HOUSE FLOOR AMENDMENT EXPLANATION

Bill Number: **SB 1291**

Farnsworth E Floor Amendment

State firearm preemption laws prohibit a political subdivision from enacting any ordinance, rule, or tax relating to firearms, with some exceptions. These laws also specify that political subdivisions may not enact ordinances or rules relating to firearms that are more restrictive or that carry greater penalties than state law.

SB 1291 establishes penalties for knowingly and willfully violating state firearm preemption laws. Specifically, SB 1291 requires a court to assess a civil penalty of up to $5,000 against the government official under whose jurisdiction the violation occurred. The bill prohibits a political subdivision from using public monies to defend or reimburse this person, and this person is also subject to termination of employment.

The Farnsworth E floor amendment to SB 1291 allows, rather than requires, a court to assess a civil penalty of up to $50,000 against the political subdivision, rather than the government official, that violated state firearm preemption laws. The amendment also removes the provision that prohibits political subdivisions from using public monies to defend or reimburse the government official. The amendment specifies that a government official is still subject to termination of employment *to the extent allowable under state law* and if a court finds that this person, through an official capacity, knowingly and willfully violated state firearm preemption laws through enactment of an ordinance, regulation, tax, measure, directive, rule, order, or policy.

Amendment explanation prepared by Casey Baird
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3/16/2015

FARNSWORTH E FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1291

(Reference to Senate engrossed bill)

Page 3, line 43, strike "VIOLATION OF THIS SECTION IS KNOWING"

Line 44, strike "AND WILFUL" insert "POLITICAL SUBDIVISION HAS KNOWINGLY AND WILFULLY VIOLATED THIS SECTION"; strike "SHALL" insert "MAY"; strike "FIVE" insert "FIFTY"

Page 4, line 1, after "THE" strike remainder of line; strike lines 2 through 8, insert "POLITICAL SUBDIVISION.

J. IF A COURT DETERMINES A PERSON IN THEIR OFFICIAL CAPACITY HAS KNOWINGLY AND WILFULLY VIOLATED THIS SECTION THROUGH ENACTMENT OF ANY ORDINANCE, REGULATION, TAX, MEASURE, DIRECTIVE, RULE, ORDER OR POLICY, THE PERSON MAY BE SUBJECT TO TERMINATION FROM EMPLOYMENT TO THE EXTENT ALLOWABLE UNDER STATE LAW."

Reletter to conform

Line 11, strike "ADOPTED OR ENFORCED"

Line 12, after "DECLARATORY" insert "AND INJUNCTIVE"

Amend title to conform

EDWIN W. FARNSWORTH

1291-f1-farnsworth
3/16/15
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