

REFERENCE TITLE: **unenforceable federal laws; second amendment**

State of Arizona  
Senate  
Fifty-fifth Legislature  
First Regular Session  
2021

# **SB 1328**

Introduced by  
Senators Gowan: Barto, Borrelli, Leach, Livingston, Rogers, Shope, Ugenti-  
Rita

AN ACT

AMENDING TITLE 1, CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 1-272; RELATING TO SOVEREIGN AUTHORITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 1, chapter 2, article 4, Arizona Revised Statutes,  
3 is amended by adding section 1-272, to read:

4 1-272. Sovereign authority; right of the people to keep and  
5 bear arms; civil liability; violation;  
6 classification

7 A. PURSUANT TO THE SOVEREIGN AUTHORITY OF THIS STATE AND ARTICLE  
8 II, SECTION 3, CONSTITUTION OF ARIZONA:

9 1. AN ACT, LAW, TREATY, ORDER, RULE OR REGULATION OF THE UNITED  
10 STATES GOVERNMENT THAT VIOLATES ARTICLE II, SECTION 26, CONSTITUTION OF  
11 ARIZONA, OR AMENDMENT II OF THE CONSTITUTION OF THE UNITED STATES IS NULL,  
12 VOID AND UNENFORCEABLE IN THIS STATE.

13 2. THIS STATE AND ALL POLITICAL SUBDIVISIONS OF THIS STATE ARE  
14 PROHIBITED FROM USING ANY PERSONNEL OR FINANCIAL RESOURCES TO ENFORCE,  
15 ADMINISTER OR COOPERATE WITH ANY ACT, LAW, TREATY, ORDER, RULE OR  
16 REGULATION OF THE UNITED STATES GOVERNMENT THAT VIOLATES ARTICLE II,  
17 SECTION 26, CONSTITUTION OF ARIZONA, OR AMENDMENT II OF THE CONSTITUTION  
18 OF THE UNITED STATES.

19 B. A GOVERNMENT ENTITY, AGENCY, BUREAU, EMPLOYEE OR OFFICIAL, OR A  
20 PERSON WORKING UNDER THE AUTHORITY OR ORDERS OF A GOVERNMENT ENTITY,  
21 AGENCY, BUREAU, EMPLOYEE OR OFFICIAL, COMMITS AN IMPAIRMENT OF A CITIZEN'S  
22 RIGHT TO BEAR ARMS BY ENFORCING OR ATTEMPTING TO ENFORCE AN ACT, LAW,  
23 TREATY, ORDER, RULE OR REGULATION OF THE UNITED STATES GOVERNMENT THAT IS  
24 NULL, VOID AND UNENFORCEABLE BY THIS STATE PURSUANT TO THIS SECTION.

25 C. A GOVERNMENT ENTITY, AGENCY, BUREAU, EMPLOYEE OR OFFICIAL, OR A  
26 PERSON WORKING UNDER THE AUTHORITY OR ORDERS OF A GOVERNMENT ENTITY,  
27 AGENCY, BUREAU, EMPLOYEE OR OFFICIAL, THAT COMMITS AN IMPAIRMENT OF A  
28 CITIZEN'S RIGHT TO BEAR ARMS AS DESCRIBED IN SUBSECTION B OF THIS SECTION  
29 MAY BE SUED BY ANY CITIZEN IN SUPERIOR COURT FOR DECLARATIVE AND  
30 INJUNCTIVE RELIEF, DAMAGES AND ATTORNEY FEES. SOVEREIGN IMMUNITY AND  
31 QUALIFIED IMMUNITY DO NOT APPLY TO AN ACTION PURSUANT TO THIS SUBSECTION.

32 D. A PERSON WHO COMMITS AN IMPAIRMENT OF A CITIZEN'S RIGHT TO BEAR  
33 ARMS AS DESCRIBED IN SUBSECTION B OF THIS SECTION IS GUILTY OF A CLASS 1  
34 MISDEMEANOR FOR THE FIRST OFFENSE AND A CLASS 6 FELONY FOR EACH SUBSEQUENT  
35 OFFENSE. THE COURT SHALL IMPOSE THE MAXIMUM FINE AND SENTENCE FOR THE  
36 APPROPRIATE CLASSIFICATION ON A PERSON WHO IS CONVICTED PURSUANT TO THIS  
37 SUBSECTION.

38 Sec. 2. Legislative findings

39 The legislature finds:

40 1. The individual rights and liberties afforded citizens of this  
41 state under article II, section 26, Constitution of Arizona, are broader  
42 in scope and more extensive than those rights protected under the  
43 Constitution of the United States.

44 2. Notwithstanding any federal act, law, rule or regulation that is  
45 specifically incorporated by individual reference into the statutes of

1 this state, that federal firearms laws unduly and unlawfully impair the  
2 rights of individual citizens to bear arms in defense of themselves or  
3 this state and therefore constitute violations of article II, section 26,  
4 Constitution of Arizona, and likely unduly and unlawfully infringe on the  
5 right of the people to keep and bear arms as guaranteed by amendment II of  
6 the Constitution of the United States.

7 3. That, pursuant to article II, section 2, Constitution of  
8 Arizona, it is the duty of all governments to protect and maintain  
9 individual rights.

10 4. That these protections apply to all bearable arms possessed by  
11 individual citizens of this state.

12 5. And instructs all courts to take judicial notice that all forms  
13 and configurations of bearable arms, ammunition, ammunition feeding  
14 devices and ancillary associated hardware that are legal in this state on  
15 the effective date of this act are in common use and are thereby protected  
16 under article II, section 26, Constitution of Arizona, and amendment II of  
17 the Constitution of the United States.

18 5. To maintain a level of efficiency, compatibility or suitability  
19 for emergency response within this state, that all individual citizens who  
20 may be called forth or who are willing to act voluntarily for the defense  
21 of this state pursuant to article II, section 26, Constitution of Arizona,  
22 must be able to possess arms and be trained in the use of arms of the type  
23 suitable to the purpose of defending this state.

24 Sec. 3. Short title

25 This act may be cited as the "Second Amendment Firearm Freedom Act".