constitutionality of a federal Act.

History

The Arizona Constitution stipulates that the United States Constitution is the supreme law of the land to which all government, state and federal, is subject. Additionally, the Arizona Constitution asserts that Arizona may exercise its sovereign authority to restrict the actions of its personnel and the use of its financial resources to purposes that are consistent with the Arizona Constitution. In such cases, Arizona and its political subdivisions are prohibited from using any personnel or financial resources to enforce, administer or cooperate with the designated federal action or program ([Arizona Constitution art. II § 3](#)).

Provisions

1. Asserts that it is the public policy of Arizona to protect Arizona's sovereign authority against federal Acts that are inconsistent with the authority of state and local law enforcement agencies. (Sec. 1)
2. Permits either house of the Legislature, or any one of its members, to demand that the Attorney General render an opinion on the constitutionality of a federal Act alleged to be inconsistent with the authority of state or local law enforcement agencies. (Sec. 1)
3. Asserts that the laws of Arizona are to be interpreted to protect Arizona's sovereign authority against federal actions. (Sec. 1)
4. Asserts that any federal Act which the Arizona Supreme Court finds violates Arizona's sovereign authority is null, void and unenforceable. (Sec. 1)
5. Asserts that any federal Act which the United States Supreme Court or Arizona Supreme Court finds violates the Tenth Amendment of the United States Constitution or article II, section 3, of the Arizona Constitution is null, void and unenforceable. (Sec. 1)

Senate Amendments

1. Broadens, from the Supreme Courts of Arizona and the United States, to any *court of competent jurisdiction*, the authority to find federal Acts unconstitutional under the Tenth Amendment of the United States Constitution or article II, section 3, of the Arizona Constitution.

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note

2. Specifies that laws found by a court of competent jurisdiction to be unconstitutional — under the Tenth Amendment of the United States Constitution or article II, section 3, of the Arizona Constitution — are null, void and unenforceable only *to the extent that* they are unconstitutional.