

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4
5 By: Representative Rye
6

A Bill

HOUSE BILL 1390

For An Act To Be Entitled

8 AN ACT TO ESTABLISH ARKANSAS AS A SECOND AMENDMENT
9 SANCTUARY STATE; CONCERNING THE RIGHTS OF A PERSON
10 WHO POSSESSES A FIREARM; TO REQUIRE RATIFICATION TO
11 RECOGNIZE FEDERAL FIREARMS LAWS; AND FOR OTHER
12 PURPOSES.

Subtitle

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16 TO ESTABLISH ARKANSAS AS A SECOND
17 AMENDMENT SANCTUARY STATE; CONCERNING THE
18 RIGHTS OF A PERSON WHO POSSESSES A
19 FIREARM; AND TO REQUIRE RATIFICATION TO
20 RECOGNIZE FEDERAL FIREARMS LAWS.

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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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

27 1-1-104. Federal firearm laws – Ratification required.

28 All acts, laws, orders, rules, and regulations of the United States
29 Government, whether past, present, or future, that infringe on the people's
30 right to keep and bear arms as guaranteed by the Second Amendment to the
31 United States Constitution and Arkansas Constitution, Article 2, § 5, are
32 invalid in this state, shall not be recognized by this state, are
33 specifically rejected by this state, and shall be considered null and void
34 and of no effect in this state unless the act, law, order, rule, or
35 regulation is ratified and approved by the General Assembly through normal
36 legislative process.



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2 SECTION 2. Arkansas Code Title 14, Chapter 1, Subchapter 1, is amended
3 to add an additional section to read as follows:

4 14-1-104. Limitation on use of local government assets – Legislative
5 findings – Definition.

6 (a) The General Assembly finds that:

7 (1) A statute, regulation, rule, or order that has the purpose,
8 intent, or effect of confiscating any firearm, banning any firearm, limiting
9 the size of a magazine for any firearm, imposing any limit on the ammunition
10 that may be purchased for any firearm, or requiring the registration of any
11 firearm or its ammunition infringes on an Arkansan's right to bear arms in
12 violation of the Second Amendment to the United States Constitution and,
13 therefore, is not made in accordance with the United States Constitution, is
14 not authorized by the United States Constitution, is not the supreme law of
15 the land, and, consequently, is invalid in this state and shall be considered
16 null and void and of no effect in this state; and

17 (2) Further authority for this section is the following:

18 (A) Arkansas Constitution, Article 2, § 5 , states "[t]he
19 citizens of this State shall have the right to keep and bear arms, for their
20 common defense", which clearly secures to Arkansas citizens and prohibits
21 government interference with the right of individual Arkansas citizens to
22 keep and bear arms;

23 (B) The Tenth Amendment to the United States Constitution
24 guarantees to the states and their people all powers not granted to the
25 federal government elsewhere in the United States Constitution and reserves
26 to the state and people of Arkansas certain powers;

27 (C) The Ninth Amendment to the United States Constitution
28 guarantees to the people rights not granted in the United States Constitution
29 and reserves to the people of Arkansas certain rights; and

30 (D) Arkansas Constitution, Article 2, § 8, and the Fifth
31 Amendment to the United States Constitution guarantee to the people the right
32 to due process.

33 (b) As used in this section, "asset" means funds, facilities,
34 equipment, services, or other resources of a local or municipal government.

35 (c) A local or municipal government shall not use or authorize the use
36 of an asset to implement or aid in the implementation of a requirement of:

1 (1) An order of the President of the United States, a federal
2 regulation, or a law enacted by the United States Congress that is applied
3 to:

4 (A) Infringe on a person's right, under the Second
5 Amendment to the United States Constitution, to keep and bear arms; or

6 (B) Deny a person a right to due process, or a protection
7 of due process, that would otherwise be available to the person under the
8 Arkansas Constitution or the United States Constitution; or

9 (2) The REAL ID Act of 2005, Pub. L. No. 109-13, Division B, as
10 it existed on January 1, 2021.

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