

1 AN ACT relating to preserving the right of Kentuckians to own and use firearms  
2 and declaring an emergency.

3 WHEREAS, the General Assembly of the Commonwealth of Kentucky finds that  
4 Section 1 of the Constitution of Kentucky provides, in part, that all men have an  
5 inalienable right to bear arms in defense of themselves and the state; and

6 WHEREAS, the General Assembly of the Commonwealth of Kentucky finds that  
7 the Second Amendment to the Constitution of the United States provides, "A well  
8 regulated militia, being necessary to the security of a free state, the right of the people to  
9 keep and bear arms, shall not be infringed"; and

10 WHEREAS, the General Assembly of the Commonwealth of Kentucky finds that  
11 the Supreme Court of the United States, in the case of *Printz v. United States*, 521 U.S.  
12 898 (1997), affirmed that the federal government does not have the authority to  
13 commandeer local or state agents to enforce federal policy; and

14 WHEREAS, the General Assembly of the Commonwealth of Kentucky finds that  
15 Article I, Section 8 of the Constitution of the United States specifies the powers of the  
16 Congress of the United States. Those powers do not include impairing the Second  
17 Amendment to the Constitution of the United States or any other amendment to the  
18 Constitution of the United States that guarantees rights to the people or to a state; and

19 WHEREAS, the General Assembly of the Commonwealth of Kentucky finds that  
20 Article II, Section 2 of the Constitution of the United States specifies the powers of the  
21 President of the United States. That section does not authorize the President of the United  
22 States to violate the Constitution of the United States or the amendments to the  
23 Constitution of the United States; and

24 WHEREAS, the General Assembly of the Commonwealth of Kentucky finds that  
25 the Tenth Amendment to the Constitution of the United States provides, "The powers not  
26 delegated to the United States by the Constitution, nor prohibited by it to the states, are  
27 reserved to the states respectively, or to the people"; and

1           WHEREAS, the General Assembly of the Commonwealth of Kentucky finds that  
2 the Fourteenth Amendment to the Constitution of the United States provides, in part, "No  
3 state shall make or enforce any law which shall abridge the privileges or immunities of  
4 citizens of the United States; nor shall any state deprive any person of life, liberty, or  
5 property, without due process of law"; and

6           WHEREAS, the General Assembly of the Commonwealth of Kentucky declares  
7 that it is the duty of the General Assembly and its members to protect and defend the  
8 Constitution of the United States and the Constitution of Kentucky;

9           NOW, THEREFORE,

10          *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

11          ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO  
12 READ AS FOLLOWS:

13          *(1) All federal acts, laws, orders, rules, and regulations, including rules and*  
14             *regulations issued by the Bureau of Alcohol, Tobacco, Firearms and Explosives,*  
15             *enacted on or after January 1, 2018, which attempt to commandeer local or state*  
16             *law enforcement officers to enforce federal restrictions on firearms violate the*  
17             *Constitution of the United States and are:*

18             *(a) Invalid in this Commonwealth;*

19             *(b) Not recognized by this Commonwealth;*

20             *(c) Considered null and void by this Commonwealth; and*

21             *(d) Of no effect in this Commonwealth.*

22          *(2) Proposed executive actions by the President of the United States relating to the*  
23             *acquisition, possession, and use of firearms and accessories violate the*  
24             *President's powers under the Constitution of the United States and the rights of*  
25             *the citizens under the Constitution of the United States and amendments thereto.*

26          *(3) It shall be the duty of the Kentucky General Assembly to adopt and enact any and*  
27             *all measures as may be necessary to prevent the enforcement of any federal act,*

1        law, order, rule, or regulation enacted on or after January 1, 2018, which  
2        attempts to commandeer local or state law enforcement officers to enforce federal  
3        restrictions on firearms in violation of the Constitution of the United States.

4        (4) This section shall be retroactive to January 1, 2018.

5        ➔Section 2. Whereas the citizens of Kentucky deserve the protections afforded by  
6        this bill at the earliest possible opportunity and no just cause exists for delay, an  
7        emergency is declared to exist, and this Act takes effect upon its passage and approval by  
8        the Governor or upon its otherwise becoming a law.