

House Engrossed

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

HOUSE BILL 2300

AN ACT

AMENDING TITLE 13, CHAPTER 31, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-3122; RELATING TO FIREARMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 13, chapter 31, Arizona Revised Statutes, is amended
3 by adding section 13-3122, to read:

4 13-3122. Second amendment violations: prohibited activities:
5 state treasurer: prohibited money transfers: civil
6 penalties: classification

7 A. AN AGENCY OF THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE OR
8 AN EMPLOYEE OF AN AGENCY OR POLITICAL SUBDIVISION OF THIS STATE ACTING IN THE
9 EMPLOYEE'S OFFICIAL CAPACITY MAY NOT DO ANY OF THE FOLLOWING:

10 1. KNOWINGLY AND WILLINGLY PARTICIPATE IN ANY WAY IN THE ENFORCEMENT
11 OF ANY FEDERAL ACT, LAW, ORDER, RULE OR REGULATION ISSUED, ENACTED OR
12 PROMULGATED ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION REGARDING A
13 PERSONAL FIREARM, A FIREARM ACCESSORY OR AMMUNITION THAT INFRINGES THE RIGHT
14 TO KEEP AND BEAR ARMS GUARANTEED BY THE SECOND AMENDMENT OF THE UNITED STATES
15 CONSTITUTION OR THAT IMPAIRS THAT RIGHT IN VIOLATION OF ARTICLE 2, SECTION 26
16 OF THE ARIZONA CONSTITUTION.

17 2. USE ANY ASSETS, STATE MONIES OR MONIES ALLOCATED BY THIS STATE TO
18 POLITICAL SUBDIVISIONS OF THIS STATE ON OR AFTER THE EFFECTIVE DATE OF THIS
19 SECTION, IN WHOLE OR IN PART, TO ENGAGE IN ANY ACTIVITY THAT AIDS A FEDERAL
20 AGENCY, FEDERAL AGENT OR CORPORATION PROVIDING SERVICES TO THE FEDERAL
21 GOVERNMENT IN THE ENFORCEMENT OR ANY INVESTIGATION PURSUANT TO THE
22 ENFORCEMENT OF ANY FEDERAL ACT, LAW, ORDER, RULE OR REGULATION ISSUED,
23 ENACTED OR PROMULGATED ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION
24 REGARDING A PERSONAL FIREARM, A FIREARM ACCESSORY OR AMMUNITION THAT
25 INFRINGES THE RIGHT TO KEEP AND BEAR ARMS GUARANTEED BY THE SECOND AMENDMENT
26 OF THE UNITED STATES CONSTITUTION OR THAT IMPAIRS THAT RIGHT IN VIOLATION OF
27 ARTICLE 2, SECTION 26 OF THE ARIZONA CONSTITUTION.

28 B. THE STATE TREASURER MAY NOT TRANSFER ANY MONIES TO A POLITICAL
29 SUBDIVISION OF THIS STATE IN THE FISCAL YEAR AFTER A FINAL JUDICIAL
30 DETERMINATION IS MADE THAT THE POLITICAL SUBDIVISION OF THIS STATE ADOPTED A
31 RULE, ORDER, ORDINANCE OR POLICY THAT INTENTIONALLY VIOLATED THIS SECTION.

32 C. THIS SECTION DOES NOT APPLY TO ANY ACT AUTHORIZED UNDER THE LAWS OF
33 THIS STATE.

34 D. ANY AGENT OR EMPLOYEE OF THIS STATE OR ANY POLITICAL SUBDIVISION OF
35 THIS STATE WHO KNOWINGLY VIOLATES THIS SECTION IS SUBJECT TO THE FOLLOWING:

36 1. A CIVIL PENALTY OF NOT MORE THAN THREE THOUSAND DOLLARS FOR THE
37 FIRST VIOLATION OF THIS SECTION.

38 2. A CLASS 1 MISDEMEANOR FOR A SECOND OR SUBSEQUENT VIOLATION OF THIS
39 SECTION.

40 Sec. 2. Legislative findings

41 The legislature finds:

42 1. The right to keep and bear arms is a fundamental individual right
43 that shall not be infringed.

44 2. That it is the intent of the legislature in enacting this act to
45 protect Arizona employees, including law enforcement officers, from being

1 directed, through federal executive orders, agency orders, statutes, laws,
2 rules or regulations enacted or promulgated on or after the effective date of
3 this act to violate their oath of office and individual rights affirmed under
4 the second amendment to the Constitution of the United States and article II,
5 section 26, Constitution of Arizona.

6 3. That pursuant to and in furtherance of the principles of federalism
7 enshrined in the Constitution of the United States, the federal government
8 may not commandeer this state's officers, agents or employees to participate
9 in the enforcement or facilitation of any federal program not expressly
10 required by the Constitution of the United States.

11 4. That this right to be free from the commandeering hand of the
12 federal government has been most notably recognized by the United States
13 Supreme Court in Printz v. United States when the Court held, "The Federal
14 Government may neither issue directives requiring the States to address
15 particular problems, nor command the States' officers, or those of their
16 political subdivisions, to administer or enforce a federal regulatory
17 program."

18 5. That the anticommandeering principles recognized by the United
19 States Supreme Court in Printz v. United States are predicated on the advice
20 of James Madison, who in Federalist Number 46 advised "a refusal to cooperate
21 with officers of the Union" in response to either unconstitutional federal
22 measures or constitutional but unpopular federal measures.