

1 A CONCURRENT RESOLUTION to protect the Second Amendment rights of
2 Kentuckians from federal overreach in the REAL ID Act of 2005.

3 WHEREAS, Congress enacted the REAL ID Act of 2005. Title II of the Act,
4 entitled, "Improved Security for Drivers' Licenses and Personal Identification Cards,"
5 prohibits a federal agency from accepting, for any official purpose, a driver's license or
6 identification card issued by a state unless the state meets the issuance requirements of
7 Section 202 of the Act. The Act defines "official purpose" to include "accessing Federal
8 facilities, boarding federally regulated commercial aircraft, entering nuclear power plants,
9 and any other purposes that the Secretary [of Homeland Security] shall determine."; and

10 WHEREAS, on January 29, 2008, the Department of Homeland Security published
11 its final rule on the "Minimum Standards for Driver's Licenses and Identification Cards
12 Acceptable by Federal Agencies for Official Purposes," wherein it made the following
13 statement: "DHS will continue to consider additional ways in which a REAL ID license
14 can or should be used and will implement any changes to the definition of 'official
15 purpose' or determinations regarding additional uses for REAL ID consistent with
16 applicable laws and regulatory requirements. DHS does not agree that it must seek the
17 approval of Congress as a prerequisite to changing the definition in the future[.]"; and

18 WHEREAS, in April 2008, then Secretary of Homeland Security Michael Chertoff
19 wrote in a widely published opinion column that "embracing REAL ID" could mean the
20 REAL ID compliant identification cards could be utilized in the future for all types of
21 interactions, including to "cash a check, hire a baby sitter, board a plane or engage in
22 countless other activities."; and

23 WHEREAS, the Electronic Privacy Information Center published a report in May
24 2008 entitled, "REAL ID Implementation Review: Few Benefits, Staggering Costs" in
25 which it described the REAL ID Act of 2005 as an attempt by the Department of
26 Homeland Security "to create an illegal de facto national identification system filled with
27 threats to privacy, security and civil liberties that cannot be solved, no matter what the

1 implementation plan set out by the regulations."; and

2 WHEREAS, the Department of Homeland Security certified that all states were
3 certified as compliant with the REAL ID licensing scheme as of September 10, 2020, and
4 the federal government will begin requiring the use of the REAL ID identification cards
5 on October 1, 2021;

6 NOW, THEREFORE,

7 ***Be it resolved by the Senate of the General Assembly of the Commonwealth of***
8 ***Kentucky, the House of Representatives concurring therein:***

9 ➔Section 1. The Kentucky General Assembly expresses its intent to withdraw
10 from compliance with the REAL ID Act of 2005 in the event that the law is applied in
11 any way to infringe upon the Second Amendment rights of Kentuckians, including but not
12 limited to requiring the use of a REAL ID compliant identification card for the purchase
13 of any firearm or ammunition.

14 ➔Section 2. The Kentucky General Assembly requests the Kentucky
15 congressional delegation seek to repeal or amend Sections 201 to 205 and Section 207 of
16 Title II of the REAL ID Act of 2005 in the event the law is applied in any way to infringe
17 upon the Second Amendment rights of Kentuckians, including but not limited to
18 requiring the use of a REAL ID compliant identification card for the purchase of any
19 firearm or ammunition.

20 ➔Section 3. The Kentucky General Assembly expresses its intention to oppose
21 any proposed congressional legislation that would grant the federal government the power
22 to usurp Kentucky's ability to determine the standards of its driver's licenses and
23 identification cards.