

## HB 1383 - 2nd Amendment Preservation Bill

### What does it do?

State and local law enforcement may not enforce federal regulations pertaining to firearms, firearm accessories, and ammunition that are more restrictive than state law.

2a allows an exception if taken to court, and a national threat is determined to exist.

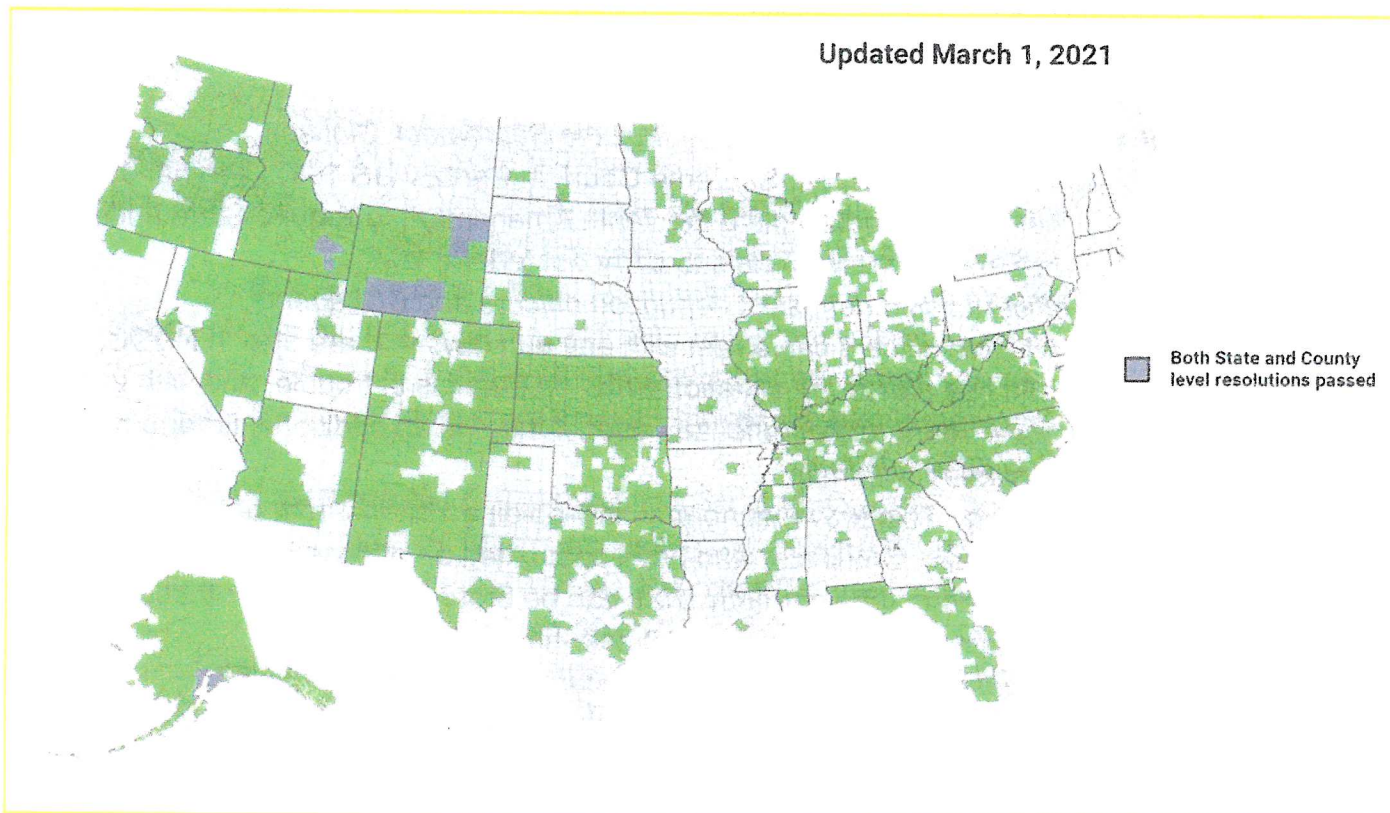
2b is the part that indicates it only applies to federal laws that *exceed* state law.

