

Stricken language would be deleted from and underlined language would be added to present law.
Act 1012 of the Regular Session

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: S4/27/21

A Bill

HOUSE BILL 1957

5 By: Representatives Wardlaw, Shepherd, Dalby, Eubanks, Warren, L. Fite, Wing, Payton, Speaks, Haak,
6 Bryant, Rye, Tollett, Christiansen, Brooks, Lundstrum, Coleman, *Beaty Jr., Beck, Bentley, Cloud,*
7 *Lowery, McClure, McNair, Gonzales, M. Gray, Hillman, Pilkington, Richmond, Slape, Vaught, Breaux,*
8 *Brown, Eaves, Evans, M. McElroy, S. Smith, Watson, Wooten, Boyd, Bragg, Cozart, Dotson, Hawks,*
9 *Maddox, Deffenbaugh, Jean, Jett, Ladyman, M. Berry*
10 By: Senators Irvin, Hickey, J. Dismang, B. Sample, *B. Ballinger, L. Eads, J. English, Flippo, K. Hammer,*
11 *Hester, B. Johnson, M. Pitsch, Rapert, Rice*
12

For An Act To Be Entitled

13 AN ACT CONCERNING THE ENFORCEMENT OF FEDERAL FIREARM
14 BANS WITHIN THE STATE OF ARKANSAS; CONCERNING STATE
15 CONSTITUTIONAL RIGHTS; AND FOR OTHER PURPOSES.
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Subtitle

19 CONCERNING THE ENFORCEMENT OF FEDERAL
20 FIREARM BANS WITHIN THE STATE OF
21 ARKANSAS; AND CONCERNING STATE
22 CONSTITUTIONAL RIGHTS.
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
27

28 SECTION 1. Arkansas Code Title 1, is amended to add an additional
29 chapter to read as follows:

CHAPTER 6

ARKANSAS SOVEREIGNTY ACT OF 2021

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31
32
33 1-6-101. Title.

34 This chapter shall be known and may be cited as the "Arkansas
35 Sovereignty Act of 2021".
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1 1-6-102. Legislative findings.

2 The General Assembly finds that:

3 (1) The State of Arkansas is firmly resolved to support and
4 defend the United States Constitution against every aggression, either
5 foreign or domestic, and the General Assembly is duty bound to watch over and
6 oppose every infraction of those principles that constitute the basis of the
7 United States because only a faithful observance of those principles can
8 secure the nation's existence and the public happiness;

9 (2) Acting through the United States Constitution, the people of
10 the several states created the United States Government to be their agent in
11 the exercise of a few defined powers, while reserving to the state
12 governments the power to legislate on matters that concern the lives,
13 liberties, and properties of citizens in the ordinary course of affairs;

14 (3) The limitation of the United States Government's power is
15 affirmed under the Tenth Amendment to the United States Constitution, which
16 defines the total scope of federal power as being that which has been
17 delegated by the people of the several states to the United States
18 Government, and all power not delegated to the United States Government in
19 the United States Constitution is reserved to the states respectively, or to
20 the people themselves;

21 (4) Whenever the United States Government assumes powers that
22 the people did not grant it in the United States Constitution, its acts are
23 unauthoritative, void, and of no force;

24 (5)(A) The several states of the United States are not united on
25 the principle of unlimited submission to the United States Government.

26 (B) The United States Government created by the United
27 States Constitution is not the exclusive or final judge of the extent of the
28 powers granted to it by the United States Constitution, because that would
29 have made the United States Government's discretion, and not the United
30 States Constitution, the measure of those powers.

31 (C) To the contrary, as in all other cases of compacts
32 among powers having no common judge, each party has an equal right to judge
33 itself, as well as infractions and the mode and measure of redress.

34 (D)(i) Although the several states have granted supremacy
35 to laws and treaties made under the powers granted in the United States
36 Constitution, such supremacy does not apply to various federal statutes,

1 orders, rules, regulations, or other actions that restrict or prohibit the
2 manufacture, ownership, and use of firearms, firearm accessories, or
3 ammunition exclusively within the borders of Arkansas.

4 (ii) Such statutes, orders, rules, regulations, and
5 other actions exceed the powers granted to the United States Government
6 except to the extent that they are necessary and proper for the United States
7 Government and regulation of the land and naval forces of the United States
8 Armed Forces or for the organizing, arming, and disciplining of militia
9 forces actively employed in the service of the United States Armed Forces;

10 (6) The people of the several states have given the United
11 States Congress the power "to regulate commerce with foreign nations, and
12 among the several states, and with the Indian tribes", but regulating
13 commerce does not include the power to limit citizens' right to keep and bear
14 arms in defense of their families, neighbors, persons, or property or to
15 dictate what sort of arms and accessories law-abiding, mentally competent
16 Arkansas citizens may buy, sell, exchange, or otherwise possess within the
17 borders of this state;

18 (7)(A) The people of the several states have also given the
19 United States Congress the power "to lay and collect taxes, duties, imposts
20 and excises, to pay the debts and provide for the common defense and general
21 welfare of the United States" and "to make all laws which shall be necessary
22 and proper for carrying into execution ... the powers vested by this
23 Constitution in the Government of the United States, or in any department or
24 officer thereof".

25 (B)(i) These federal constitutional provisions merely
26 identify the means by which the United States Government may execute its
27 limited powers and ought not to be so construed as themselves to give
28 unlimited powers because to do so would be to destroy the balance of power
29 between the United States Government and the state governments.

