

25 enforce, federal regulations related to firearms; and

26 ▶ provides that federal officials may not enforce contrary federal regulations related to
27 intrastate firearm activity

28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 This bill provides an immediate effective date.

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **63C-4-102**, as last amended by Laws of Utah 2012, Chapters 324 and 377

35 ENACTS:

36 **53-5c-101**, Utah Code Annotated 1953

37 **53-5c-102**, Utah Code Annotated 1953

38 **53-5c-103**, Utah Code Annotated 1953



40 *Be it enacted by the Legislature of the state of Utah:*

41 Section 1. Section **53-5c-101** is enacted to read:

42 **CHAPTER 5c. SECOND AMENDMENT PRESERVATION ACT**

43 **53-5c-101. Title.**

44 This chapter is known as the "Second Amendment Preservation Act."

45 Section 2. Section **53-5c-102** is enacted to read:

46 **53-5c-102. Legislative authority.**

47 In addition to the provisions of Sections 53-5a-102 and 76-10-500, and with respect to
48 wholly intrastate activity, the Legislature:

49 (1) affirms that all statutes, orders, rules, and regulations pertaining to the regulation of
50 firearms, firearm accessories, ammunition, or ammunition components enacted or authorized
51 by the Legislature shall enjoy legal primacy within this state over any and all conflicting federal
52 statutes, orders, rules, and regulations; and

53 (2) finds that a federal statute, regulation, rule, or order that has the purpose, intent, or
54 effect of confiscating or banning any firearm ~~or~~ [] or ~~firearm~~ firearm accessory, limiting the
54a capacity of a
55 firearm magazine, imposing any limitation on ammunition or an ammunition component, or

56 requiring the registration of any firearm or ammunition infringes on the right of citizens of
 57 Utah to keep and bear arms as protected by the Second Amendment to the United States
 58 Constitution and Article I, Section 6 of the Utah Constitution.

59 Section 3. Section **53-5c-103** is enacted to read:

60 **53-5c-103. Prohibition of certain actions by state and federal officers and**
 61 **employees.**

62 (1) An officer or employee of this state, or of any political subdivision, may not
 63 enforce, attempt to enforce, or be compelled to enforce any federal statute, order, rule, or
 64 regulation relating to the intrastate ownership, possession, sale, or transfer of a personal
 65 firearm, a firearm accessory, ammunition, or ammunition component.

66 (2) An officer or employee of the federal government may not enforce or attempt to
 67 enforce any federal statute, order, rule, or regulation relating to the intrastate ownership,
 68 possession, sale, or transfer of a personal firearm, a firearm accessory, ammunition, or
 69 ammunition component.

69a **H→ (3) The prohibitions in this section apply only to the enforcement of federal statutes,**
 69b **orders, rules and regulations that:**

69c **(a) have been judicially declared to conflict with state law; and**

69d **(b) are enforced against wholly intrastate activity. ←H**

70 Section 4. Section **63C-4-102** is amended to read:

71 **63C-4-102. Duties.**

72 (1) The Constitutional Defense Council is a council to assist the governor and the
 73 Legislature on the following types of issues:

74 (a) the constitutionality of federal mandates;

75 (b) when making recommendations to challenge the federal mandates and regulations
 76 described in Subsections (1)(f)(i) through (v), the rationale for and effectiveness of those
 77 federal mandates or regulations;

78 (c) legal and policy issues surrounding state and local government rights under R.S.
 79 2477;

80 (d) legal issues relating to the rights of the School and Institutional Trust Lands
 81 Administration and its beneficiaries;

82 (e) a disagreement with another state regarding the use or ownership of water; and

83 (f) the advisability, feasibility, estimated cost, and likelihood of success of challenging:

84 (i) federal court rulings that:

85 (A) hinder the management of the state's prison system and place undue financial
 86 hardship on the state's taxpayers;