2c allows exceptions for involvement of any assault, threat, coercion, harassment, domestic violence, terrorizing, stalking, or menacing.

3 clarifies that state and local law enforcement *may* assist federal agents for *all* other offenses.

### States and Counties that have this already:

(And 4 additional states are pending)



### Why do we need it?

Currently, the President and the majority party in Congress have made it clear that they want to promptly implement significant gun control...

- gun restriction was significant component of the Biden-Harris campaign platform.
- Feb 14 2021, Biden put out White House Statement calling on Congress to enact legislation with significant restrictions and control measures.
- Mar 24 2021, Biden calls for ban on "assault weapons"
- Mar 26 2021, White House says to "expect executive orders on gun measures"
- Mar 31 2021, Democrats ask Biden to take executive action
- Apr 2 2021, Biden working on Executive Orders on gun control that cannot be dismantled in the courts.

### HR 127, "*Sabika Sheikh Firearm Licensing and Registration Act*"

- was introduced Jan 4, 2021 and sent to subcommittee Mar 1, 2021.
- extraordinary in its overreach and restriction (see separate handout).
- can pass if put into reconciliation or if abandon the filibuster rule.

### What are the responses to concerns raised?

- *It's "unconstitutional" and goes against the Supremacy Clause.*
  - To the contrary; the Supreme Court, in *Printz v US* 1997 (see handout) held that it would violate the Tenth Amendment to require State and local law enforcement officials to carry out federal law.
- *Local officers could not assist deputized officers and BCI agents.*
  - All local officers can assist with any gun laws that are also in NDCC, also with any harrowing situation when an agent is in trouble, and with every non-firearm related offense - even if there is an additional firearm offense.
- *Protects alleged criminals.*
  - Wrong. This prevents normal, law-abiding citizens from being treated like criminals. Criminals, who have committed an offense beyond just owning the firearm they currently own, can be brought to justice for those actual crimes. This bill provides NO safe-harbor for criminals.
- *This will mess with contracts between state and federal agencies.*
  - All contracts and MOU's are predicated on the fact that federal agencies must follow federal law, and state agencies must follow state law. This will not mess with any contracts.
- *There won't be enough federal agents to enforce all the new gun restrictions.*
  - Yes. Precisely. Federal government, please leave us be.



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ES

# BIDEN HARRIS

## THE BIDEN PLAN TO END OUR GUN VIOLENCE EPIDEMIC

Joe Biden knows that gun violence is a public health epidemic. Almost 40,000 people die as a result of firearm injuries every year in the United States, and many more are wounded. Some of these deaths and injuries are the result of mass shootings that make national headlines. Others are the result of daily acts of gun violence or suicides that may not make national headlines, but are just as devastating to the families and communities left behind.

Joe Biden has taken on the National Rifle Association (NRA) on the national stage and won – twice. In 1993, he shepherded through Congress the Brady Handgun Violence Prevention Act, which established the background check system that has since kept more than 3 million firearms out of dangerous hands. In 1994, Biden – along with Senator Dianne Feinstein – secured the passage of 10-year bans on assault weapons and high-capacity magazines. As president, Joe Biden will defeat the NRA again.

Joe Biden also knows how to make progress on reducing gun violence using executive action. After the tragedy at Sandy Hook Elementary School in 2012, President Obama tasked Vice President Biden with developing both legislative proposals and executive actions to make our communities safer. As a result of this effort, the Obama-Biden Administration took more than two dozen actions, including narrowing the so-called “gun show loophole,” increasing the number of records in the background check system, and expanding funding for mental health services.

It’s within our grasp to end our gun violence epidemic and respect the Second Amendment, which is limited. As president, Biden will pursue constitutional, common-sense gun safety policies. Biden will:

**Hold gun manufacturers accountable.** In 2005, then-Senator Biden voted against the Protection of Lawful Commerce in Arms Act, but gun manufacturers successfully lobbied Congress to secure its passage. This law protects these manufacturers from being held civilly liable for their products – a protection granted to no other industry. Biden will prioritize repealing this protection.

