1	217801-1 : n : 02/17/2022 : CMH / bm LSA2022-22266
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3	ALLEN SUBSTITUTE FOR SB2
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8	SYNOPSIS: This bill would create the Alabama Second
9	Amendment Preservation Act to prohibit the
10	administration or enforcement of any Biden
11	Administration Gun Control Order through either (1)
12	the allocation of any public funds of this state or
13	any political subdivision of this state; or (2) the
14	participation of this state or any political
15	subdivision of this state, or their law enforcement
16	officers, agents, or employees.
17	
18	A BILL
19	TO BE ENTITLED
20	AN ACT
21	
22	Relating to firearms; to create the Alabama Second
23	Amendment Preservation Act; to provide prohibitions on the use
24	of certain public resources and personnel to enforce certain
25	federal actions relating to firearms, accessories, and
26	ammunition.
27	BE IT ENACTED BY THE IECTSLATURE OF ALABAMA.

- Section 1. (a) This section shall be known and may
 be cited as the Alabama Second Amendment Preservation Act.
- 3 (b) For purposes of this section, the following 4 terms shall have the following meanings:

- (1) BIDEN ADMINISTRATION GUN CONTROL ORDER. Any executive order, rule, regulation, interpretation, or directive issued by the President of the United States or any other federal executive branch official, agency, or department, which is adopted, enacted, promulgated, or otherwise becomes effective between January 20, 2021, and January 19, 2025, which limits or restricts the ownership, use, or possession of firearms, ammunition, or firearm accessories by law-abiding residents of the state.
 - (2) STATE ACTOR. The State of Alabama or a political subdivision of the state, or an officer, agent, or employee thereof, including any law enforcement officer, when acting in his or her official capacity.
 - (c) The Legislature finds and declares the
 following:
 - (1) The State of Alabama and its people support the Constitution of the United States of America.
 - (2) The Second Amendment to the Constitution of the United States of America provides that the right to keep and bear arms shall not be infringed.
 - (3) Any Biden Administration gun control order poses a grave threat to the Second Amendment rights of Alabamians.

(4) The Tenth Amendment to the Constitution of the United States of America states that any power not delegated to the federal government by the Constitution is reserved to the states.

- (5) The anti-commandeering doctrine, which flows from the principles of federalism expressed in the Tenth Amendment, recognizes that the federal government cannot force a state or its officers to administer or enforce federal laws and regulations.
- (6) The United States Supreme Court has expressly held, in an opinion authored by the late Justice Antonin Scalia, that the federal government cannot force a state's officers to administer a federal gun law. Printz v. United States, 521 U.S. 898 (1997).
- (7) Because of the grave threat to Alabamians'
 Second Amendment rights posed by any Biden Administration gun control order, no public resources should be used to administer or enforce any Biden Administration gun control order without the express written consent of the people's elected representatives in the Alabama Legislature.
- (d) Notwithstanding any provision of law to the contrary, no public funds of this state or any political subdivision of this state may be allocated for the administration or enforcement of any Biden Administration gun control order.
- (e) Notwithstanding any provision of law to the contrary, a state actor may not knowingly and willingly

participate in the administration or enforcement of any Biden
Administration gun control order.

- (f) It shall not be a violation of this section for the state or any political subdivision thereof, or for a state actor, to allocate funds or participate in the administration or enforcement of any Biden Administration gun control order, to any extent the Finance Director certifies in writing that the allocation or participation is required as a condition for receipt of federal funding necessary for the welfare of Alabamians.
 - (g) Enforcement of subsections (d) and (e) shall be through injunction obtained in a civil action filed by the Attorney General or the local district attorney. Nothing in this section shall be construed to create a private right of action against any state actor.
 - (h) Nothing in this section shall apply to any existing tax, levy, fee, or stamp imposed pursuant to 26 U.S.C. § 4181 from which revenues are authorized to be appropriated under the Pittman-Robertson Wildlife Restoration Act of September 2, 1937, as amended (16 U.S.C. § 669-669k), and any future tax, levy, fee, or stamp imposed by congressional amendment of the statutes named in this subsection.

Section 2. This section shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.