



Arizona Citizens Defense League

Protecting Your Freedom

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AzCDL's Membership Newsletter

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Legislative Session Underway



The 2021 Legislative session convened on Monday, January 11. Legislative sessions run for approximately 100 days. Arizona has a Republican Governor with a history of being unsupportive of pro-rights firearm bills and whose staff has worked behind the scenes to prevent good bills from leaving the Legislature. The 2020 elections resulted in a single vote Republican majority in both the House and Senate. Unfortunately, there are Republican Representatives and Senators that have a history of voting against bills that restore and protect your right to keep and bear arms. As a result, it remains a challenge for good bills to pass. The following are key bills that impact your Right to Keep and Bear Arms (RKBA). You can view the status of all the bills we are monitoring this session at AzCDL's [Bill Tracking Page](#).

Bad Bills Stopped!

With consistency, the Democrats at the Legislature introduce substantially similar bills [year after year](#) to weaken your right to keep and bear arms, guaranteed under the Arizona Constitution. The following are **twenty-one** bills, all filed by Democrats, aimed at weakening your rights. Fortunately, with the efforts of AzCDL, all were stopped from progressing early in the session.

HB 2448 & SB 1285—Would have required a 3 day waiting period on all firearms purchases. Violation would have been a Class 6 felony.

HB 2449, HCR 2012 & SB 1718—You would be guilty of a Class 5 felony unless you transferred a firearm through an FFL. Background checks would have been required on both you and the transferee. Transfer was so broadly defined that simply handing a firearm to a family member or friend would have been against the law. HCR 2012 was a proposed ballot measure.

HB 2450—Would have required doctors and nurse practitioners involved in pediatric services to lecture parents and guardians about the "risks" of gun ownership.

HB 2451 & SB 1777—A proposed "Red Flag" law that would have used *civil* proceedings to forcibly confiscate your firearms based on claims from family members or school officials with virtually no recourse of appeals.



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2021 Legislation



(Continued from page 1)

HB 2452—Would have outlawed the mere possession of a bump stock or "any part, combination of parts, component, device, attachment or accessory that is designed or *functions* to accelerate the rate of fire of a semiautomatic rifle." That could include that aftermarket trigger you bought to smooth out your trigger press, since it can *function* to accelerate the rate of fire.

HB 2453—Would have given FFLs access to the State's CCW permit database and required an FFL to confirm a permit's validity when conducting a retail firearm sale.

HB 2551 & SB 1690—Would have repealed the civil penalty on political subdivisions that destroy seized and surrendered firearms.

HB 2581—Would have criminalized your private transfers of firearms as illegal "trafficking" and added several regulatory requirements for firearms dealers, gunsmiths and businesses that deal in aftermarket parts. Among the long litany of additional onerous state regulations were:

- Limiting your firearms purchases to one per month.
- Reporting anyone to who buys multiple firearms in a 90-day period to law enforcement.
- Visual and audio recording of sales and maintaining a database of the guns you buy.

HB 2582—Would have created a \$1,000 *civil* penalty (i.e., a substantially reduced standard of evidence) if you don't keep your firearm and ammunition locked away at home.

HB 2583 & HB 2646—An overly broad expansion of who could be classified as a "prohibited possessor."

SB 1200—Would have eliminated the Game and Fish Recommendation Board, setting the stage for the appointment of political ideologues determined to end hunting and fishing in Arizona.

SB 1205—Would have nullified "no duty to retreat" in the statutes justifying the use of deadly force for self-defense.

SB 1424—Would have limited the justification on the use of deadly force for self-defense.

SB 1535—Would have made you a criminal if a minor could access your firearm. Violation would have been a Class 6 felony.

SB 1585—You would be guilty of a Class 1 Misdemeanor for "storing" your firearms without using a trigger lock or placing them in a locked container. There is no definition of "storing" in the proposed statute. It could mean you would need to add a trigger lock before placing your gun in your holster.

The Good Bills

While many of those who claim to support your rights seem to be in hiding, there are legislators that do care. The following are pro-rights bills filed this year that we are supporting.

HB 2111—Proposes that any act, law, treaty, rule or regulation of the U.S. Government that violates the Second Amendment would be unenforceable in Arizona. Additionally, state and local government resources could not be used to enforce any act, law, treaty, rule or regulation of the U.S. Government that violates the Second Amendment.

HB 2551—Would exempt CCW permit holders from the prohibition on entering state and local government-controlled property while armed unless the property or event screens for weapons and is equipped with accessible storage for personal firearms.

HB 2827—Would prohibit business or financial discrimination against a "firearm entity" that supports or is engaged in the lawful commerce of firearms, firearms accessories or ammunition products.