**Get weapons of war off our streets.** The bans on assault weapons and high-capacity magazines that Biden, along with Senator Feinstein, secured in 1994 reduced the lethality of mass shootings. But, in order to secure the passage of the bans, they had to agree to a 10-year sunset provision and when the time came,



BRIEFING ROOM

# Statement by the President Three Years After the Parkland Shooting

FEBRUARY 14, 2021 • STATEMENTS AND RELEASES

Three years ago today, a lone gunman took the lives of 14 students and three educators at Marjory Stoneman Douglas High School in Parkland, Florida. In seconds, the lives of dozens of families, and the life of an American community, were changed forever.

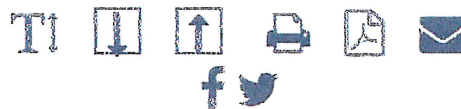
"Today, I am calling on Congress to enact commonsense gun law reforms, including requiring background checks on all gun sales, banning assault weapons and high-capacity magazines, and eliminating immunity for gun manufacturers who knowingly put weapons of war on our streets."

In schools and shopping malls. In churches, mosques, synagogues, and temples. In movie theaters and concert halls. On city street corners that will never get a mention on the evening news. All across our nation, parents, spouses, children, siblings, and friends have known the pain of losing a loved one to gun violence. And in this season of so much loss, last year's historic increase in homicides across America, including the gun violence disproportionately devastating Black and Brown individuals in our cities, has added to the number of empty

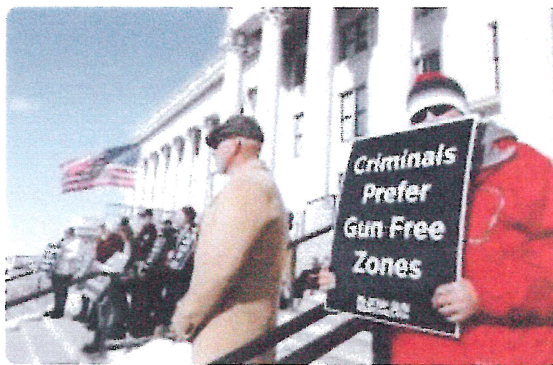


# Biden Calls for Gun Control: 'The Time to Act Is Now'

By Susan Jones | February 15, 2021 | 5:16am EST



(CNSNews.com) - The Biden White House on Valentine's Day released a "Statement by the President" announcing action to end our epidemic of gun violence and make our schools and communities safer."



*Second Amendment supporters protest new gun legislation at the Utah State Capitol on February 8, 2020. (Photo by GEORGE FREY/AFP via Getty Images)*

"Today, I am calling on Congress to enact commonsense gun law reforms, including requiring background checks on all gun sales, banning assault weapons and high-capacity magazines, and eliminating immunity for gun manufacturers who knowingly put weapons of war on our streets," the statement says.



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# US gun control: Biden calls for a ban on assault weapons



March 24, 2021 · 5 min read



Joe Biden



Ten people were killed at a supermarket in Colorado on Monday

President Joe Biden has vowed to take "common-sense steps" to crack down on firearms following two mass shootings in the US in less than a week.

He renewed his call to ban assault weapons and high-capacity magazines and urged Congress to pass bills that would end loopholes in background checks.



