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3 HOUSE PUBLIC SAFETY AND HOMELAND SECURITY COMMITTEE SUBSTITUTE
4 FOR SB358

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9 SYNOPSIS: Under existing law, the anti-commandeering
10 principles of the United States Constitution
11 provide that the federal government may not require
12 a state or its officers to administer or enforce a
13 federal regulatory program.

14 This bill would create the Alabama Second
15 Amendment Preservation Act to provide prohibitions
16 on the enforcement of executive orders issued by
17 the President of the United States on or after
18 January 1, 2021, which limit or restrict the
19 ownership, use, or possession of firearms, firearm
20 accessories, or ammunition by law abiding residents
21 of the state.

22
23 A BILL
24 TO BE ENTITLED
25 AN ACT
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1 Relating to firearms; to provide prohibitions on the
2 enforcement of executive orders of the President of the United
3 States which provide limitations or restrictions on the
4 ownership, use, or possession of firearms and accessories and
5 ammunition thereof.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. (a) This section shall be known and may
8 be cited as the Alabama Second Amendment Preservation Act.

9 (b) The Legislature finds and declares all of the
10 following:

11 (1) The Second Amendment to the United States
12 Constitution protects an individual's right to "keep and bear
13 arms" and further provides that the right to keep and bear
14 arms may not be infringed.

15 (2) It is the intent of the Legislature to protect
16 Alabama employees, including law enforcement officers, from
17 being directed, through federal executive orders, agency
18 orders, statutes, laws, rules, or regulations that violate
19 their oath of office and individual rights affirmed under the
20 Second Amendment of the United States Constitution and Section
21 26 of the Constitution of Alabama of 1901.

22 (3) Pursuant to and in furtherance of the principles
23 of federalism enshrined in the United States Constitution, the
24 federal government may not commandeer this state's officers,
25 agents, or employees to participate in the enforcement or
26 facilitation of any federal program not expressly required by
27 the United States Constitution.

1 (4) The right to be free from the commandeering hand
2 of the federal government has been most notably recognized by
3 the United States Supreme Court in *Printz v. United States*,
4 521 U.S. 898 (1997), when the Court held: "The Federal
5 Government may neither issue directives requiring the States
6 to address particular problems, nor command the States'
7 officers, or those of their political subdivisions, to
8 administer or enforce a federal regulatory program."

9 (5) The anti-commandeering principles recognized by
10 the U.S. Supreme Court in *Printz* are predicated upon the
11 advice of James Madison, who, in *The Federalist* No. 46, argued
12 for a "refusal to cooperate with officers of the Union" when
13 faced with unconstitutional federal measures or
14 constitutional, but unpopular, federal measures.

15 (c) Notwithstanding any provision of law to the
16 contrary, no public funds of this state or any political
17 subdivision of this state may be allocated for the enforcement
18 of, and no appointed or elected official, officer, employee,
19 or agent of the state, or any political subdivision thereof,
20 when acting in an official capacity shall enforce, any
21 executive order issued by the President of the United States
22 that becomes effective after January 1, 2021, which limits or
23 restricts the ownership, use, or possession of firearms,
24 ammunition, or firearm accessories by law abiding residents of
25 the state.

1 (d) The Attorney General may issue guidance to state
2 and local officials to ensure uniform compliance with this
3 section.

4 Section 2. This act shall become effective on the
5 first day of the third month following its passage and
6 approval by the Governor, or its otherwise becoming law.