

By: Representative Formby

To: Judiciary B

HOUSE BILL NO. 626

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) Each official, agent or employee of this state or a
31 political subdivision of this state is prohibited from knowingly
32 and willfully ordering any action to enforce an executive order,
33 agency order, law that is not enrolled by the United States
34 Congress and signed by the President of the United States, or
35 rule, regulation or administrative interpretation of a law or
36 statute issued, enacted or promulgated after July 1, 2017, if such
37 action would be contrary to Section 12, Article 3, Mississippi
38 Constitution of 1890.

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



45 agent or employee of this state or a political subdivision of this
46 state.

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

50 **SECTION 2.** This act shall take effect and be in force from
51 and after July 1, 2017.

