

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

State of Arkansas *As Engrossed: S2/8/21 S2/22/21 S3/31/21*
93rd General Assembly **A Bill**
Regular Session, 2021

SENATE BILL 59

By: Senators B. Ballinger, T. Garner, *B. Johnson*
By: Representatives Gonzales, Pilkington, McCollum, Dotson

For An Act To Be Entitled

AN ACT TO BE KNOWN AS THE "INTRASTATE FIREARMS PROTECTION ACT"; TO PREVENT THE UNITED STATES GOVERNMENT FROM REGULATING THE MANUFACTURE, ASSEMBLY, AND TRADE OF FIREARMS AND AMMUNITION WITHIN THE BORDERS OF ARKANSAS; AND FOR OTHER PURPOSES.

Subtitle

TO BE KNOWN AS THE "INTRASTATE FIREARMS PROTECTION ACT"; AND TO PREVENT THE UNITED STATES GOVERNMENT FROM REGULATING THE MANUFACTURE, ASSEMBLY, AND TRADE OF FIREARMS AND AMMUNITION WITHIN THE BORDERS OF ARKANSAS.

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

SECTION 1. Arkansas Code Title 4 is amended to add an additional chapter to read as follows:

Chapter 21 – Jurisdiction Over Firearm Regulation

4-21-101. Scope.

(a)(1) The Tenth Amendment to the United States Constitution guarantees to the states and their people all powers not granted to the United States Government elsewhere in the United States Constitution and reserves to the State of Arkansas and its people certain powers as those



powers were understood at the time that Arkansas was admitted into statehood in 1836.

(2) The guaranty of those powers is a matter of contract between the State of Arkansas and its people and the United States as of the time that the compact with the United States was agreed upon and adopted by Arkansas and the United States in 1836.

(b)(1) 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 as they were understood at the time that Arkansas was admitted into statehood in 1836.

(2) The guaranty of those rights is a matter of contract between the State of Arkansas and its people and the United States as of the time that the compact with the United States was agreed upon and adopted by Arkansas and the United States in 1836.

(c) The regulation of intrastate commerce is vested in the states under the Ninth and Tenth Amendments to the United States Constitution.

(d) The Second Amendment to the United States Constitution reserves the right to keep and bear arms to the people as that right was understood at the time that Arkansas was admitted into statehood in 1836, and the guaranty of the right is a matter of contract between the State of Arkansas and its people and the United States as of the time that the compact with the United States was agreed upon and adopted by Arkansas and the United States in 1836.

(e)(1) Arkansas Constitution, Article 2, § 5, clearly secures to Arkansas citizens and prohibits government interference with the right of individual Arkansas citizens to keep and bear arms.

(2) This constitutional protection is unchanged from the 1836 Arkansas Constitution, which was approved by the United States Congress and the people of Arkansas, and the right exists as it was understood at the time that the compact with the United States was agreed upon and adopted by Arkansas and the United States in 1836.

4-21-102. Definitions.

As used in this chapter:

(1) "Borders of Arkansas" means the boundaries of Arkansas described in Arkansas Constitution, Article 1;

(2) "Firearms accessory" means an item that is used in

conjunction with or mounted upon a firearm but is not essential to the basic function of a firearm, including without limitation telescopic or laser sights, magazines, flash or sound suppressors, folding or aftermarket stocks and grips, speedloaders, ammunition carriers, and lights for target illumination;

(3) "Generic and insignificant part" means a small component used in the manufacture of a firearm, including without limitation a spring, a screw, a nut, or a pin; and

(4) "Manufactured" means that a firearm, a firearm accessory, or ammunition has been created from basic materials for functional usefulness, including without limitation forging, casting, machining, or other processes for working materials.

4-21-103. Prohibitions.

(a) A personal firearm, a firearms accessory, or ammunition that is manufactured commercially or privately in Arkansas and that remains within the borders of Arkansas is not subject to federal law or federal regulation, including registration, under the authority of the United States Congress to regulate interstate commerce, as those items have not traveled in interstate commerce.

(b)(1) This chapter applies to a firearm, a firearms accessory, or ammunition that is manufactured in Arkansas from basic materials and that can be manufactured without the inclusion of any significant parts imported from another state.

(2) Generic and insignificant parts that have other manufacturing or consumer product applications that are not firearms, firearms accessories, or ammunition that are imported into Arkansas and incorporation into a firearm, a firearm accessory, or ammunition manufactured in Arkansas do not subject the firearm, firearm accessory, or ammunition to federal regulation.

(3) Basic materials, such as unmachined steel and unshaped wood, are not firearms, firearms accessories, or ammunition and are not subject to congressional authority to regulate firearms, firearms accessories, and ammunition under interstate commerce as if they were actually firearms, firearms accessories, or ammunition.

(4) The authority of the United States Congress to regulate

interstate commerce in basic materials does not include authority to regulate firearms, firearms accessories, and ammunition made in Arkansas from the materials contained in this subsection as long as the firearm is not taken or sold outside the boundaries of the State of Arkansas.

(c) Firearms accessories that are imported into Arkansas from another state and that are subject to federal regulation as being in interstate commerce do not subject a firearm to federal regulation under interstate commerce because they are attached to or used in conjunction with a firearm in Arkansas.

(d) This section does not apply to:

(1) A firearm that cannot be carried and used by one (1) person;

(2) A firearm that has a bore diameter greater than one and one-half inches (1 1/2") and that uses smokeless powder, not black powder, as a propellant;

(3) Ammunition with a projectile that explodes using an explosion of chemical energy after the projectile leaves the firearm; or

(4) Other than shotguns, a firearm that discharges two (2) or more projectiles with one (1) activation of the trigger or other firing device.

4-21-104. Marketing of firearms.

A firearm manufactured or sold in Arkansas that is subject to this chapter must have the words "Made in Arkansas" or other words that state that Arkansas is the point of origin of the firearm clearly and conspicuously stamped on a central metallic part such as the receiver or frame.

4-21-105. Unlawful enforcement of federal statutes.

(a) An employee of a state agency, a public servant of the state, or an agent or employee of the United States Government shall not knowingly enforce or attempt to enforce any act, law, statute, rule, or regulation of the United States Government created or effective on or after January 1, 2021, and relating to a personal firearm, firearm accessory, or ammunition that is owned or manufactured commercially or privately in Arkansas so long as the personal firearm, firearm accessory, or ammunition is within the borders of Arkansas.

(b) A person who violates this section upon conviction is guilty of a

Class A misdemeanor.

/s/B. Ballinger