

2016 -- H 7680

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LC004764
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - SECOND AMENDMENT
PRESERVATION ACT

Introduced By: Representatives Nardolillo, Chippendale, Price, and Roberts

Date Introduced: February 24, 2016

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 CHAPTER 158

4 SECOND AMENDMENT PRESERVATION ACT

5 **42-158-1. Short title.** – This act shall be known and may be cited as the "Second
6 Amendment Preservation Act".

7 **42-158-2. Legislative findings.** – The general assembly finds and declares:

8 (1) That the right to keep and bear arms is a fundamental individual right that shall not be
9 infringed;

10 (2) That it is the intent of the general assembly in enacting this act to protect state
11 employees, including law enforcement officers, from being directed, through federal executive
12 orders, agency orders, statutes, laws, rules, or regulations enacted or promulgated on or after the
13 effective date of this act, to violate their oath of office and individual rights affirmed under the
14 Second Amendment to the Constitution of the United States and R.I. Const., Art. I, Sec. 22;

15 (3) That pursuant to and in furtherance of the principles of federalism enshrined in the
16 Constitution of the United States, the federal government may not commandeer this state's
17 officers, agents, or employees to participate in the enforcement or facilitation of any federal
18 program not expressly required by the Constitution of the United States;

1 (4) That this right to be free from the commandeering hand of the federal government has
2 been most notably recognized by the United States Supreme Court in Printz v. United States
3 when the court held: "The Federal Government may neither issue directives requiring the states to
4 address particular problems, nor command the states' officers, or those of their political
5 subdivisions, to administer or enforce a federal regulatory program."; and

6 (5) That the anti-commandeering principles recognized by the United States Supreme
7 Court in Printz v. United States are predicated upon the advice of James Madison, who in
8 Federalist #46 advised "a refusal to cooperate with officers of the union" in response to either
9 unconstitutional federal measures or constitutional but unpopular federal measures.

10 **42-158-3. Prohibitions.** – (a) Other than in compliance with an order of a court, and
11 notwithstanding any law, regulation, rule, or order to the contrary, no agency of this state,
12 political subdivision of this state, or employee of an agency or political subdivision of this state
13 acting in their official capacity shall knowingly and willingly participate in any way in the
14 enforcement of any federal act, law, order, rule, or regulation issued, enacted or promulgated on
15 or after the effective date of this act regarding a personal firearm, firearm accessory, or
16 ammunition.

17 (b) Other than in compliance with an order of a court and notwithstanding any law,
18 regulation, rule, or order to the contrary, no agency of this state, political subdivision of this state,
19 or employee of an agency or political subdivision of this state acting in their official capacity
20 shall utilize any assets, state funds, or funds allocated by the state to local entities on or after the
21 effective date of this act, in whole or in part, to engage in any activity that aids a federal agency,
22 federal agent, or corporation providing services to the federal government in the enforcement of
23 any investigation pursuant to the enforcement of any federal act, law, order, rule, or regulation
24 issued, enacted or promulgated on or after the effective date of this act regarding a personal
25 firearm, firearm accessory, or ammunition.

26 **42-158-4. Penalties.** – (a) Any agent or employee of this state, or of any political
27 subdivision of this state who knowingly violates the prohibitions in §42-158-3 shall, on a first
28 violation, be liable for a civil penalty not to exceed three thousand dollars (\$3,000) which shall be
29 paid into the general fund of the state, and on a second or subsequent violation shall be guilty of a
30 misdemeanor.

31 (b) A political subdivision of this state may not receive state grant funds if the political
32 subdivision adopts a rule, order, ordinance, or policy under which the political subdivision
33 violates §42-158-3. State grant funds for the political subdivision shall be denied for the fiscal
34 year following the year in which a final judicial determination in an action brought under this

1 [section is made that the political subdivision has intentionally required actions which violate the](#)
2 [prohibitions of §42-158-3.](#)

3 [**42-158-5. Severability.** – The provisions of this act are hereby declared to be severable](#)
4 [and if any provision of this act or the application of such provision to any person or circumstance](#)
5 [is declared invalid for any reason, such declaration shall not affect the validity of the remaining](#)
6 [portions of this act.](#)

7 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - SECOND AMENDMENT
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- 1 This act would prohibit the use of state funds, personnel or property in the enforcement of
- 2 federal firearms laws or regulations.
- 3 This act would take effect upon passage.

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