SB 1328—Proposes that any act, law, treaty, rule or regulation of the U.S. Government that violates the Second Amendment, or *Article 2, Section 26 of the Arizona Constitution*, would be unenforceable in Arizona. Additionally, state and local government resources could not be used to enforce any act, law, treaty, rule or regulation of the U.S. Government that violates the Second Amendment, or *Article 2, Section 26 of the Arizona Constitution*.

Article 2, Section 26 of the Arizona Constitution states that: "The right of the individual citizen to bear arms in defense of himself or the state *shall not be impaired...*"

SB 1360—Would reduce hunting and fishing license fees for military veterans and allow the transfer of veteran held permits or tags to someone taking wildlife on behalf of a veteran.

SB 1361—Would exempt active duty military, veterans, peace officers (current or retired) from CCW permit fees.

SB 1382—Would classify ammunition and firearms related businesses as "essential" during a state of emergency.

SB 1658—Would codify your right to keep and bear arms under the Arizona Constitution and prohibit impairment of that right by the Legislature, the State, any agency or political subdivisions.

SB 1785—Would prohibit home owners associations and landlords from restricting possession, carrying, transportation or storing of firearms or ammunition.

As this was being written...

HB 2111, HB 2551 and HB 2840 passed out of the House and were transmitted to the Senate.

SB 1328 and SB 1382 passed out of the Senate and were transmitted to the House.

HB 2827 passed out of committees and is waiting to be scheduled for a floor debate and vote in the House.

SB 1361, SB 1658 and SB 1785 failed to meet the February 19 committee hearing deadline and are dead for the session.





Unenforceable Federal Laws



If you have been following the progress of SB 1328, "[unenforceable federal laws; second amendment](#)," you may have noticed misconceptions about the relationship between the state of Arizona and the federal government. Opponents of the bill raised all sorts of objections, most of which underscored some common—but mistaken—ideas about how our state and federal governments work.

Although the bill is ostensibly about our right to keep and bear arms, it incorporates two important legal concepts. The first is "nullification." The bill stipulates that federal laws that violate the 2nd Amendment of the U.S. Constitution or Article II, Section 26 of the Arizona Constitution are void and unenforceable in Arizona.

"AN ACT, LAW, TREATY, ORDER, RULE OR REGULATION OF THE UNITED STATES GOVERNMENT THAT VIOLATES ARTICLE II, SECTION 26, CONSTITUTION OF ARIZONA, OR AMENDMENT II OF THE CONSTITUTION OF THE UNITED STATES IS NULL, VOID AND UNENFORCEABLE IN THIS STATE."

The second is "anti-commandeering," which prohibits officers of the state and lower-level governments from enforcing those federal laws.

"THIS STATE AND ALL POLITICAL SUBDIVISIONS OF THIS STATE ARE PROHIBITED FROM USING ANY PERSONNEL OR FINANCIAL RESOURCES TO ENFORCE, ADMINISTER OR COOPERATE WITH ANY ACT, LAW, TREATY, ORDER, RULE OR REGULATION OF THE UNITED STATES GOVERNMENT THAT VIOLATES ARTICLE II, SECTION 26, CONSTITUTION OF ARIZONA, OR AMENDMENT II OF THE CONSTITUTION OF THE UNITED STATES."

It is common for federal, state and local law enforcement officers to work together. In most cases, federal agencies do not have the manpower or resources to do the job themselves so they rely on local police to do the heavy lifting.

Opponents of SB 1328 point to the Supremacy Clause of the Constitution, which states that the Constitution and federal laws made pursuant to it are the supreme law of the land. That implies, of course, that federal laws NOT made in

pursuance of the Constitution are NOT supreme.

Nullification and anti-commandeering are not new ideas. In 1798, after the federal government passed the blatantly unconstitutional Aliens and Seditions Acts, Thomas Jefferson and James Madison laid out their strategy for dealing with federal overreach.

They did not run to the Supreme Court for an opinion (the disastrous *Madison v. Marbury* decision in which the Supreme Court assumed authority to determine what is or is not Constitutional had not yet been heard), they turned to their respective state legislatures. The result were two state resolutions, the Virginia and Kentucky Resolves, that established what are now called the "Principles of '98".

Both men hoped that other states would join them in declaring unconstitutional federal laws ineffective within their borders but some states were afraid to buck the newly established central government and, in the end, the laws expired before the issue could come to a head.

Since that time, however, the U.S. Supreme Court has issued no fewer than five opinions upholding the anti-commandeering principle.

Prigg v. Pennsylvania (1842). Justice Joseph Story held that the federal government could not force states to implement or carry out the Fugitive Slave Act of 1793.

