

House Engrossed

~~sovereign authority; law enforcement~~
(now: law enforcement; sovereign authority)

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HOUSE BILL 2309

AN ACT

AMENDING TITLE 1, CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES, BY
ADDING SECTION 1-273; RELATING TO LAW ENFORCEMENT AUTHORITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 1, chapter 2, article 4, Arizona Revised Statutes,
3 is amended by adding section 1-273, to read:

4 1-273. Sovereign authority; right

5 A. PURSUANT TO THE TENTH AMENDMENT TO THE UNITED STATES
6 CONSTITUTION AND ARTICLE II, SECTION 3, CONSTITUTION OF ARIZONA, IT IS THE
7 PUBLIC POLICY OF THIS STATE TO PROTECT THIS STATE'S SOVEREIGN AUTHORITY
8 AGAINST FEDERAL LAWS, TREATIES, ORDERS, RULES, REGULATIONS, ACTIONS AND
9 PROGRAMS THAT ARE INCONSISTENT WITH THE AUTHORITY OF STATE AND LOCAL LAW
10 ENFORCEMENT AGENCIES.

11 B. PURSUANT TO SECTION 41-193, ON DEMAND BY THE LEGISLATURE, EITHER
12 HOUSE OF THE LEGISLATURE OR ANY MEMBER OF THE LEGISLATURE, THE ATTORNEY
13 GENERAL SHALL RENDER A WRITTEN OPINION TO DETERMINE THE CONSTITUTIONALITY
14 OF ANY FEDERAL LAW, TREATY, ORDER, RULE, REGULATION, ACTION OR PROGRAM
15 THAT IS ALLEGED TO BE INCONSISTENT WITH OR CONTRARY TO THE AUTHORITY OF
16 STATE OR LOCAL LAW ENFORCEMENT AGENCIES.

17 C. THE LAWS OF THIS STATE SHALL BE INTERPRETED AND CONSTRUED TO
18 PROTECT THIS STATE'S SOVEREIGN AUTHORITY AGAINST FEDERAL ACTIONS,
19 INCLUDING IN ANY PROCEEDING IN WHICH THIS STATE OR ITS POLITICAL
20 SUBDIVISIONS ARE EXERCISING THEIR CONSTITUTIONAL AUTHORITY UNDER ARTICLE
21 II, SECTION 3, CONSTITUTION OF ARIZONA.

22 D. ANY LAW, TREATY, EXECUTIVE ORDER, RULE OR REGULATION OF THE
23 UNITED STATES GOVERNMENT THAT HAS BEEN FOUND BY THE SUPREME COURT OF THE
24 UNITED STATES OR THE SUPREME COURT OF THIS STATE TO VIOLATE ARTICLE II,
25 SECTION 3, CONSTITUTION OF ARIZONA, OR THE TENTH AMENDMENT TO THE UNITED
26 STATES CONSTITUTION IS NULL, VOID AND UNENFORCEABLE IN THIS STATE.