

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

# A Bill

HOUSE BILL 1601

5 By: Representative D. Meeks  
6

## For An Act To Be Entitled

8 AN ACT TO REGULATE CITIES, COUNTIES, AND OTHER LOCAL  
9 GOVERNMENTS CONCERNING FIREARMS; TO PRESERVE STATE  
10 RESOURCES; AND FOR OTHER PURPOSES.  
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## Subtitle

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14 TO REGULATE CITIES, COUNTIES, AND OTHER  
15 LOCAL GOVERNMENTS CONCERNING FIREARMS;  
16 AND TO PRESERVE STATE RESOURCES.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. DO NOT CODIFY. Legislative findings.

22 The General Assembly finds:

23 (1) That the right to keep and bear arms is a fundamental  
24 individual right that shall not be infringed;

25 (2) That it is the intent of the General Assembly in enacting  
26 this act to protect Arkansas employees, including law enforcement officers,  
27 from being directed, through federal executive orders, agency orders,  
28 statutes, laws, rules, or regulations enacted or promulgated on or after the  
29 effective date of this act, to violate their oath of office and individual  
30 rights affirmed under the Second Amendment to the United States Constitution  
31 and Article 2, § 5, of the Arkansas Constitution;

32 (3) That under and in furtherance of the principles of  
33 federalism enshrined in the United States Constitution, the federal  
34 government may not commandeer this state's officers, agents, or employees to  
35 participate in the enforcement or facilitation of any federal program not  
36 expressly required by the United States Constitution;



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

8           (5) That the anti-commandeering principles recognized in Printz  
9 v. United States, 521 U.S. 898 (1997), are predicated upon the advice of  
10 James Madison, who in The Federalist, Number 46, advised a "refusal to co-  
11 operate" with officers of the "Union" in response to either unconstitutional  
12 federal measures or constitutional but unpopular federal measures.

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14           SECTION 2. Arkansas Code § 14-16-504 is amended to read as follows:

15           14-16-504. Regulation by local unit of government.

16           (a) As used in this section, "local unit of government" means a city,  
17 town, or county.

18           (b)(1)(A) A local unit of government shall not enact any ordinance or  
19 regulation pertaining to, or regulate in any other manner, the ownership,  
20 transfer, transportation, carrying, or possession of firearms, ammunition for  
21 firearms, or components of firearms, except as otherwise provided in state or  
22 federal law.

23                       (B) The provision in subdivision (b)(1)(A) of this section  
24 does not prevent the enactment of an ordinance regulating or forbidding the  
25 unsafe discharge of a firearm.

26           (2)(A) A local unit of government shall not have the authority  
27 to bring suit and shall not have the right to recover against any firearm or  
28 ammunition manufacturer, trade association, or dealer for damages, abatement,  
29 or injunctive relief resulting from or relating to the lawful design,  
30 manufacture, marketing, or sale of firearms or ammunition to the public.

31                       (B) The authority to bring any suit and the right to  
32 recover against any firearm or ammunition manufacturer, trade association, or  
33 dealer for damages, abatement, or injunctive relief shall be reserved  
34 exclusively to the State of Arkansas.

35                       (C) However, subdivisions (b)(1)(A) and (B) of this  
36 section do not prevent a local unit of government from bringing suit against

1 a firearm or ammunition manufacturer or dealer for breach of contract or  
2 warranty as to firearms or ammunition purchased by the local unit of  
3 government.

4 (c)(1) The governing body of a local unit of government, following ~~the~~  
5 a proclamation by the Governor of a state of emergency, is prohibited from  
6 enacting an emergency ordinance regulating the transfer, transportation, or  
7 carrying of firearms or components of firearms.

8 (2) A person who has his or her firearm seized in violation of  
9 subdivision (c)(1) of this section may bring an action in the circuit court  
10 having jurisdiction for the return of the seized firearm.

11 (d)(1) A local unit of government of this state shall not receive  
12 state grant funds if the local unit of government adopts a rule, order,  
13 ordinance, or policy under which the director or employee of the local unit  
14 of government violates § 25-1-123.

15 (2) State grant funds for the local unit of government shall be  
16 denied for the fiscal year following the year in which a final judicial  
17 determination in an action under § 25-1-123 is made that the director or  
18 employee of the local unit of government has intentionally required actions  
19 that violate the prohibitions under § 25-1-123.

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21 SECTION 3. Arkansas Code Title 25, Chapter 1, Subchapter 1, is amended  
22 to add an additional section to read as follows:

23 25-1-123. Violations against a state agency enforcing a federal act  
24 involving firearms.

25 (a)(1) A person who is director of or an employee of an agency of this  
26 state acting in his or her official capacity shall not knowingly:

27 (A) Participate in the enforcement of any federal act,  
28 law, order, rule, or regulation issued, enacted, or promulgated on or after  
29 the effective date of this act regarding a personal firearm, firearm  
30 accessory, or ammunition; or

31 (B) Utilize assets, state funds, or funds allocated by the  
32 state to local entities, in whole or in part, to engage in activity that aids  
33 a federal agency, federal agent, or corporation providing services to the  
34 federal government in the enforcement or any investigation under the  
35 enforcement of a federal act, law, order, rule, or regulation issued  
36 regarding a personal firearm, firearm accessory, or ammunition.

1           (b)(1) A person who violates this section shall be guilty of a  
2 violation and subject to a civil penalty not to exceed three thousand dollars  
3 (\$3,000) which shall be paid into the general fund of the state.

4           (2) A person who violates this section for a second or  
5 subsequent violation shall be guilty of a Class A misdemeanor.

6           (c) It is a defense to prosecution under this section that the person  
7 was, at the time of the offense, complying with a contrary:

8                   (1) Court order; or

9                   (2) Law, regulation, or rule.

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