

1 HB337
2 209708-1
3 By Representatives Stringer, Brown (C), Sorrells, Marques,
4 Kiel, Robertson, Meadows, Shaver, Estes, Kitchens, Pringle,
5 Lipscomb, Easterbrook, Oliver, Shiver, Reynolds, Isbell and
6 Hanes
7 RFD: Judiciary
8 First Read: 04-FEB-21

SYNOPSIS: Under existing constitutional law, the federal government may not require a state or its officers to administer or enforce a federal regulatory program.

This bill would create the Alabama Firearms Protection Act to prohibit the state, its agencies, and political subdivisions from participating in the enforcement of any federal act, law, order, rule, or regulation relating to firearms, firearm accessories, or ammunition, and would provide penalties for a violation.

A BILL
TO BE ENTITLED
AN ACT

Relating to firearms; to provide prohibitions on the enforcement of federal laws relating to firearms and accessories and ammunition thereof; and to provide penalties for a violation.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. (a) This act shall be known and may be
3 cited as the Alabama Firearms Protection Act.

4 (b) The Legislature finds and declares all of the
5 following:

6 (1) The Tenth Amendment to the United States
7 Constitution guarantees to the states and their people all
8 powers not granted to the federal government elsewhere in the
9 United States Constitution and reserves to the State of
10 Alabama and its people certain powers as they were understood
11 at the time that Alabama was admitted to statehood in 1819,
12 and the guaranty of these powers is a matter of contract
13 between the State of Alabama and its people and the United
14 States as of the time that the compact with the United States
15 was agreed upon and adopted by Alabama and the United States
16 in 1819.

17 (2) The Ninth Amendment to the United States
18 Constitution guarantees to the people rights not granted in
19 the United States Constitution and reserves to the people of
20 Alabama certain rights as they were understood at the time
21 Alabama was admitted into statehood in 1819, and the guaranty
22 of these rights is a matter of contract between the State of
23 Alabama and its people and the United States as of the time
24 that the compact with the United States was agreed upon and
25 adopted by Alabama and the United States in 1819.

26 (3) The Second Amendment to the United States
27 Constitution reserves to the people the right to keep and bear

1 arms as that right was understood at the time that Alabama was
2 admitted into statehood in 1819, and the guaranty of that
3 right is a matter of contract between the State of Alabama and
4 its people and the United States as of the time that the
5 compact with the United States was agreed upon and adopted by
6 Alabama and the United States in 1819.

7 (c) (1)a. Notwithstanding any provision of law to the
8 contrary, no public funds of this state or any political
9 subdivision of this state may be allocated for the
10 implementation, regulation, or enforcement of any executive
11 order or directive issued by the President of the United
12 States, or of any act of the United States Congress, that
13 becomes effective after January 1, 2021, that regulates the
14 ownership, use, or possession of firearms, ammunition, or
15 firearm accessories and that does not exist under the laws of
16 this state.

17 b. Notwithstanding any provision of law to the
18 contrary, no property of this state, or of any political
19 subdivision of this state, shall be used for the
20 implementation, regulation, or enforcement of any executive
21 order or directive issued by the President of the United
22 States, or any act of the United States Congress, that becomes
23 effective after January 1, 2021, that regulates the ownership,
24 use, or possession of firearms, ammunition, or firearm
25 accessories and that does not exist under the laws of this
26 state.

1 c. Notwithstanding any provision of law to the
2 contrary, no appointed or elected official, officer, employee,
3 or agent of the state, or any political subdivision of the
4 state, when acting in an official capacity, shall implement,
5 administer, or enforce an executive order or directive issued
6 by the President of the United States, or any act of the
7 United States Congress, that becomes effective after January
8 1, 2021, that regulates the ownership, use, or possession of
9 firearms, ammunition, or firearm accessories and that does not
10 exist under the laws of this state.

