

House Engrossed

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

HOUSE BILL 2431

AN ACT

AMENDING TITLE 13, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 31.1; RELATING
TO THE UNIFORM FIREARMS TRANSFER COMPACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 13, Arizona Revised Statutes, is amended by adding
3 chapter 31.1, to read:

4 CHAPTER 31.1

5 UNIFORM FIREARMS TRANSFER COMPACT

6 13-3161. Adoption of compact: text of compact

7 THE STATE OF ARIZONA ADOPTS AND AGREES TO BE BOUND BY THE FOLLOWING
8 COMPACT:

9 ARTICLE I

10 FINDINGS AND DECLARATION OF POLICY

11 WHEREAS 4 UNITED STATES CODE SECTION 112 GIVES CONGRESSIONAL CONSENT
12 "TO ANY TWO OR MORE STATES TO ENTER INTO AGREEMENTS OR COMPACTS FOR
13 COOPERATIVE EFFORT AND MUTUAL ASSISTANCE IN THE PREVENTION OF CRIME AND IN
14 THE ENFORCEMENT OF THEIR RESPECTIVE CRIMINAL LAWS AND POLICIES, AND TO
15 ESTABLISH SUCH AGENCIES, JOINT OR OTHERWISE, AS THEY MAY DEEM DESIRABLE FOR
16 MAKING EFFECTIVE SUCH AGREEMENTS AND COMPACTS."

17 WHEREAS EVERY STATE ADOPTING AND AGREEING TO BE BOUND BY THIS COMPACT,
18 EACH OF WHICH HAVE OR MAY ENACT RECIPROCAL RECOGNITION OF REGULATIONS
19 AFFECTING FIREARMS TRANSFERS, FINDS THAT MAINTAINING UNIFORMITY IN FIREARMS
20 TRANSFER LAWS AS PROVIDED HEREIN ADVANCES THEIR MUTUAL SOVEREIGN INTERESTS IN
21 PROTECTING THE REASONABLE EXPECTATIONS OF THEIR RESPECTIVE CITIZENS AND LAW
22 ENFORCEMENT COMMUNITY;

23 WHEREAS EVERY STATE ADOPTING AND AGREEING TO BE BOUND BY THIS COMPACT
24 PROMISES AND AGREES TO MAINTAIN RELIABLY UNIFORM FIREARMS TRANSFER LAWS AS
25 HEREIN PROVIDED TO ENSURE UNIFORMITY IN PUBLIC POLICY IN ORDER TO PROMOTE A
26 BETTER PUBLIC UNDERSTANDING OF THE LAW WHEN THEIR CITIZENS TRAVEL OR
27 ESTABLISH RESIDENCES OR DOMICILES AMONG MEMBER STATES, TO GOVERN, COORDINATE,
28 AND GUIDE CIVIL AND CRIMINAL LAW ENFORCEMENT PERSONNEL WHEN INTERACTING WITH
29 SUCH CITIZENS, AND TO AVOID UNDESIRABLE STATE BURDENS ON INTERSTATE COMMERCE
30 IN FIREARMS;

31 NOW, THEREFORE, IN CONSIDERATION OF THEIR MUTUAL PROMISES AND
32 OBLIGATIONS EXPRESSED IN THIS COMPACT, BE IT ENACTED BY EVERY STATE ENACTING,
33 ADOPTING AND AGREEING TO BE BOUND BY THIS COMPACT, THEIR AGREEMENT TO
34 EXERCISE HERewith ALL OF THEIR RESPECTIVE POWERS AS SET FORTH HEREIN
35 NOTWITHSTANDING ANY LAW, REGULATION OR POLICY, WHETHER BY LEGISLATIVE ACT OR
36 POPULAR INITIATIVE OR ADMINISTRATIVE ACTION, TO THE CONTRARY.

37 ARTICLE II

38 DEFINITIONS

39 AS USED IN THIS COMPACT, UNLESS THE CONTEXT CLEARLY INDICATES
40 OTHERWISE:

41 SECTION 1. "COMPACT" MEANS THE "UNIFORM FIREARMS TRANSFER COMPACT."

42 SECTION 2. "STATE" MEANS ONE OF THE SEVERAL STATES OF THE UNITED
43 STATES. THE TERM "STATE" SHALL BE CONSTRUED TO INCLUDE ALL OF ITS BRANCHES,
44 DEPARTMENTS, AGENCIES, INSTRUMENTALITIES, POLITICAL SUBDIVISIONS, AND
45 OFFICERS, EMPLOYEES AND REPRESENTATIVES ACTING IN THEIR OFFICIAL CAPACITY.

