

SENATE BILL 1308

By Campfield

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 7; Title 8 and Title 38, relative to the authority
of federal agencies within this state.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Constitutional Enforcement Restraint Act of 2013".

SECTION 2. Tennessee Code Annotated, Title 38, Chapter 3, Part 1, is amended by adding the following language as a new, appropriately designated section:

38-3-115.

Pursuant to the tenth amendment to the United States Constitution and this state's compacts with other states, the general assembly declares that any federal law purporting to:

(1) Give federal agents or employees, including any members of the United States military, the authority of a county sheriff or any other state or local law enforcement agency of this state, without the express permission of this state, is beyond the authority granted to the federal government pursuant to the United States Constitution, and is, to the extent that it usurps state authority, not recognized by this state; specifically rejected by this state; and declared to be invalid in this state; and

(2) Require local or state law enforcement agencies to act at the direction of the federal government or the United States military is beyond the authority granted to the federal government pursuant to the United States Constitution; not recognized by this state; specifically rejected by this state; and declared to be invalid in this state.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.