

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

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HOUSE CONCURRENT RESOLUTION NO. 1009

Introduced by: Representatives Stalzer, Beal, Brunner, Campbell, Craig, DiSanto, Haggar (Don), Harrison, Haugaard, Latterell, Marty, May, Partridge, Qualm, Rasmussen, Rounds, Steinhauer, Verchio, Wiik, Willadsen, and Zikmund and Senators Monroe, Greenfield (Brock), Haggar (Jenna), Holien, Jensen (Phil), and Olson

1 A CONCURRENT RESOLUTION, Expressing the right of South Dakotans to own and use
2 firearms.

3 WHEREAS, the Constitution of South Dakota provides, "[t]he right of the citizens to bear
4 arms in defense of themselves and the state shall not be denied"; and

5 WHEREAS, the Second Amendment to the Constitution of the United States provides, "[a]
6 well-regulated militia being necessary to the security of a free state, the right of the people to
7 keep and bear arms shall not be infringed"; and

8 WHEREAS, in the case of *Printz v. United States* the United States Supreme Court affirmed
9 that the federal government does not have the authority to commandeer local or state agents to
10 enforce federal policy; and

11 WHEREAS, Article I, Section 8 of the Constitution of the United States specifies the
12 powers of the Congress of the United States, and those powers do not include impairing the
13 Second Amendment to the Constitution of the United States or any other amendment to the



1 Constitution of the United States guaranteeing rights to the people or to a state; and

2 WHEREAS, Article II, Section 2 of the Constitution of the United States specifies the
3 powers of the President of the United States and that section does not authorize the President
4 to violate the Constitution of the United States or the amendments to the Constitution of the
5 United States; and

6 WHEREAS, the Tenth Amendment to the Constitution of the United States provides, "[t]he
7 powers not delegated to the United States by the Constitution, nor prohibited by it to the States,
8 are reserved to the States respectively, or to the people"; and

9 WHEREAS, the Fourteenth Amendment to the Constitution of the United States provides,
10 in part, "[n]o state shall make or enforce any law which shall abridge the privileges or
11 immunities of citizens of the United States; nor shall any state deprive any person of life, liberty,
12 or property without due process of law":

13 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Ninety-
14 First Legislature of the State of South Dakota, the Senate concurring therein, that it is the duty
15 of the Legislature and its members to protect and defend the Constitution of the United States
16 and the Constitution of South Dakota; and

17 BE IT FURTHER RESOLVED, that all federal acts, laws, orders, rules, and regulations,
18 present or future, attempting to commandeer local or state law enforcement officers to enforce
19 federal restrictions on firearms violates the Constitution of the United States and are invalid in
20 this state, not recognized in this state, considered null and void in this state, and hold no effect
21 in this state; and

22 BE IT FURTHER RESOLVED, that current and proposed executive actions by the
23 President of the United States relating to the acquisition, possession, and use of firearms and
24 accessories goes beyond the President's powers under the Constitution of the United States and

1 violates the rights of all citizens and it is the duty of the South Dakota Legislature to adopt and
2 enact any and all measures as may be necessary to prevent the enforcement of any federal act,
3 law, order, rule, or regulation which attempts to commandeer local or state law enforcement
4 officers to enforce federal restrictions on firearms in violation of the Constitution of the United
5 States.