



STATE OF ARKANSAS
ASA HUTCHINSON
GOVERNOR

April 23, 2021

Dear President Hickey, Speaker Shepherd, and Members of the General Assembly:

Pursuant to Article 6, Section 15 of the Arkansas Constitution, I inform you today I vetoed Senate Bill 298, The Arkansas Sovereignty Act.

Senate Bill 298 imposes criminal penalties on state and local law enforcement officers who assist federal agencies or officers in the enforcement of The National Firearms Act which includes limitations on the possession of machine guns, grenades, bombs, and land mines. The bill also prohibits assisting in the enforcement of the Gun Control Act of 1968, which prohibits certain felons from possession of firearms.

The partnership between state and federal law enforcement officers is essential for the safety of Arkansas citizens. This bill will break that partnership and put the safety of Arkansans at risk.

On a daily basis, our state law enforcement officers assist federal agents in the apprehension of violent criminals in possession of illegal firearms. This bill will not only jeopardize future law enforcement endeavors; but also, it will jeopardize hundreds of federal cases against violent criminals. The testimony of Arkansas law enforcement officers assisting federal officers in the pursuit of violent criminals is critical in those cases. That testimony would be barred and criminalized by SB 298. Additionally, SB 298 would allow those violent criminals to sue Arkansas law enforcement officers for assisting their federal law enforcement counterparts. This is unacceptable.

I am committed to protecting the sovereignty of the State of Arkansas and the constitutional rights of Arkansas citizens. I will continue to push back against federal overreach and regulation, but criminalizing cooperation with the federal government is not the solution.

I understand the intent of the bill is to provide citizens with confidence that law enforcement officers of this state will not participate in the enforcement of unconstitutional laws. I fully support that intention, but this bill does not accomplish that goal.

Instead, it creates ambiguity and uncertainty in our state's firearms laws, and it jeopardizes the essential partnership between state and federal law enforcement agencies on critical missions that ensure the safety of Arkansans.

Senate Bill 298 specifically states that federal laws and regulations, including The National Firearms Act and The Gun Control Act of 1968 are null and void. The bill does not provide any exception for provisions of those laws concerning unlawful possession by violent criminals. Those laws have been declared constitutional and have been enforced by the courts for decades. In addition, the laws of the State of Arkansas concerning the regulation of firearms reference both the National Firearms Act and The Gun Control Act of 1968. SB 298 does not repeal or amend those Arkansas laws, nor have they been repealed by any other act of the General Assembly. If the General Assembly says those laws are no longer recognized, it is unclear what impact that has on Arkansas laws that reference and incorporate federal law. In other words, SB 298 would be a defense attorney's dream come true and would render useless our combined state and federal task forces fighting violent crime.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Asa Hutchinson", with a stylized flourish at the end.

Asa Hutchinson