**BUSINESS NEWS** MARCH 25, 2021 / 1:46 PM / UPDATED 10 DAYS AGO

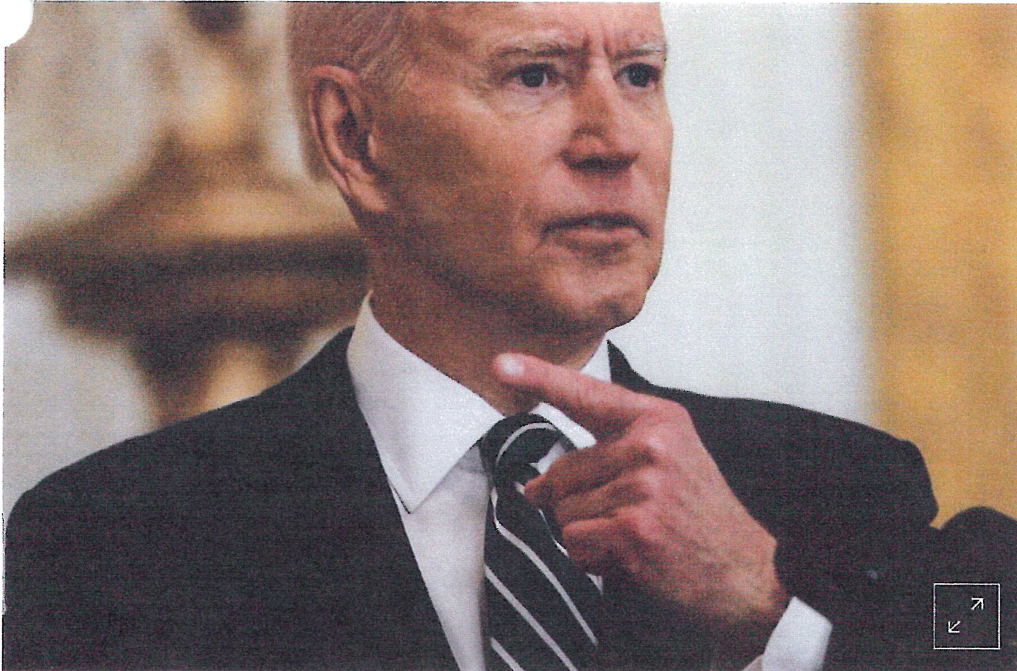
## Biden says passing gun control measures is a 'matter of timing'

By Jarrett Renshaw, Nandita Bose

3 MIN READ



WASHINGTON (Reuters) - President Joe Biden said on Thursday that passing new gun control measures in Congress is “a matter of timing” after two mass shootings in a week rattled the United States and put pressure on him to take action to stop firearms violence.



U.S. President Joe Biden speaks as he holds his first formal news conference in the East Room of the White House in Washington, U.S., March 25, 2021. REUTERS/Leah Millis

While Biden, a long-time advocate of gun control measures including increased background checks on gun buyers and banning assault-style weapons, made clear his support for



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NEWS

ON NY

# Jen Psaki says Biden will sign gun control executive orders

By Steven Nelson

March 26, 2021 | 3:10pm | Updated



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GUN CONTROL

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Gun manufacturers, federal

White House press secretary Jen Psaki on Friday confirmed that President Biden intends to sign executive orders on gun control.

Psaki replied "Yes" to a journalist's question about whether reporters should "be expecting executive orders from the president on gun measures."

But she said the timing was unclear due to a review process.

