

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1390

By: Representative Rye

For An Act To Be Entitled

AN ACT TO ESTABLISH ARKANSAS AS A SECOND AMENDMENT
SANCTUARY STATE; CONCERNING THE RIGHTS OF A PERSON
WHO POSSESSES A FIREARM; TO REQUIRE RATIFICATION TO
RECOGNIZE FEDERAL FIREARMS LAWS; AND FOR OTHER
PURPOSES.

Subtitle

TO ESTABLISH ARKANSAS AS A SECOND
AMENDMENT SANCTUARY STATE; CONCERNING THE
RIGHTS OF A PERSON WHO POSSESSES A
FIREARM; AND TO REQUIRE RATIFICATION TO
RECOGNIZE FEDERAL FIREARMS LAWS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 1, Chapter 1, is amended to add an additional section to read as follows:

1-1-104. Federal firearm laws – Ratification required.

All acts, laws, orders, rules, and regulations of the United States Government, whether past, present, or future, that infringe on the people's right to keep and bear arms as guaranteed by the Second Amendment to the United States Constitution and Arkansas Constitution, Article 2, § 5, are invalid in this state, shall not be recognized by this state, are specifically rejected by this state, and shall be considered null and void and of no effect in this state unless the act, law, order, rule, or regulation is ratified and approved by the General Assembly through normal legislative process.



SECTION 2. Arkansas Code Title 14, Chapter 1, Subchapter 1, is amended to add an additional section to read as follows:

14-1-104. Limitation on use of local government assets – Legislative findings – Definition.

(a) The General Assembly finds that:

(1) A statute, regulation, rule, or order that has the purpose, intent, or effect of confiscating any firearm, banning any firearm, limiting the size of a magazine for any firearm, imposing any limit on the ammunition that may be purchased for any firearm, or requiring the registration of any firearm or its ammunition infringes on an Arkansan's right to bear arms in violation of the Second Amendment to the United States Constitution and, therefore, is not made in accordance with the United States Constitution, is not authorized by the United States Constitution, is not the supreme law of the land, and, consequently, is invalid in this state and shall be considered null and void and of no effect in this state; and

(2) Further authority for this section is the following:

(A) Arkansas Constitution, Article 2, § 5, states "[t]he citizens of this State shall have the right to keep and bear arms, for their common defense", which clearly secures to Arkansas citizens and prohibits government interference with the right of individual Arkansas citizens to keep and bear arms;

(B) The Tenth Amendment to the United States Constitution guarantees to the states and their people all powers not granted to the federal government elsewhere in the United States Constitution and reserves to the state and people of Arkansas certain powers;

(C) The Ninth Amendment to the United States Constitution guarantees to the people rights not granted in the United States Constitution and reserves to the people of Arkansas certain rights; and

(D) Arkansas Constitution, Article 2, § 8, and the Fifth Amendment to the United States Constitution guarantee to the people the right to due process.

(b) As used in this section, "asset" means funds, facilities, equipment, services, or other resources of a local or municipal government.

(c) A local or municipal government shall not use or authorize the use of an asset to implement or aid in the implementation of a requirement of:

(1) An order of the President of the United States, a federal regulation, or a law enacted by the United States Congress that is applied to:

(A) Infringe on a person's right, under the Second Amendment to the United States Constitution, to keep and bear arms; or

(B) Deny a person a right to due process, or a protection of due process, that would otherwise be available to the person under the Arkansas Constitution or the United States Constitution; or

(2) The REAL ID Act of 2005, Pub. L. No. 109-13, Division B, as it existed on January 1, 2021.