

By: Senator(s) Watson, Gollott

To: Judiciary, Division A;
Rules

SENATE BILL NO. 2172

1 AN ACT TO CREATE THE "MISSISSIPPI FEDERAL FIREARM, MAGAZINE
2 AND REGISTER BAN ENFORCEMENT ACT"; TO ENACT DEFINITIONS; TO
3 PROVIDE CERTAIN ACTS REGARDING FIREARMS BY PUBLIC EMPLOYEES AND
4 OFFICERS OF GOVERNMENTAL ENTITIES ARE PROHIBITED; TO PROVIDE
5 PENALTIES; TO ESTABLISH THAT CERTAIN LAWS ARE UNENFORCEABLE BY
6 STATE AND LOCAL GOVERNMENT OFFICIALS, AGENTS OR EMPLOYEES; AND FOR
7 RELATED PURPOSES.

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

9 **SECTION 1.** (1) **Legislative intent.** It is the intent of the
10 Legislature in enacting this act to protect Mississippi law
11 enforcement officers from being directed, through federal
12 executive orders, agency orders, statutes, laws, rules, or
13 regulations enacted or promulgated on or after the effective date
14 of this act, to violate their oath of office and Mississippi
15 citizens' rights under the Constitution of the United States and
16 the Mississippi Constitution of 1890. This act provides that no
17 Mississippi law enforcement official shall knowingly and willingly
18 order an action that is contrary to the provisions of Article 3,
19 Section 12, Mississippi Constitution of 1890, or that is contrary
20 to the provisions of the Second Amendment to the Constitution of



21 the United States. The Legislature does not intend to affect a
22 Mississippi law enforcement officer who assists federal agents on
23 drug or gang enforcement activities. The Legislature intends to
24 create a penalty for an official, agent or employee of the State
25 of Mississippi or a political subdivision thereof who orders an
26 unlawful confiscation but without penalizing officers who follow
27 orders. Mississippi law enforcement officers are partners with
28 Mississippi citizens in protecting the rights as outlined in both
29 the United States Constitution and the Mississippi Constitution of
30 1890.

31 (2) (a) **Prohibition.** An official, agent or employee of the
32 state or a political subdivision of the state shall not knowingly
33 and willfully order enforcement of a federal executive order,
34 agency order, law, statute, rule or regulation that is issued,
35 enacted or promulgated on or after the effective date of this act
36 as to a personal firearm, a firearm accessory or ammunition if the
37 federal executive order, agency order, law, statute, rule or
38 regulation is contrary to the provisions of Article 3, Section 12,
39 of the Mississippi Constitution of 1890, or the Second Amendment
40 of the Constitution of the United States.

41 (b) **Exception.** This section does not apply to
42 compliance with an order of a court.

43 (c) **Penalty.** For a first violation, an offender is
44 liable for a civil penalty not to exceed One Thousand Dollars
45 (\$1,000.00) which shall be paid into the general fund of the



46 state. For a second or subsequent violation, the person is guilty
47 of a misdemeanor punishable as provided in Section 99-19-31.

48 (d) **Failure to perform duty.** If a public officer or
49 person commits a violation of Section 97-11-37, the public officer
50 or person shall be punished as provided in that section.

51 (e) **Constitutional provisions to control.** Nothing in
52 this section shall be construed to affect the law of search and
53 seizure as set forth in Article 3, Section 23, Mississippi
54 Constitution of 1890, or as set forth in the Fourth, Fifth and
55 Fourteenth Amendments to the Constitution of the United States.

56 (f) **No civil cause of action.** Notwithstanding anything
57 to the contrary contained elsewhere in this act, no private cause
58 of action exists under this section.

59 (3) **Statutory construction.** "Enforcement" shall not be
60 construed to include the performance of any act solely for the
61 purpose of facilitating the transfer of firearms under federal
62 law. Any order of enforcement not excluded by the provisions of
63 this subsection that occurs on and after the effective date of
64 this act shall be and is a breach of the oath of office of the
65 official, agent or employee of the state or a political
66 subdivision of the state.

67 **SECTION 2.** This act shall take effect and be in force from
68 and after its passage.