"When the president was the vice president in the



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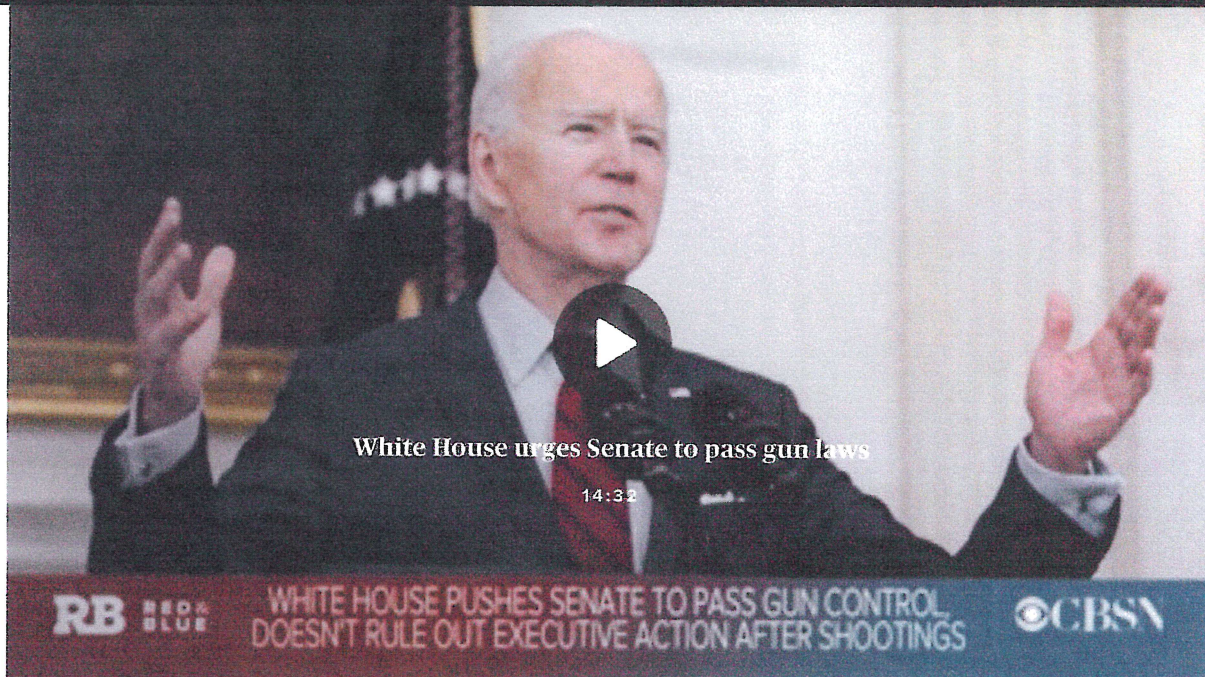
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# House Democrats ask Biden to take executive action on concealable assault-style firearms

BY GRACE SEGERS

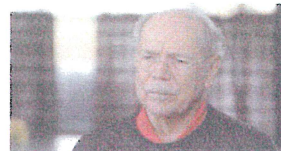
MARCH 31, 2021 / 1:48 PM / CBS NEWS



**Now Playing**  
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**Washington** – Four House Democrats sent a letter to

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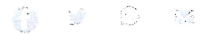
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AdChoices



## Analysis: Biden White House tries to craft gun executive orders that can't be undone

By Trevor Hunnicutt 2 days ago



By Trevor Hunnicutt



© Reuters/JONATHAN ERNST U.S. President Joe Biden comments on the shooting in Colorado at the White House in Washington

WASHINGTON (Reuters) - The White House is trying to craft a series of executive actions for President Joe Biden to sign to try to limit gun violence, hoping they cannot be quickly dismantled in court, according to aides and gun safety groups.



Please help preserve  
the 2nd Amendment.

Vote Yes on HB 1383

117TH CONGRESS  
1ST SESSION

# H. R. 127

These are 10 of the 19 pages of  
the bill, which was introduced to  
Congress on Jan 4, 2021.

I highlighted and underlined some  
of the numerous areas of concern.

Can you imagine up to \$150,000  
fine and 20 years in prison for  
possessing a gun you currently  
own, but didn't pay the license fee  
and undergo the psych eval to get  
the Federal license?

To provide for the licensing of firearm and ammunition possession and the  
registration of firearms, and to prohibit the possession of certain ammunition.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2021

Ms. JACKSON LEE introduced the following bill; which was referred to the  
Committee on the Judiciary

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## A BILL

To provide for the licensing of firearm and ammunition pos-  
session and the registration of firearms, and to prohibit  
the possession of certain ammunition.

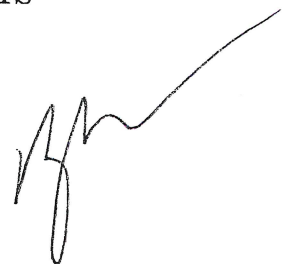
1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Sabika Sheikh Firearm  
5 Licensing and Registration Act".