New York v. United States (1992). The Court held that the regulations in the Low-Level Radioactive Waste Policy Amendment Act of 1985 were coercive and violated the sovereignty of New York, holding that "...the Act's... provision lies outside Congress' enumerated powers and is inconsistent with the Tenth Amendment." In the opinion, justice Sandra Day O'Connor wrote that Congress may not simply "commandeer [r] the legislative processes of the States by directly compelling them to enact and enforce a federal regulatory program."

Printz v. United States (1997). At issue was a provision in the Brady Gun Bill that required county law enforcement officers to administer part of the background check program. Sheriffs Jay

Printz and Richard Mack sued, arguing these provisions unconstitutionally forced them to administer a federal program. Justice Antonin Scalia agreed, writing in the majority opinion "We held in *New York* that Congress cannot compel the States to enact or enforce a federal regulatory program. Today we hold that Congress cannot circumvent that prohibition by conscripting the States' officers directly. The Federal Government may neither issue directives requiring the States to address particular problems, nor command the States' officers, or those of their political subdivisions, to administer or enforce a federal regulatory program...such commands are fundamentally incompatible with our constitutional system of dual sovereignty."

Independent Business v. Sebelius (2012). The Court held that the federal government cannot compel states to expand Medicaid by threatening to withhold funding for Medicaid programs already in place. Justice Kennedy argued that allowing Congress to essentially punish states that refused to go along violates constitutional separation of powers. "Respecting this limitation is critical to ensuring that Spending Clause legislation does not undermine the status of the States as independent sovereigns in our federal system." And, "the Constitution has never been understood to confer upon Congress the ability to require the States to govern according to Congress' instructions."

Murphy v. NCAA (2018). The Court held that Congress can't take any action that "dictates what a state legislature may and may not do" even when the state action conflicts with federal law. Samuel Alito wrote, "...a more direct affront to state sovereignty is not easy to imagine."

Nullification and anti-commandeering are important tools states can use to counter federal overreach. SB 1328 stands on these solid legal principles to protect the right of all Arizonans to keep and bear arms.

Michael Gibbs
AzCDL Vice-president



18,000 Members! Woo Hoo!



Congratulations to all our dedicated and hard working volunteers!

In early January 2021, our 18,000th member was recruited.

AzCDL was formed in 2005 when seven activists [decided to do something](#) about the loss of the right to keep and bear arms in Arizona. Our first meeting was in March.

By June 2005, AzCDL was officially formed. Four of the original founders became AzCDL's first directors. That same year we experienced our first success at the legislature.

Five years later, in 2010, among [many other accomplishments](#), we were successful in achieving *Constitutional Carry* in Arizona. The right to carry openly or



discreetly without begging for government permission was restored.

Because of our success, Guns and Ammo magazine has declared Arizona the number one state for gun owners

for the last **eight** consecutive years.

AzCDL is fiercely independent. We are not affiliated with, nor do we receive any money from, any national organizations. No sugar daddies. No New York billionaires. Memberships and individual donations are our only source of income.

[If you are not a member—why not?](#)

The more members we have committed to making a difference, the greater AzCDL's impact at the legislature. By working together and making our voices heard, not only can we show the bad guys that they don't stand a chance in Arizona, we can push through legislation that further restores and protects our rights.



Join us at Front Sight in April



You are invited to join AzCDL members on our outing to [Front Sight's Nevada facility](#) from Friday April 16 through Monday 20 to attend a 4 Day [Defensive Handgun](#) class.

Information about these classes, along with others that are offered, can be found at Front Sight's website.

<https://www.frontsight.com/>

After making your course reservations, please contact Duke at americanicon@cox.net who will work with Front Sight to ensure AzCDL participants train on the same ranges.

If you do not have a Front Sight membership or single class certificate, AzCDL has access to discounted *all-inclusive Front Sight memberships*.



If you are interested, contact Fred, AzCDL's Treasurer, at treasurer@azcdl.org.

If you have not attended a Front Sight class this year, they will charge you an additional fee to perform a background check.

Because Front Sight trains several thousand students every year, and the Spring months provide a better climate, classes and hotels fill up fast.

Each student is expected to make their own course and hotel reservations.

The [Wine Ridge Resort](#), the [Best Western](#) and the [Saddle West](#) in Pahrump offer discounted rates for AzCDL Front Sight students. To learn more about what to expect during your visit to Front Sight, along with information about gear to bring, ordering lunches, etc. please check out:

<https://www.frontsight.com/FirearmTraining/front-sight.asp>.

Duke Schechter
AzCDL Director

