



# FACT SHEET ON WYOMING GUN OWNERS' SECOND AMENDMENT PRESERVATION ACT LEGISLATION (S.F. 87 / H.B. 0133.)

## **Summary:**

The Second Amendment Preservation Act (SAPA) limits the damage that Joe Biden can do to gun owners here in Wyoming through the passage of a Congressional gun control agenda or gun control via Executive Orders by asserting our state sovereignty and refusing to allow the White House to simply commandeer to use of Wyoming's law enforcement community and tax dollars to enforce these laws or mandates.

Should a political sub-division of Wyoming or a law enforcement agency in Wyoming choose to violate SAPA law and enforce federal gun control or Executive Orders, the gun owner whose rights were violated would be allowed to take that agency (not the individual officer) into civil court for damages of \$50,000 per violation.

SAPA only applies to American citizens and lawful residents of the state of Wyoming. SAPA still allows the State of Wyoming to receive federal funds to assist in the enforcement of state law. And SAPA still allows for cooperation between federal and state agencies in limited cases, where the gun charge is ancillary to the case.

This identical legislation passed into law in Missouri, last year, and has survived a court challenge by the Department of Justice which asked a Circuit Court judge to overturn the law.

## **Objections Answered:**

**Claim #1:** SAPA is unconstitutional as it violates the Supremacy Clause.

**Answer:** This is totally false. SAPA doesn't limit what the federal government may do in Wyoming, which may violate the Supremacy Clause. It simply tells the federal government that they don't have the authority to force the State of Wyoming to help them enforce their agenda. If the White House wants to send federal agents into Wyoming to enforce federal gun control laws, they could do that. But Wyoming won't help them do it.

**Claim #2:** SAPA won't be upheld in court.

**Answer:** This is totally false. For hundreds of years the Supreme Court has ruled on cases where the federal government was seeking to force the states to aid them in the enforcement of a federal law, mandate, treaty, etc. And in every case, the Court has held that the states are sovereign and can not be forced to become the vassals of the federal government. Some of these Supreme Court cases include: *Murphy v NCAA*, *New York v United States*, *Printz v United States*, *Prigg v Pennsylvania*, and *NFIB v Sebelius*.

That's why the Department of Justice was defeated, when they tried to overturn SAPA law in

Missouri Circuit Court last year.

**Claim #3:** SAPA is not supported by law enforcement, in fact, it's anti-cop.

**Answer:** This is totally false. SAPA is very much pro-cop as it protects line officers from having to choose between enforcing an unconstitutional gun control mandate or possibly losing their jobs. While some elements of the law enforcement community are opposed to SAPA (oftentimes politically appointment department heads) they have opposed every expansion of gun rights here in Wyoming over the last decade.

**Claim #4: SAPA will cost Wyoming federal grant money or other monies that may be withheld.**

**Answer:** This is totally false. Both the House and Senate versions of SAPA clearly states that this legislation does NOT preclude the State of Wyoming from receiving money from the federal government to aid in the enforcement of state laws. And in the NFIB v Sebelius decision, the Supreme Court held that the federal government could not deny the states federal funds as retribution.

### **Urgency to SAPA Legislation:**

While Biden can't get the 60 votes he needs to pass gun control through the United States Senate, that hasn't stopped him from advancing two gun control measures through Executive Order.

The first of these orders takes effect in June of this year and forces gun owners with 80% lower receivers (homemade firearms) to register them or face criminal charges. The second order requires that Wyomingites with pistol braces register them with the government via the National Firearms Act stamp or face criminal charges.

These orders were never voted on in Congress but could still make criminals out of millions of gun owners in America this year, including tens of thousands here in Wyoming! Delaying on passage of this legislation could very literally leave law abiding gun owners at the mercy of Biden's unconstitutional gun control mandates that were never passed through Congress.