6 **SEC. 2. LICENSING OF FIREARM AND AMMUNITION POSSES-**  
7 **SION; REGISTRATION OF FIREARMS.**

8 (a) FIREARM LICENSING AND REGISTRATION SYS-  
9 TEM.—



1 (1) IN GENERAL.—Chapter 44 of title 18,  
2 United States Code, is amended by adding at the  
3 end the following:

4 **“§ 932. Licensing of firearm and ammunition posses-**  
5 **sion; registration of firearms**

6 “(a) IN GENERAL.—~~The Attorney General~~, through  
7 the Bureau of Alcohol, Tobacco, Firearms and Explosives,  
8 shall establish a system for licensing the possession of fire-  
9 arms or ammunition in the United States, and for the reg-  
10 istration with the Bureau of each firearm present in the  
11 United States.

12 “(b) FIREARM REGISTRATION SYSTEM.—

13 “(1) REQUIRED INFORMATION.—Under the  
14 firearm registration system, the owner of a firearm  
15 shall transmit to the Bureau—

16 “(A) the make, model, and serial number  
17 of the firearm, the identity of the owner of the  
18 firearm, the date the firearm was acquired by  
19 the owner, and where the firearm is or will be  
20 stored; and

21 “(B) a notice specifying the identity of any  
22 person to whom, and any period of time during  
23 which, the firearm will be loaned to the person.



1 “(2) DEADLINE FOR SUPPLYING INFORMA-  
2 TION.—The transmission required by paragraph (1)  
3 shall be made—

4 “(A) in the case of a firearm acquired be-  
5 fore the effective date of this section, within 3  
6 months after the effective date of this section;  
7 or

8 “(B) in the case of a firearm acquired on  
9 or after the effective date, on the date the  
10 owner acquires the firearm.

11 “(3) DATABASE.—

12 “(A) IN GENERAL.—The Attorney General  
13 shall establish and maintain a database of all  
14 firearms registered pursuant to this subsection.

15 “(B) ACCESS.—The Attorney General shall  
16 make the contents of the database accessible to  
17 all members of the public, all Federal, State,  
18 and local law enforcement authorities, all  
19 branches of the United States Armed Forces,  
20 and all State and local governments, as defined  
21 by the Bureau.

22 “(c) LICENSING SYSTEM.—

23 “(1) REQUIREMENTS.—

24 “(A) GENERAL LICENSE.—Except as oth-  
25 erwise provided in this subsection, the Attorney

1       General shall issue to an individual a license to  
2       possess a firearm and ammunition if the indi-  
3       vidual—

4               “(i) has attained 21 years of age;

5               “(ii) after applying for the license—

6                       “(I) undergoes a criminal back-  
7       ground check conducted by the na-  
8       tional instant criminal background  
9       check system established under sec-  
10      tion 103 of the Brady Handgun Vio-  
11      lence Prevention Act, and the check  
12      does not indicate that possession of a  
13      firearm by the individual would violate  
14      subsection (g) or (n) of section 922 or  
15      State law;

16                      “(II) undergoes a psychological  
17      evaluation conducted in accordance  
18      with paragraph (2), and the evalua-  
19      tion does not indicate that the indi-  
20      vidual is psychologically unsuited to  
21      possess a firearm; and

22                      “(III) successfully completes a  
23      training course, certified by the Attor-  
24      ney General, in the use, safety, and



1 storage of firearms, that includes at  
2 least 24 hours of training; and  
3 “(iii) demonstrates that, on issuance  
4 of the license, the individual will have in  
5 effect an insurance policy issued under  
6 subsection (d).

7 “(B) ANTIQUE FIREARM DISPLAY LI-  
8 CENSE.—The Attorney General shall issue to  
9 an individual a license to display an antique  
10 firearm in a residence of the individual if the  
11 individual—

12 “(i) is the holder of a license issued  
13 under subparagraph (A);

14 “(ii) supplies proof that the individual  
15 owns an antique firearm;

16 “(iii) describes the manner in which  
17 the firearm will be displayed in accordance  
18 with regulations prescribed by the Attorney  
19 General, and certifies that the firearm will  
20 be so displayed; and

21 “(iv) demonstrates that the individual  
22 has provided for storage of the firearm in  
23 a safe or facility approved by the Attorney  
24 General for the storage of firearms.

