

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

State of Arkansas  
95th General Assembly  
Regular Session, 2025

# A Bill

SENATE BILL 399

By: Senator G. Stubblefield

By: Representative Long

## For An Act To Be Entitled

AN ACT TO CREATE THE ANTI-ATF COMMANDEERING ACT; TO PROHIBIT THE PROVISION OF MATERIAL AID AND SUPPORT FOR ENFORCEMENT OF FEDERAL FIREARMS LAWS; TO PROHIBIT AN ELECTED OFFICIAL OR PUBLIC EMPLOYEE FROM ASSISTING IN THE ENFORCEMENT OF FEDERAL FIREARMS LAWS; AND FOR OTHER PURPOSES.

## Subtitle

TO CREATE THE ANTI-ATF COMMANDEERING ACT; AND TO PROHIBIT THE PROVISION OF MATERIAL AID AND SUPPORT FOR ENFORCEMENT OF FEDERAL FIREARMS LAWS.

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

SECTION 1. DO NOT CODIFY. Legislative findings and intent.

(a) The General Assembly finds that:

(1) The United States Supreme Court has long held that states do not have to participate in the enforcement or effectuation of federal acts or regulatory programs; and

(2) The United States Supreme Court has done so four (4) times in the past thirty-three (33) years and as far back as 1842 in:

(A) Murphy v. NCAA, 584 U.S. 453 (2018);

(B) National Federation of Independent Business v. Sebelius, 567 U.S. 519 (2012);

(C) Printz v. United States, 521 U.S. 898 (1997);

(D) New York v. United States, 505 U.S. 144 (1992); and



(E) Prigg v. Pennsylvania, 41 U.S. 539 (1842).

(b) The General Assembly intends this subchapter to ensure that the State of Arkansas and its political subdivisions refrain from providing any assistance or material aid for enforcing federal firearms laws, regulations, executive orders, or treaties.

SECTION 2. Arkansas Code Title 21, Chapter 1, is amended to add an additional subchapter to read as follows:

Subchapter 10 – Anti-ATF Commandeering Act

21-1-1001. Title.

This subchapter shall be known and may be cited as the "Anti-ATF Commandeering Act".

21-1-1002. Definitions.

As used in this subchapter:

(1) "Elected official" means any person holding an elective office of any governmental body, whether elected or appointed to the office;

(2)(A) "Material aid and support" means voluntarily providing or allowing others to use lodging or communications equipment or services, including social media accounts, data, facilities, weapons, personnel, transportation, clothing, or other physical assets.

(B) "Material aid and support" does not include:

(i) Providing or allowing the use of medical treatments or other materials necessary to treat physical injury; and

(ii) Helping individuals escape a serious imminent risk of life-threatening injury; and

(3)(A) "Public employee" means any person employed by the state or a political subdivision of the state.

(B) "Public employee" includes a law enforcement officer.

21-1-1003. Aiding federal firearms law enforcement.

(a) The state or a political subdivision of the state shall not provide material aid and support for enforcing any federal laws, statutes, regulations, rules, executive orders, treaties, administrative orders, or ordinances regarding firearms, firearm accessories, or ammunition.

(b) A public employee or elected official shall not knowingly:

(1) Enforce or attempt to enforce any federal law, statute, regulation, rule, executive order, treaty, administrative order, or ordinance regarding firearms, firearm accessories, or ammunition; or

(2) Refer to the United States Government a violation of federal law, statute, regulation, rule, executive order, treaty, administrative order, or ordinance regarding firearms, firearm accessories, or ammunition.

(c) A violation of subdivision (b)(2) of this section by a public employee shall result in the termination of his or her employment.

(d) This section does not prohibit the enforcement of state firearms laws that comply with Arkansas Constitution, Article 2, § 5.

(e) This act does not prevent law enforcement from using information obtained from United States Government agencies to enforce state laws.

21-1-1004. Civil remedies.

(a)(1) A person who was subjected to a violation under § 21-1-1003 by the state may file a claim with the Arkansas State Claims Commission.

(2) In a claim filed under this subsection, the commission shall award to the complainant if the claim is proved fifty thousand dollars (\$50,000) per violation to be approved by the General Assembly as provided in § 19-10-215.

(b)(1) A person who was subjected to a violation under § 21-1-1003 by a political subdivision of the state may bring an action for equitable and monetary relief in the circuit court of the county in which the violation occurred, the circuit court of the county in which the person resides, or Pulaski County Circuit Court.

(2) Sovereign immunity is not a defense to an action brought under this subsection.

(3) In an action brought under this subsection, the court shall award the prevailing party, excluding a political subdivision of the state, reasonable attorney's fees and costs.

(4) In an action brought under this subsection, the court shall award a plaintiff if they are the prevailing party fifty thousand dollars (\$50,000) per violation.