

By: Representatives Formby, Gipson, Morgan, Patterson, Mettetal, Beckett, Rogers (61st), Tullos, Oliver, Baker, Kinkade, Hale, Rushing, Chism, Byrd, Criswell, Currie, Boyd, Bomgar, Weathersby, Shirley, Barnett, Moore, Crawford, Horne, Staples, Foster, Mims, Ladner, Brown, Carpenter

To: Judiciary B

COMMITTEE SUBSTITUTE
 FOR
 HOUSE BILL NO. 782

1 AN ACT TO PROHIBIT ENFORCEMENT OF CERTAIN LAWS REGARDING
 2 FIREARMS, ACCESSORIES OR AMMUNITION; TO PROVIDE PENALTIES FOR
 3 STATE OFFICIALS, AGENTS OR EMPLOYEES WHO VIOLATE THIS ACT; TO
 4 PROVIDE THAT THIS ACT DOES NOT APPLY TO THE ENFORCEMENT OF FEDERAL
 5 LAW FOR THE SOLE PURPOSE OF TRANSFERRING FIREARMS; AND FOR RELATED
 6 PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** (1) Other than compliance with an order of the
 9 court, any official, agent or employee of the State of Mississippi
 10 or political subdivision or agency thereof, who knowingly and
 11 willfully orders an official, agent or employee of this state, or
 12 political subdivision of this state, to enforce any executive
 13 order, agency order, law not enrolled by the United States
 14 Congress and signed by the President of the United States, rule,
 15 regulation or administrative interpretation of a law or statute as
 16 provided in subsection (2) of this section upon a personal
 17 firearm, a firearm accessory or ammunition shall:

18 (a) On a first violation, be liable for a civil penalty
 19 not to exceed One Thousand Dollars (\$1,000.00), which shall be
 20 deposited into the State General Fund; and



21 (b) On a second violation be guilty of a misdemeanor
22 and, upon conviction shall be fined not more than Five Thousand
23 Dollars (\$5,000.00), or imprisoned for six (6) months, or both.

24 Nothing in this section shall be construed to affect the law
25 of search and seizure as set forth in Section 23, Article 3,
26 Mississippi Constitution of 1890, or as set forth in the Fourth,
27 Fifth and Fourteenth Amendments to the United States Constitution.
28 Notwithstanding anything else in this section, no private cause of
29 action exists under this section.

30 (2) No federal executive order, agency order, law not
31 enrolled by the United States Congress and signed by the President
32 of the United States, rule, regulation or administrative
33 interpretation of a law or statute issued, enacted or promulgated
34 after July 1, 2016, shall be knowingly and willfully ordered to be
35 enforced by any official, agent or employee of this state or a
36 political subdivision of this state if such action would be
37 contrary to Section 12, Article 3, Mississippi Constitution of
38 1890.

39 (3) "Enforcement" does not include the performance of any
40 act solely for the purpose of facilitating the transfer of
41 firearms under federal law. Any order of enforcement not excluded
42 by the provisions of this subsection that occurs on and after the
43 effective date of this act shall be and is a breach of the oath of
44 office of the official, agent or employee of this state or a
45 political subdivision of this state.



46 (4) Nothing in this act shall be construed as nullifying or
47 overturning federal law or physically interfering with the federal
48 enforcement of federal law.

49 **SECTION 2.** This act shall take effect and be in force from
50 and after July 1, 2016.