1           “(C) **MILITARY-STYLE WEAPONS LI-**  
2           **CENSE.**—The Attorney General shall issue to  
3           an individual a license to own and possess a  
4           military-style weapon if the individual—

5                   “(i) is the holder of a license issued  
6                   under subparagraph (A); and

7                   “(ii) after applying for a license under  
8                   this subparagraph, **successfully completes a**  
9                   **training course**, certified by the Attorney  
10                  General, in the use, safety, and storage of  
11                  the weapon, that includes at least 24 hours  
12                  of training and live fire training.

13           “(2) **PSYCHOLOGICAL EVALUATION.**—A psycho-  
14           logical evaluation is conducted in accordance with  
15           this paragraph if—

16                   “(A) the evaluation is conducted in compli-  
17                   ance with such standards as shall be established  
18                   by the Attorney General;

19                   “(B) the evaluation is conducted by a li-  
20                   censed psychologist approved by the Attorney  
21                   General;

22                   “(C) **as deemed necessary by the licensed**  
23                   **psychologist involved, the evaluation included a**  
24                   **psychological evaluation of other members of**



## PRINTZ V. UNITED STATES, 521 U.S. 898 (1997)

The Brady Handgun Violence Prevention Act, a federal law, called for State and local law enforcement officials to conduct background checks on people seeking to buy a gun.

Two law enforcement officials from Montana and Arizona challenged the law on constitutional grounds. The Court of Appeals found the mandatory background check constitutional.

The U.S. Supreme Court, however, held that it would violate the Tenth Amendment to require State and local law enforcement officials to carry out federal law.

### Statement of the Facts:

The federal Gun Control Act of 1968 was designed to limit the sale and ownership of guns. In that law, certain people were disqualified from owning a gun, including convicted felons, fugitives, people who are mentally ill, and non-citizens who had no legal status in the country. In 1993, the Brady Handgun Violence Prevention Act required that background checks be completed to ensure that guns were not falling into the hands of those disqualified from possessing a gun.

The Brady Act's background check system was to go into effect in 1998. In the interim, the Brady Act called for gun purchasers to fill out a personal information form. Gun distributors were mandated to provide that Brady form to local law enforcement. Then, law enforcement officials had five days to determine, through a reasonable effort, that the potential gun purchaser was qualified to own a gun under the Gun Control Act.

Two chief law enforcement officers from Montana and Arizona (Jay Printz being one of the two) challenged the Brady Act's interim procedure, arguing that it forced state officials to enforce federal law.

**Rule of Law or Legal Principle Applied:** It is a violation of the Constitution for a federal law to direct State and local law enforcement officers to administer a federal regulatory scheme of conducting background checks on gun purchasers.

**Reasoning:** The majority opinion focused on history, the Constitution's structure, and Court precedent to reach its decision.

With regard to history, there is no evidence through the history of federal laws that the Federal Government commanded the executive branches of States to carry out Congress's bidding. It is true that the Federal Government has commanded State judges to enforce Federal laws. That, however, is inherent in the hierarchy of courts that goes from State to Federal.

With regard to the Constitution's structure, it is clear that our system of government is based on "dual sovereignty," in which federalism provides a distinction between the powers of the State versus the power of the Federal Government. It would violate federalism principles to give the Federal Government complete control of State law enforcement, at no cost to the Federal Government. Finally, with regard to Court precedent, Court decisions like *New York v. U.S.*, stand for the proposition that the Federal Government may not compel the States to administer a federal regulatory program.

**Concurring Opinion (O'Connor):** The Brady Act violates the Tenth Amendment by forcing State and local officials to perform background checks pursuant to federal law.

**Concurring Opinion (Thomas):** It should be emphasized that the Tenth Amendment affirms the principle that the Federal Government is one of limited, enumerated powers. Here, the Federal Government acted outside of its authority.