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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 3360

04/28/2014 Authored by Newberger, Wills and Lohmer

The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act  
1.2 relating to public safety; preventing infringement on the right to keep and bear  
1.3 arms; proposing coding for new law in Minnesota Statutes, chapter 624.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. **FINDINGS.**

1.6 The legislature finds that the Second Amendment to the Constitution of the United  
1.7 States reads as follows: "A well regulated militia, being necessary to the security of a free  
1.8 state, the right of the people to keep and bear arms, shall not be infringed." All federal  
1.9 acts, laws, orders, rules, or regulations regarding personal firearms, firearm accessories,  
1.10 and ammunition are a violation of the Second Amendment.

1.11 Sec. 2. **[624.7121] PROHIBITION ON PARTICIPATION IN FEDERAL**  
1.12 **VIOLATIONS OF THE SECOND AMENDMENT.**

1.13 Subdivision 1. **Declaration.** The legislature declares that all federal acts, laws,  
1.14 orders, rules, regulations, whether past, present, or future, in violation of the Second  
1.15 Amendment to the Constitution of the United States are not authorized by the Constitution  
1.16 of the United States and violate its true meaning and intent as given by the founders and  
1.17 ratifiers, and are hereby declared to be invalid in the state, shall not be recognized by the  
1.18 state, are specifically rejected by the state, and shall be considered null and void and  
1.19 of no effect in the state.

1.20 Subd. 2. **Prohibition.** Notwithstanding any law or rule to the contrary, no state  
1.21 agency, political subdivision, or employee of an agency or political subdivision acting in  
1.22 the employee's official capacity, or corporation providing services on behalf of the state  
1.23 or a political subdivision shall:

2.1 (1) enforce any act, law, order, rule, or regulation of the federal government  
2.2 regarding personal firearms, firearm accessories, or ammunition within state boundaries;

2.3 (2) provide material support, participation, or assistance in any form, with any  
2.4 federal agency or employee engaged in the enforcement of any act, law, order, rule, or  
2.5 regulation of the federal government regarding personal firearms, firearm accessories, or  
2.6 ammunition within state boundaries, or any investigation pursuant to the enforcement  
2.7 of any act, law, order, rule, or regulation of the federal government regarding personal  
2.8 firearms, firearm accessories, or ammunition within state boundaries;

2.9 (3) utilize any assets, state funds, or funds allocated by the state to local entities on  
2.10 or after the effective date of this section, in whole or in part, to engage in any activity  
2.11 that aids a federal agency, federal agent, or corporation providing services to the federal  
2.12 government in the enforcement of any federal act, law, order, rule, or regulation of the  
2.13 federal government regarding personal firearms, firearm accessories, or ammunition  
2.14 within state boundaries, or any investigation pursuant to the enforcement of any act, law,  
2.15 order, rule, or regulation of the federal government regarding personal firearms, firearm  
2.16 accessories, or ammunition within state boundaries.

2.17 Subd. 3. **Penalties.** (a) A political subdivision of the state may not receive state  
2.18 funding if the political subdivision adopts a rule, ordinance, or policy under which the  
2.19 political subdivision violates subdivision 2. State funding for the political subdivision shall  
2.20 be denied for the fiscal year following the year in which a final judicial determination in  
2.21 an action brought under this section is made that the political subdivision has intentionally  
2.22 required actions which violate the prohibitions in subdivision 2.

2.23 (b) An agent or employee of the state, or its political subdivision, who knowingly  
2.24 violates the prohibitions in subdivision 2 shall be deemed to have resigned any position  
2.25 from the state which the agent or employee may possess, the office shall be deemed  
2.26 vacant, and the agent or employee shall be ineligible to hold any paid or unpaid position  
2.27 with the state.

2.28 (c) A corporation or person that provides services to or on behalf of the state and  
2.29 violates the prohibitions of subdivision 2 shall be ineligible to act on behalf of, or provide  
2.30 services to, the state or its political subdivision.

2.31 Sec. 3. **SEVERABILITY.**

2.32 If any provision of this act is found to be unconstitutional and void, the remaining  
2.33 provisions of this act are valid.

2.34 Sec. 4. **CITATION.**

3.1 This act may be cited as the "Second Amendment Preservation Act."

3.2 Sec. 5. **EFFECTIVE DATE.**

3.3 Sections 1 to 4 are effective the day following final enactment.