11 (2) As used in this section, the regulation of the
12 ownership, use, or possession of firearms, ammunition, or
13 firearm accessories specifically includes any prohibition,
14 restriction, or other regulation on the size of a firearm
15 magazine capacity; any registration requirement for the
16 purchase or ownership of a firearm; and any background check
17 requirement. Also, the term "firearm accessory" means an item
18 that is used in conjunction with or mounted onto a firearm,
19 but is not essential to the basic function of the firearm. The
20 term "firearm accessory" includes a telescopic or laser sight,
21 magazine, flash or sound suppressor, folding or aftermarket
22 stock and grip, speedloader, ammunition carrier, and light for
23 target illumination.

24 (d) (1) Upon the adoption of a rule, order,
25 ordinance, resolution, or other official policy by a political
26 subdivision of the state which intentionally requires actions
27 that violate this section, a resident of this state may file a

1 complaint with the Attorney General. The complaint shall
2 include evidence supporting an allegation that the political
3 subdivision has adopted a rule, order, ordinance, resolution,
4 or policy under which the entity enforces a federal law in
5 violation of this section.

6 (2) If the Attorney General determines that a
7 complaint filed under subdivision (1) is valid, the Attorney
8 General may petition the court to compel compliance with this
9 act. The petition shall be filed in the circuit court of the
10 county in which the principal office of the political
11 subdivision is located.

12 (3) Upon a finding that a political subdivision is
13 in violation of this section, the court shall award the
14 Attorney General reasonable expenses incurred in obtaining
15 relief under this section, including court costs, reasonable
16 attorneys' fees, investigative costs, witness fees, and
17 deposition costs.

18 (e) Following the year in which a final judicial
19 determination is made in an action brought under this section
20 that the political subdivision has intentionally required
21 actions that violate this section, the political subdivision
22 may not be eligible for and may not receive any of the
23 following:

24 (1) A state grant, gift, endowment, or any other sum
25 of money or aid from the State of Alabama or a department,
26 board, or agency thereof, including the Community Development

1 Block Grant program administered by the Alabama Department of
2 Economic and Community Affairs.

3 (2) Any allocation of any state revenues directly
4 shared with local governing bodies not otherwise guaranteed by
5 the Constitution of Alabama of 1901, including, but not
6 limited to, all of the following:

7 a. Motor carrier fuel tax revenues collected
8 pursuant to Sections 40-17-140 through 40-17-155, Code of
9 Alabama 1975.

10 b. Gasoline tax revenues collected pursuant to
11 Sections 40-17-320 through 40-17-363, Code of Alabama 1975.

12 c. Business privilege tax revenues collected
13 pursuant to Sections 40-14A-1 and 40-14A-2, Sections 40-14A-21
14 through 40-14A-29, and Sections 40-14A-41 through 40-14A-43,
15 Code of Alabama 1975.

16 d. Alcoholic Beverage Control Board licensing and
17 penalty revenue collected pursuant to Section 28-3-1, Sections
18 28-3A-1 through 28-3A-26, Sections 28-4A-1 through 28-4A-6,
19 Sections 28-7-5 through 28-7-15, and Sections 28-10-1 through
20 28-10-8, Code of Alabama 1975.

21 e. Motor vehicle license tax or registration fee
22 revenues collected pursuant to Sections 32-6-51 through
23 32-6-710 and Sections 40-12-240 through 40-12-302, Code of
24 Alabama 1975.

25 f. Cigarette tax revenues collected pursuant to
26 Section 40-25-1 through 40-25-29, Sections 40-25-40 through
27 40-25-47, and Section 40-25-70, Code of Alabama 1975.

1 g. Beer tax revenues collected pursuant to Section
2 28-3-1 and Sections 28-3-183 through 28-3-199, Code of Alabama
3 1975.

4 h. Tobacco tax revenues, excluding cigarettes,
5 collected pursuant to Sections 40-25-1 through 40-25-29,
6 Sections 40-25-40 through 40-25-47, and Section 40-25-70, Code
7 of Alabama 1975.

8 Section 2. This act shall become effective on the
9 first day of the third month following its passage and
10 approval by the Governor, or its otherwise becoming law.