

Senate Engrossed House Bill

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