

House Engrossed

State of Arizona
House of Representatives
Fifty-first Legislature
First Regular Session
2013

HOUSE BILL 2573

AN ACT

AMENDING TITLE 41, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 51; RELATING
TO PROHIBITED GOVERNMENTAL COMPLIANCE WITH UNCONSTITUTIONAL AUTHORITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 41, Arizona Revised Statutes, is amended by adding
3 chapter 51, to read:

4 CHAPTER 51

5 PROHIBITED GOVERNMENTAL COMPLIANCE WITH
6 UNCONSTITUTIONAL AUTHORITIES

7 ARTICLE 1. GENERAL PROVISIONS

8 41-5100. National defense authorization act of 2012; prohibited
9 acts; report

10 A. THIS STATE AND ANY AGENCY OF THIS STATE SHALL NOT PROVIDE MATERIAL
11 SUPPORT OR PARTICIPATE IN ANY WAY WITH THE IMPLEMENTATION OF SECTIONS 1021
12 AND 1022 OF THE NATIONAL DEFENSE AUTHORIZATION ACT OF 2012 (P.L. 112-81)
13 AGAINST ANY CITIZEN OF THE UNITED STATES.

14 B. THE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY OR A SHERIFF OF A
15 COUNTY SHALL REPORT TO THE GOVERNOR AND THE LEGISLATURE ANY ATTEMPT BY
16 AGENCIES OR AGENTS OF THE FEDERAL GOVERNMENT TO SECURE THE IMPLEMENTATION OF
17 SECTIONS 1021 AND 1022 OF THE NATIONAL DEFENSE AUTHORIZATION ACT THROUGH THE
18 OPERATIONS OF THAT OR ANY OTHER STATE DEPARTMENT.

19 41-5101. Rio declaration on environment and development;
20 prohibition; definition

21 A. NOTWITHSTANDING ANY OTHER LAW, THIS STATE AND ALL POLITICAL
22 SUBDIVISIONS OF THIS STATE CONSISTENT WITH SECTION 38-231, REQUIRING OFFICERS
23 AND EMPLOYEES TO SUPPORT THE CONSTITUTION OF THE UNITED STATES AND THE
24 CONSTITUTION AND LAWS OF THIS STATE SHALL NOT RECOGNIZE THE UNITED NATIONS OR
25 ANY OF ITS DECLARATIONS AS LEGAL AUTHORITY IN THIS STATE, INCLUDING THE
26 UNITED NATIONS RIO DECLARATION ON ENVIRONMENT AND DEVELOPMENT AND THE
27 STATEMENT OF PRINCIPLES FOR SUSTAINABLE DEVELOPMENT ADOPTED AT THE UNITED
28 NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT HELD IN RIO DE JANEIRO,
29 BRAZIL IN JUNE, 1992.

30 B. THIS STATE AND ALL POLITICAL SUBDIVISIONS OF THIS STATE ARE
31 PROHIBITED FROM DIRECTLY AND KNOWINGLY, FOR THE EXPRESS PURPOSE OF ADOPTING
32 OR IMPLEMENTING THE UNITED NATIONS RIO DECLARATION ON ENVIRONMENT AND
33 DEVELOPMENT AND THE STATEMENT OF PRINCIPLES FOR SUSTAINABLE DEVELOPMENT,
34 EXPENDING ANY SUM OF MONEY FOR, BEING A MEMBER OF, RECEIVING FUNDING FROM,
35 CONTRACTING SERVICES FROM, OR GIVING FINANCIAL OR OTHER FORMS OF AID TO ANY
36 GROUP THAT ESPOUSES THE USURPING OR OVERTHROW OF THE CONSTITUTION OF THE
37 UNITED STATES.

38 C. FOR THE PURPOSES OF THIS SECTION, "POLITICAL SUBDIVISION" INCLUDES
39 THIS STATE OR A COUNTY, CITY OR TOWN IN THIS STATE INCLUDING ANY SPECIAL
40 DISTRICTS AUTHORIZED BY A COUNTY, CITY OR TOWN.

41 Sec. 2. Findings

42 The legislature finds that:

43 A. The enactment into law by the United States Congress of sections
44 1021 and 1022 of the National Defense Authorization Act of 2012 is inimical
45 to the liberty, security and well-being of the people of Arizona and that

1 those sections were adopted by Congress in violation of the limits of federal
2 power in the United States Constitution. Sections 1021 and 1022 of the
3 National Defense Authorization Act of 2012, as they purport to authorize the
4 detainment of persons captured within the United States without charge or
5 trial, military tribunals for persons captured within the United States, and
6 the transfer of persons who are captured within the United States to foreign
7 jurisdictions, violate the following rights enshrined in the Constitution of
8 the United States:

9 1. Article I, section 9, clause 2 relating to the right to seek a writ
10 of habeas corpus.

11 2. The First Amendment right to petition the government for a redress
12 of grievances.

13 3. The Fourth Amendment right to be free from unreasonable searches
14 and seizures.

15 4. The Fifth Amendment right to be free from charge for an infamous or
16 capitol crime until presentment or indictment by a grand jury.

17 5. The Fifth Amendment right to be free from deprivation of life,
18 liberty or property without due process of law.

19 6. The Sixth Amendment right in criminal prosecutions to enjoy a
20 speedy trial by an impartial jury in the state and district where the crime
21 was allegedly committed.

22 7. The Sixth Amendment right to be informed of the nature and cause of
23 the accusation.

24 8. The Sixth Amendment right to confront witnesses.

25 9. The Sixth Amendment right to counsel.

26 10. The Eighth Amendment right to be free from excessive bail and
27 fines, and cruel and unusual punishment.

28 11. The Fourteenth Amendment right to be free from deprivation of life,
29 liberty or property without due process of law.

30 B. The United Nations has enlisted the support of numerous
31 independent, nongovernmental organizations to implement its agenda around the
32 world, including organizations that espouse the usurping or overthrow of the
33 Constitution of the United States.

34 Sec. 3. Short title

35 This act may be cited as the "Liberty Preservation Act".