

1 SB2
2 219560-2
3 By Senator Allen
4 RFD: Judiciary
5 First Read: 11-JAN-22
6 PFD: 05/19/2021

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to firearms; to create the Alabama Second
12 Amendment Preservation Act; to provide prohibitions on the use
13 of certain public resources and personnel to enforce certain
14 federal actions relating to firearms, accessories, and
15 ammunition.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

19 (b) For purposes of this section, the following
20 terms shall have the following meanings:

21 (1) PRESIDENTIAL GUN CONTROL ORDER. Any executive
22 order, rule, regulation, interpretation, or directive issued
23 by the President of the United States or any other federal
24 executive branch official, agency, or department, which is
25 adopted, enacted, promulgated, or otherwise becomes effective
26 between January 20, 2021, and January 19, 2025, which limits
27 or restricts the ownership, use, or possession of firearms,

1 ammunition, or firearm accessories by law-abiding residents of
2 the state.

3 (2) STATE ACTOR. The State of Alabama or a political
4 subdivision of the state, or an officer, agent, or employee
5 thereof, including any law enforcement officer, when acting in
6 his or her official capacity.

7 (c) The Legislature finds and declares the
8 following:

9 (1) The State of Alabama and its people support the
10 Constitution 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) Any presidential gun control order poses a grave
15 threat to the Second Amendment rights of Alabamians.

16 (4) The Tenth Amendment to the Constitution of the
17 United States of America states that any power not delegated
18 to the federal government by the Constitution is reserved to
19 the states.

20 (5) The anti-commandeering doctrine, which flows
21 from the principles of federalism expressed in the Tenth
22 Amendment, recognizes that the federal government cannot force
23 a state or its officers to administer or enforce federal laws
24 and regulations.

25 (6) The United States Supreme Court has expressly
26 held, in an opinion authored by the late Justice Antonin
27 Scalia, that the federal government cannot force a state's

1 officers to administer a federal gun law. *Printz v. United*
2 *States*, 521 U.S. 898 (1997).

3 (7) Because of the grave threat to Alabamians'
4 Second Amendment rights posed by any presidential gun control
5 order, no public resources should be used to administer or
6 enforce any presidential gun control order without the express
7 written consent of the people's elected representatives in the
8 Alabama Legislature.

9 (d) Notwithstanding any provision of law to the
10 contrary, no public funds of this state or any political
11 subdivision of this state may be allocated for the
12 administration or enforcement of any presidential gun control
13 order.

14 (e) Notwithstanding any provision of law to the
15 contrary, a state actor may not knowingly and willingly
16 participate in the administration or enforcement of any
17 presidential gun control order.

18 (f) It shall not be a violation of this section for
19 the state or any political subdivision thereof, or for a state
20 actor, to allocate funds or participate in the administration
21 or enforcement of any presidential gun control order, to any
22 extent the Finance Director certifies in writing that the
23 allocation or participation is required as a condition for
24 receipt of federal funding necessary for the welfare of
25 Alabamians.

26 (g) Enforcement of subsections (d) and (e) shall be
27 through injunction obtained in a civil action filed by the

1 Attorney General or the local district attorney. Nothing in
2 this section shall be construed to create a private right of
3 action against any state actor.

4 (h) Nothing in this section shall apply to any
5 existing tax, levy, fee, or stamp imposed pursuant to 26
6 U.S.C. § 4181 from which revenues are authorized to be
7 appropriated under the Pittman-Robertson Wildlife Restoration
8 Act of September 2, 1937, as amended (16 U.S.C. § 669-669k),
9 and any future tax, levy, fee, or stamp imposed by
10 congressional amendment of the statutes named in this
11 subsection.

12 Section 2. This section shall become effective
13 immediately following its passage and approval by the
14 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Judiciary..... 11-JAN-22

Read for the second time and placed on the calen-
dar 1 amendment..... 02-FEB-22

Read for the third time and passed as amended 31-MAR-22

Yeas 24
Nays 5

Patrick Harris,
Secretary.