

2  
3 ALLEN SUBSTITUTE FOR SB2  
4  
5  
6  
7

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 LEGISLATURE OF ALABAMA:

1           Section 1. (a) This section shall be known and may  
2 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:

5           (1) BIDEN ADMINISTRATION GUN CONTROL ORDER. Any  
6 executive order, rule, regulation, interpretation, or  
7 directive issued by the President of the United States or any  
8 other federal executive branch official, agency, or  
9 department, which is adopted, enacted, promulgated, or  
10 otherwise becomes effective between January 20, 2021, and  
11 January 19, 2025, which limits or restricts the ownership,  
12 use, or possession of firearms, ammunition, or firearm  
13 accessories by law-abiding residents of the state.

14           (2) STATE ACTOR. The State of Alabama or a political  
15 subdivision of the state, or an officer, agent, or employee  
16 thereof, including any law enforcement officer, when acting in  
17 his or her official capacity.

18           (c) The Legislature finds and declares the  
19 following:

20           (1) The State of Alabama and its people support the  
21 Constitution of the United States of America.

22           (2) The Second Amendment to the Constitution of the  
23 United States of America provides that the right to keep and  
24 bear arms shall not be infringed.

25           (3) Any Biden Administration gun control order poses  
26 a grave threat to the Second Amendment rights of Alabamians.

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

5           (5) The anti-commandeering doctrine, which flows  
6 from the principles of federalism expressed in the Tenth  
7 Amendment, recognizes that the federal government cannot force  
8 a state or its officers to administer or enforce federal laws  
9 and regulations.

10           (6) The United States Supreme Court has expressly  
11 held, in an opinion authored by the late Justice Antonin  
12 Scalia, that the federal government cannot force a state's  
13 officers to administer a federal gun law. *Printz v. United*  
14 *States*, 521 U.S. 898 (1997).

15           (7) Because of the grave threat to Alabamians'  
16 Second Amendment rights posed by any Biden Administration gun  
17 control order, no public resources should be used to  
18 administer or enforce any Biden Administration gun control  
19 order without the express written consent of the people's  
20 elected representatives in the Alabama Legislature.

21           (d) Notwithstanding any provision of law to the  
22 contrary, no public funds of this state or any political  
23 subdivision of this state may be allocated for the  
24 administration or enforcement of any Biden Administration gun  
25 control order.

26           (e) Notwithstanding any provision of law to the  
27 contrary, a state actor may not knowingly and willingly

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

3 (f) It shall not be a violation of this section for  
4 the state or any political subdivision thereof, or for a state  
5 actor, to allocate funds or participate in the administration  
6 or enforcement of any Biden Administration gun control order,  
7 to any extent the Finance Director certifies in writing that  
8 the allocation or participation is required as a condition for  
9 receipt of federal funding necessary for the welfare of  
10 Alabamians.

11 (g) Enforcement of subsections (d) and (e) shall be  
12 through injunction obtained in a civil action filed by the  
13 Attorney General or the local district attorney. Nothing in  
14 this section shall be construed to create a private right of  
15 action against any state actor.

16 (h) Nothing in this section shall apply to any  
17 existing tax, levy, fee, or stamp imposed pursuant to 26  
18 U.S.C. § 4181 from which revenues are authorized to be  
19 appropriated under the Pittman-Robertson Wildlife Restoration  
20 Act of September 2, 1937, as amended (16 U.S.C. § 669-669k),  
21 and any future tax, levy, fee, or stamp imposed by  
22 congressional amendment of the statutes named in this  
23 subsection.

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