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3 ALLEN SUBSTITUTE NO.1 FOR SB2
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8 SYNOPSIS: This bill would create the Alabama Second
9 Amendment Preservation Act to prohibit the
10 administration or enforcement of any presidential
11 gun control order through either (1) the allocation
12 of any public funds of this state or any political
13 subdivision of this state; or (2) the participation
14 of this state or any political subdivision of this
15 state, or their law enforcement officers, agents,
16 or employees.
17

18 A BILL
19 TO BE ENTITLED
20 AN ACT
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22 Relating to firearms; to create the Alabama Second
23 Amendment Preservation Act; to provide prohibitions on the use
24 of certain public resources and personnel to enforce certain
25 federal actions relating to firearms, accessories, and
26 ammunition.
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BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

5 (1) PRESIDENTIAL GUN CONTROL ORDER. Any executive
6 order, rule, regulation, interpretation, or directive issued
7 by the President of the United States or any other federal
8 executive branch official, agency, or department, which is
9 adopted, enacted, promulgated, or otherwise becomes effective
10 between January 20, 2021, and January 19, 2025, which limits
11 or restricts the ownership, use, or possession of firearms,
12 ammunition, or firearm accessories by law-abiding residents of
13 the state.

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

18 (c) The Legislature finds and declares the
19 following:

20 (1) The State of Alabama and its people support the
21 Constitution of the United States of America.

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

25 (3) Any presidential gun control order poses a grave
26 threat to the Second Amendment rights of Alabamians.

1 (4) The Tenth Amendment to the Constitution of the
2 United States of America states that any power not delegated
3 to the federal government by the Constitution is reserved to
4 the states.

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

10 (6) The United States Supreme Court has expressly
11 held, in an opinion authored by the late Justice Antonin
12 Scalia, that the federal government cannot force a state's
13 officers to administer a federal gun law. *Printz v. United*
14 *States*, 521 U.S. 898 (1997).

15 (7) Because of the grave threat to Alabamians'
16 Second Amendment rights posed by any presidential gun control
17 order, no public resources should be used to administer or
18 enforce any presidential gun control order without the express
19 written consent of the people's elected representatives in the
20 Alabama Legislature.

21 (d) Notwithstanding any provision of law to the
22 contrary, no public funds of this state or any political
23 subdivision of this state may be allocated for the
24 administration or enforcement of any presidential gun control
25 order.

26 (e) Notwithstanding any provision of law to the
27 contrary, a state actor may not knowingly and willingly

1 participate in the administration or enforcement of any
2 presidential gun control order.

3 (f) It shall not be a violation of this section for
4 the state or any political subdivision thereof, or for a state
5 actor, to allocate funds or participate in the administration
6 or enforcement of any presidential gun control order, to any
7 extent the Finance Director certifies in writing that the
8 allocation or participation is required as a condition for
9 receipt of federal funding necessary for the welfare of
10 Alabamians.

11 (g) Enforcement of subsections (d) and (e) shall be
12 through injunction obtained in a civil action filed by the
13 Attorney General or the local district attorney. Nothing in
14 this section shall be construed to create a private right of
15 action against any state actor.

16 (h) Nothing in this section shall apply to any
17 existing tax, levy, fee, or stamp imposed pursuant to 26
18 U.S.C. § 4181 from which revenues are authorized to be
19 appropriated under the Pittman-Robertson Wildlife Restoration
20 Act of September 2, 1937, as amended (16 U.S.C. § 669-669k),
21 and any future tax, levy, fee, or stamp imposed by
22 congressional amendment of the statutes named in this
23 subsection.

24 Section 2. This section shall become effective
25 immediately following its passage and approval by the
26 Governor, or its otherwise becoming law.