



Written by [Peter Rykowski](#) on March 24, 2023

Arizona, Montana Bills Would Protect Local Control Over Law Enforcement

Legislation has been introduced in Arizona and Montana that would protect local control over law enforcement and prevent attempts to strengthen federal control over it.

Arizona's Bill

In Arizona, House Bill 2309 ([H.B. 2309](#)) was sponsored by Representative Rachel Jones (R-Tucson) and eight other representatives. If enacted, it would [prohibit](#) state and local agencies from complying with federal law-enforcement edicts that contradict state law.

H.B. 2309 [declares](#):

Pursuant to the sovereign authority of this state and Article II, Section 3, Constitution of Arizona, this state and all political subdivisions of this state are prohibited from using any personnel or financial resources to enforce, administer or cooperate with any act, law, treaty, order, rule or regulation of the United States government that is inconsistent with any law of this state regarding the authority of state and local law enforcement agencies.

On Tuesday, the Arizona House of Representatives passed H.B. 2309 by a party-line [31-28 vote](#). The bill has been sent to the Senate, where two committees have already approved it.

Montana "Sheriffs First" Bill

In Montana, House Bill No. 604 ([H.B. 604](#)), referred to as a "Sheriffs First" bill, was introduced by Representative Jennifer Carlson (R-Manhattan). In its [original iteration](#), this bill would ban federal agents from making "an arrest, search, or seizure in this state without the written permission of the sheriff or designee of the sheriff of the county in which the arrest, search, or seizure will occur...."

Furthermore, H.B. 604 nullifies any federal law usurping the authority of county sheriffs:

Pursuant to the 10th amendment to the United States constitution and this state's compact with the other states, the legislature declares that any federal law purporting to give federal employees the authority of a county sheriff in this state is not recognized by and is specifically rejected by this state and is declared to be invalid in this state.

H.B. 604 contains certain exceptions, such as if the arrest, search, or seizure happens on a federal enclave, or if the person being arrested is an employee of the sheriff's office. For some of these exceptions, the federal government would [still need written permission](#) from Montana's attorney general before acting.

Under H.B. 604, federal agents who violate the law would be liable to prosecution by the attorney of the



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county where the violation occurred.

On February 27, the House Judiciary Committee passed H.B. 604 by a [12-7 vote](#) after [amending](#) the bill to weaken the penalty for federal agents who violate the law to a misdemeanor, and to allow sheriffs to ignore the bill's provisions. However, on March 2, the House [voted 32-68](#) against H.B. 604, likely killing it for this year. Nonetheless, the bill, in its original iteration, remains a strong model for legislators in other states to use.

Importance of Local Police

Arizona's H.B. 2309 and Montana's H.B. 604 are excellent applications of [Article VI](#) of the U.S. Constitution, [which states](#), "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof ... shall be the supreme Law of the Land."

[Article I, Section 8](#) of the Constitution does not grant the federal government any authority over law-enforcement matters, nor does it allow the federal government to usurp the authority of county sheriffs. As reinforced by the [10th Amendment](#), such matters are reserved to the states and the people. Accordingly, any federal involvement in local law enforcement is not "in Pursuance" of the Constitution — and state and local officials have a duty to enforce the Constitution by nullifying such involvement.

Locally controlled law enforcement is integral to a free society. When local control is diluted, accountability to local voters is also diluted, and big-government power is increased. Federal involvement in local police is dangerous; it makes the latter dependent on the former, thus allowing the federal government to insidiously take over local police departments. This is a major step toward federalized police.

Local police and county sheriffs are key to protecting citizens against tyranny — they were at the [forefront](#) of [nullifying state](#) and [federal](#) Covid/vaccine [mandates](#), and they also have protected against [state](#) and [federal](#) gun-control measures. In countries with federalized police — including Canada, China, and the socialist-run European countries — nothing prevents the central government from violating people's God-given rights.

National police are the hallmark of dictatorships and oppression around the world. The autonomy of our local police is paramount to the survival of our Republic. State legislators would be wise to support and enact bills such as H.B. 2309 and H.B. 604, and to boldly defend locally controlled police.

Arizona residents can contact their legislators in support of H.B. 2309 by visiting [The John Birch Society's legislative alert here](#). Everyone can take action to defend locally controlled law enforcement by visiting [JBS's action project page here](#).



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