

1 AN ACT relating to preserving the right of Kentuckians to own and use firearms
2 and declaring an emergency.

3 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

4 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO
5 READ AS FOLLOWS:

6 *(1) The General Assembly of the Commonwealth of Kentucky finds that:*

7 *(a) Section 1 of the Constitution of Kentucky provides, in part, that all men*
8 *have an inalienable right to bear arms in defense of themselves and the*
9 *state;*

10 *(b) The Second Amendment to the Constitution of the United States provides,*
11 *"A well regulated militia, being necessary to the security of a free state, the*
12 *right of the people to keep and bear arms, shall not be infringed";*

13 *(c) The Supreme Court of the United States, in the case of Printz v. United*
14 *States, 521 U.S. 898 (1997), affirmed that the federal government does not*
15 *have the authority to commandeer local or state agents to enforce federal*
16 *policy;*

17 *(d) Article I, Section 8 of the Constitution of the United States specifies the*
18 *powers of the Congress of the United States. Those powers do not include*
19 *impairing the Second Amendment to the Constitution of the United States*
20 *or any other amendment to the Constitution of the United States that*
21 *guarantees rights to the people or to a state;*

22 *(e) Article II, Section 2 of the Constitution of the United States specifies the*
23 *powers of the President of the United States. That section does not authorize*
24 *the President of the United States to violate the Constitution of the United*
25 *States or the amendments to the Constitution of the United States;*

26 *(f) The Tenth Amendment to the Constitution of the United States provides,*
27 *"The powers not delegated to the United States by the Constitution, nor*

1 prohibited by it to the states, are reserved to the states respectively, or to the
2 people"; and

3 (g) The Fourteenth Amendment to the Constitution of the United States
4 provides, in part, "No state shall make or enforce any law which shall
5 abridge the privileges or immunities of citizens of the United States; nor
6 shall any state deprive any person of life, liberty, or property, without due
7 process of law."

8 (2) The General Assembly of the Commonwealth of Kentucky declares that:

9 (a) It is the duty of the General Assembly and its members to protect and defend
10 the Constitution of the United States and the Constitution of Kentucky;

11 (b) All federal acts, laws, orders, rules, and regulations, including rules and
12 regulations issued by the Bureau of Alcohol, Tobacco, Firearms and
13 Explosives, enacted on or after January 1, 2018, which attempt to
14 commandeer local or state law enforcement officers to enforce federal
15 restrictions on firearms violate the Constitution of the United States and
16 are:

17 1. Invalid in this Commonwealth;

18 2. Not recognized by this Commonwealth;

19 3. Considered null and void by this Commonwealth; and

20 4. Of no effect in this Commonwealth;

21 (c) Proposed executive actions by the President of the United States relating to
22 the acquisition, possession, and use of firearms and accessories violate the
23 President's powers under the Constitution of the United States and the
24 rights of the citizens under the Constitution of the United States and
25 amendments thereto; and

26 (d) It shall be the duty of the Kentucky General Assembly to adopt and enact
27 any and all measures as may be necessary to prevent the enforcement of any

1 *federal act, law, order, rule, or regulation enacted after the effective date of*
2 *this Act which attempts to commandeer local or state law enforcement*
3 *officers to enforce federal restrictions on firearms in violation of the*
4 *Constitution of the United States.*

5 *(3) This section shall be retroactive to January 1, 2018.*

6 ➔Section 2. Whereas the citizens of Kentucky deserve the protections afforded by
7 this bill at the earliest possible opportunity and no just cause exists for delay, an
8 emergency is declared to exist, and this Act takes effect upon its passage and approval by
9 the Governor or upon its otherwise becoming a law.