



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

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

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

Final Pass: 31-26-0-3

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

NOW: law enforcement; sovereign authority

Sponsor: Representative Jones, LD 17

Vetoed

Overview

Pronounces 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. Declares 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 law, treaty, executive order, rule or regulation 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 — is null, void and unenforceable to the extent that it is unconstitutional. (Sec. 1)

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