

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

SENATE BILL 399

5 By: Senator G. Stubblefield
6 By: Representative Long
7

For An Act To Be Entitled

9 AN ACT TO CREATE THE ANTI-ATF COMMANDEERING ACT; TO
10 PROHIBIT THE PROVISION OF MATERIAL AID AND SUPPORT
11 FOR ENFORCEMENT OF FEDERAL FIREARMS LAWS; TO PROHIBIT
12 AN ELECTED OFFICIAL OR PUBLIC EMPLOYEE FROM ASSISTING
13 IN THE ENFORCEMENT OF FEDERAL FIREARMS LAWS; AND FOR
14 OTHER PURPOSES.

Subtitle

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17 TO CREATE THE ANTI-ATF COMMANDEERING
18 ACT; AND TO PROHIBIT THE PROVISION OF
19 MATERIAL AID AND SUPPORT FOR ENFORCEMENT
20 OF FEDERAL FIREARMS LAWS.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. DO NOT CODIFY. Legislative findings and intent.

26 (a) The General Assembly finds that:

27 (1) The United States Supreme Court has long held that states do
28 not have to participate in the enforcement or effectuation of federal acts or
29 regulatory programs; and

30 (2) The United States Supreme Court has done so four (4) times
31 in the past thirty-three (33) years and as far back as 1842 in:

32 (A) Murphy v. NCAA, 584 U.S. 453 (2018);

33 (B) National Federation of Independent Business v.
34 Sebelius, 567 U.S. 519 (2012);

35 (C) Printz v. United States, 521 U.S. 898 (1997);

36 (D) New York v. United States, 505 U.S. 144 (1992); and



1 (E) Prigg v. Pennsylvania, 41 U.S. 539 (1842).

2 (b) The General Assembly intends this subchapter to ensure that the
3 State of Arkansas and its political subdivisions refrain from providing any
4 assistance or material aid for enforcing federal firearms laws, regulations,
5 executive orders, or treaties.

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7 SECTION 2. Arkansas Code Title 21, Chapter 1, is amended to add an
8 additional subchapter to read as follows:

9 Subchapter 10 – Anti-ATF Commandeering Act

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11 21-1-1001. Title.

12 This subchapter shall be known and may be cited as the "Anti-ATF
13 Commandeering Act".

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15 21-1-1002. Definitions.

16 As used in this subchapter:

17 (1) "Elected official" means any person holding an elective
18 office of any governmental body, whether elected or appointed to the office;

19 (2)(A) "Material aid and support" means voluntarily providing or
20 allowing others to use lodging or communications equipment or services,
21 including social media accounts, data, facilities, weapons, personnel,
22 transportation, clothing, or other physical assets.

23 (B) "Material aid and support" does not include:

24 (i) Providing or allowing the use of medical
25 treatments or other materials necessary to treat physical injury; and

26 (ii) Helping individuals escape a serious imminent
27 risk of life-threatening injury; and

28 (3)(A) "Public employee" means any person employed by the state
29 or a political subdivision of the state.

30 (B) "Public employee" includes a law enforcement officer.

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32 21-1-1003. Aiding federal firearms law enforcement.

33 (a) The state or a political subdivision of the state shall not
34 provide material aid and support for enforcing any federal laws, statutes,
35 regulations, rules, executive orders, treaties, administrative orders, or
36 ordinances regarding firearms, firearm accessories, or ammunition.

1 (b) A public employee or elected official shall not knowingly:

2 (1) Enforce or attempt to enforce any federal law, statute,
3 regulation, rule, executive order, treaty, administrative order, or ordinance
4 regarding firearms, firearm accessories, or ammunition; or

5 (2) Refer to the United States Government a violation of federal
6 law, statute, regulation, rule, executive order, treaty, administrative
7 order, or ordinance regarding firearms, firearm accessories, or ammunition.

8 (c) A violation of subdivision (b)(2) of this section by a public
9 employee shall result in the termination of his or her employment.

10 (d) This section does not prohibit the enforcement of state firearms
11 laws that comply with Arkansas Constitution, Article 2, § 5.

12 (e) This act does not prevent law enforcement from using information
13 obtained from United States Government agencies to enforce state laws.

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15 21-1-1004. Civil remedies.

16 (a)(1) A person who was subjected to a violation under § 21-1-1003 by
17 the state may file a claim with the Arkansas State Claims Commission.

18 (2) In a claim filed under this subsection, the commission shall
19 award to the complainant if the claim is proved fifty thousand dollars
20 (\$50,000) per violation to be approved by the General Assembly as provided in
21 § 19-10-215.

22 (b)(1) A person who was subjected to a violation under § 21-1-1003 by
23 a political subdivision of the state may bring an action for equitable and
24 monetary relief in the circuit court of the county in which the violation
25 occurred, the circuit court of the county in which the person resides, or
26 Pulaski County Circuit Court.

27 (2) Sovereign immunity is not a defense to an action brought
28 under this subsection.

29 (3) In an action brought under this subsection, the court shall
30 award the prevailing party, excluding a political subdivision of the state,
31 reasonable attorney's fees and costs.

32 (4) In an action brought under this subsection, the court shall
33 award a plaintiff if they are the prevailing party fifty thousand dollars
34 (\$50,000) per violation.

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