



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5664

by Rep. David Reis

SYNOPSIS AS INTRODUCED:

New Act

Creates the 2nd Amendment Preservation Act. Provides that other than in compliance with an order of a court, notwithstanding any law, regulation, rule, or order to the contrary, no agency of this State, political subdivision of this State, or employee of an agency or political subdivision of the State acting in his or her official capacity shall: (1) knowingly and willingly participate in any way in the enforcement of any federal Act, law, order, rule, or regulation issued, enacted, or promulgated on or after the effective date of the Act regarding a personal firearm, firearm accessory, or ammunition; or (2) utilize any assets, State funds, or funds allocated by the State to local entities on or after the effective date of the Act, in whole or in part, to engage in any activity that aids a federal agency, federal agent, or corporation providing services to the federal government in the enforcement or any investigation under the enforcement of any federal Act, law, order, rule, or regulation issued, enacted, or promulgated on or after the effective date of the Act regarding a personal firearm, firearm accessory, or ammunition. Provides that an agent or employee of the State or of any political subdivision of the State who knowingly violates the Act shall for a first violation be liable for a civil penalty not to exceed \$3,000, which shall be paid into the State's General Revenue Fund. Provides that a second or subsequent violation is a Class C misdemeanor. Contains a severability provision. Effective immediately.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning the 2nd Amendment rights.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the 2nd
5 Amendment Preservation Act.

6 Section 5. Findings. The General Assembly of the State of
7 Illinois finds:

8 (1) that the right to keep and bear arms is a
9 fundamental individual right that shall not be infringed;

10 (2) that it is the intent of the General Assembly in
11 enacting this Act to protect employees of this State,
12 including law enforcement officers, from being directed,
13 through federal executive orders, agency orders, statutes,
14 laws, rules, or regulations enacted or promulgated on or
15 after the effective date of this Act, to violate their oath
16 of office and individual rights affirmed under the 2nd
17 Amendment to the Constitution of the United States and
18 Section 22 of Article 1 of the Constitution of the State of
19 Illinois;

20 (3) that under and in furtherance of the principles of
21 federalism enshrined in the Constitution of the United
22 States, the federal government may not commandeer this
23 State's officers, agents, or employees to participate in

1 the enforcement or facilitation of any federal program not
2 expressly required by the Constitution of the United
3 States;

4 (4) that this right to be free from the commandeering
5 hand of the federal government has been most notably
6 recognized by the United States Supreme Court in *Printz v.*
7 *United States*, 521 U.S. 898 (1997), when the Court held:
8 "The Federal Government may neither issue directives
9 requiring the States to address particular problems, nor
10 command the States' officers, or those of their political
11 subdivisions, to administer or enforce a federal
12 regulatory program."; and

13 (5) that the anti-commandeering principles recognized
14 by the U.S. Supreme Court in *Printz v. United States* are
15 predicated upon the advice of James Madison, who in
16 *Federalist* number 46 advised "a refusal to cooperate with
17 officers of the Union" in response to either
18 unconstitutional federal measures or constitutional but
19 unpopular federal measures.

20 Section 10. Prohibitions.

21 Other than in compliance with an order of a court,
22 notwithstanding any law, regulation, rule, or order to the
23 contrary, no agency of this State, political subdivision of
24 this State, or employee of an agency or political subdivision
25 of this State acting in his or her official capacity shall:

1 (1) knowingly and willingly participate in any way in
2 the enforcement of any federal Act, law, order, rule, or
3 regulation issued, enacted, or promulgated on or after the
4 effective date of this Act regarding a personal firearm,
5 firearm accessory, or ammunition; or

6 (2) utilize any assets, State funds, or funds allocated
7 by the State to local entities on or after the effective
8 date of this Act, in whole or in part, to engage in any
9 activity that aids a federal agency, federal agent, or
10 corporation providing services to the federal government
11 in the enforcement or any investigation under the
12 enforcement of any federal Act, law, order, rule, or
13 regulation issued, enacted, or promulgated on or after the
14 effective date of this Act regarding a personal firearm,
15 firearm accessory, or ammunition.

16 Section 15. Penalties.

17 (a) Any agent or employee of this State or of any political
18 subdivision of this State who knowingly violates the
19 prohibitions in Section 10 of this Act shall, on a first
20 violation, be liable for a civil penalty not to exceed \$3,000,
21 which shall be paid into the General Revenue Fund, and on a
22 second or subsequent violation is guilty of a Class C
23 misdemeanor.

24 (b) A political subdivision of this State may not receive
25 State grant funds if the political subdivision adopts a rule,

1 order, ordinance, or policy under which the political
2 subdivision violates Section 10 of this Act. State grant funds
3 for the political subdivision shall be denied for the fiscal
4 year following the year in which a final judicial determination
5 in an action brought under this Section is made that the
6 political subdivision has intentionally required actions which
7 violate the prohibitions in Section 10 of this Act.

8 Section 20. Severability. The provisions of this Act are
9 severable under Section 1.31 of the Statute on Statutes.

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.