30 (ii) The General Assembly denies any claim that the
31 taxing and spending powers of the United States Congress can be used to
32 diminish in any way the people's right to keep and bear arms; and

33 (8) The people of Arkansas have vested the General Assembly with
34 the authority to regulate the manufacture, possession, exchange, and use of
35 firearms within this state's borders, subject only to the limits imposed by
36 the Second Amendment to the United States Constitution and Arkansas

1 Constitution, Article 2, § 5.

2
3 1-6-103. Definitions.

4 As used in this chapter:

5 (1) "Federal ban" means a federal law, executive order, rule, or
6 regulation that is enacted, adopted, or becomes effective on or after January
7 1, 2021, that infringes upon, calls into question, or prohibits, restricts,
8 or requires individual licensure for or registration of the purchase,
9 ownership, possession, transfer, or use of any firearm, any magazine or other
10 ammunition feeding device, or other firearm accessory; and

11 (2) "Firearm" means a self-loading rifle, pistol, revolver, or
12 shotgun or any manually loaded rifle, pistol, revolver, or shotgun.

13
14 1-6-104. Firearm rights.

15 (a) All acts, laws, orders, rules, and regulations of the United
16 States Government that were enacted on or after January 1, 2021, that
17 infringe on the people's right to keep and bear arms as guaranteed by the
18 Second Amendment to the United States Constitution and Arkansas Constitution,
19 Article 2, § 5, are invalid in this state, shall not be recognized by this
20 state, are specifically rejected by this state, and shall be considered null
21 and void and of no effect in this state.

22 (b) Such a federal ban that is null and void in this state under
23 subsection (a) of this section includes without limitation:

24 (1) Any tax, levy, fee, or stamp imposed on firearms, firearm
25 accessories, or ammunition not common to all other goods and services that
26 could have a chilling effect on the purchase or ownership of those items by
27 law-abiding citizens that was enacted after January 1, 2021;

28 (2) Any registering or tracking of firearms, firearm
29 accessories, or ammunition that could have a chilling effect on the purchase
30 or ownership of those items by law-abiding citizens;

31 (3) Any registering or tracking of the owners of firearms,
32 firearm accessories, or ammunition that could have a chilling effect on the
33 purchase or ownership of those items by law-abiding citizens;

34 (4) Any act forbidding the possession, ownership, use, or
35 transfer of any type of firearm, firearm accessory, or ammunition by law-
36 abiding citizens; and

1 (5) Any act ordering the confiscation of firearms, firearm
2 accessories, or ammunition from law-abiding citizens.

3 (c)(1) The following persons shall not enforce or assist federal
4 agencies or officers in the enforcement of any federal statute, executive
5 order, or federal agency directive that conflicts with Arkansas Constitution,
6 Article 2, § 5, or any Arkansas law:

7 (A) A public officer or employee of this state; or

8 (B) A representative, agent, or employee of a
9 municipality, a county, or the state, acting under the color of law, with all
10 the rights, grants, and assignments of a law enforcement officer in the
11 state.

12 (2) The persons and prohibitions described under subdivision
13 (c)(1) of this section include personnel, agents of the state or local
14 government, including volunteers, the use of tax dollars, and persons having
15 authority to enforce or attempt to enforce any of the infringements on the
16 right to keep and bear arms described under subsection (b) of this section.

17 (d) An elected official who knowingly directs any law enforcement
18 officer to assist a federal law enforcement agency in violating the rights of
19 a person as described under subsection (c) of this section upon conviction is
20 guilty of an unclassified misdemeanor.

21 (e) A law enforcement officer not described under subdivision (d) of
22 this section who knowingly assists a federal law enforcement agency in
23 violating the rights of a person as described under subsection (c) of this
24 section is subject to being decertified as a law enforcement officer.

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26 1-6-105. Enumerated rights.

27 (a) All federal acts, laws, orders, rules, and regulations that were
28 enacted on or after January 1, 2021, that infringe on the enumerated rights
29 under Arkansas Constitution, Article 2, are invalid in this state, shall not
30 be recognized by this state, are specifically rejected by this state, and
31 shall be considered null and void and of no effect in this state.

32 (b)(1) The following persons shall not enforce or assist federal
33 agencies or officers in the enforcement of any federal statute, executive
34 order, or federal agency directive that conflicts with Arkansas Constitution,
35 Article 2, § 5, or any Arkansas law:

36 (A) A public officer or employee of this state; or

1 (B) A representative, agent, or employee of a
2 municipality, a county, or the state, acting under the color of law, with all
3 the rights, grants, and assignments of a law enforcement officer in the
4 state.

5 (2) The persons and prohibitions described under subdivision
6 (b)(1) of this section include personnel, agents of the state or local
7 government, including volunteers, the use of tax dollars, and persons having
8 authority to enforce or attempt to enforce any of the infringements on the
9 rights described under subsection (a) of this section.

10 (c) An elected official who knowingly directs any law enforcement
11 officer to assist a federal law enforcement agency in violating the rights
12 described under subsection (a) of this section upon conviction is guilty of
13 an unclassified misdemeanor.

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15 1-6-106. Exceptions.

16 This chapter shall not be construed to prohibit or otherwise limit a
17 state law enforcement officer, state employee, or employee of a political
18 subdivision of the state from cooperating, communicating, or collaborating
19 with a federal agency if the primary purpose is not:

20 (1) Law enforcement activity related to a federal ban, as
21 defined under § 1-6-103(1); or

22 (2) The investigation of a violation of a federal ban, as
23 defined under § 1-6-103(1).

24
25 /s/Wardlaw

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28 **APPROVED: 4/29/21**
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