SECTION 3. "MEMBER STATE" MEANS A STATE THAT HAS ENACTED LEGISLATION THAT ADOPTS AND AGREES TO BE BOUND TO THIS COMPACT. FOR ANY STATE TO QUALIFY AS A MEMBER STATE WITH RESPECT TO ANY OTHER STATE UNDER THIS COMPACT, EACH SUCH STATE MUST HAVE ENACTED, ADOPTED AND AGREED TO BE BOUND BY SUBSTANTIVELY IDENTICAL COMPACT LEGISLATION. LEGISLATION ADOPTING AND AGREEING TO BE BOUND BY THE COMPACT SHALL BE DEEMED SUBSTANTIVELY IDENTICAL NOTWITHSTANDING THE INCLUSION OF A SECTION IN SUCH LEGISLATION ENTITLED "ADDENDUM TO COMPACT," WHICH SPECIFIES LAWS, REGULATIONS, AND POLICIES, AND RELATED PROSECUTIONS OR ADMINISTRATIVE OR ENFORCEMENT ACTIONS, EXISTING OR PENDING ON THE ENACTMENT DATE OF SUCH LEGISLATION IN THE RESPECTIVE ENACTING STATE THAT ARE EXCLUDED FROM THE SCOPE OF SECTION 1 OF ARTICLE IV OF THIS COMPACT AS PROVIDED BY SECTION 2 OF ARTICLE IV OF THIS COMPACT, PROVIDED THAT SUCH LEGISLATION IS OTHERWISE IDENTICAL IN ALL OPERATIVE TERMS.

SECTION 4. "NOTICE" ALL NOTICES REQUIRED BY THIS COMPACT SHALL BE BY UNITED STATES CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR AN EQUIVALENT OR SUPERIOR FORM OF NOTICE, SUCH AS PERSONAL DELIVERY DOCUMENTED BY EVIDENCE OF ACTUAL RECEIPT.

SECTION 5. "FEDERAL LAW" EXCLUSIVELY MEANS DULY ENACTED, CONSTITUTIONAL FEDERAL STATUTES AND LAWFULLY AND CONSTITUTIONALLY PROMULGATED REGULATIONS PROMULGATED IN CONFORMITY WITH THE ADMINISTRATIVE PROCEDURE ACT, AS AMENDED.

ARTICLE III

COMPACT MEMBERSHIP AND WITHDRAWAL

SECTION 1. THIS COMPACT GOVERNS EACH MEMBER STATE TO THE FULLEST EXTENT PERMITTED BY THEIR RESPECTIVE CONSTITUTIONS, AS THEY EXIST AT THE TIME OF ENTRY, SUPERSEDING AND REPEALING ANY CONFLICTING OR CONTRARY STATE LAW IN ANY MEMBER STATE.

SECTION 2. BY BECOMING A MEMBER STATE, EACH SUCH STATE OFFERS, PROMISES AND AGREES TO PERFORM AND COMPLY STRICTLY IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THIS COMPACT, AND HAS MADE SUCH OFFER, PROMISE AND AGREEMENT IN ANTICIPATION AND CONSIDERATION OF, AND IN SUBSTANTIAL RELIANCE UPON, SUCH MUTUAL AND RECIPROCAL PERFORMANCE AND COMPLIANCE BY EACH OTHER CURRENT AND FUTURE MEMBER STATE, IF ANY. ACCORDINGLY, IN ADDITION TO HAVING THE FORCE OF LAW IN EACH MEMBER STATE UPON ITS RESPECTIVE EFFECTIVE DATE, THIS COMPACT AND EACH OF ITS ARTICLES SHALL ALSO BE CONSTRUED AS CONTRACTUALLY BINDING EACH MEMBER STATE WHEN: (a) AT LEAST ONE OTHER STATE HAS LIKEWISE BECOME A MEMBER STATE BY ENACTING SUBSTANTIVELY IDENTICAL LEGISLATION ADOPTING AND AGREEING TO BE BOUND BY THIS COMPACT; AND (b) NOTICE OF SUCH STATE'S MEMBER STATE STATUS IS OR HAS BEEN SEASONABLY RECEIVED BY THE GOVERNOR OR OTHER ACTING CHIEF EXECUTIVE OFFICER, IF ANY, OF EACH OTHER MEMBER STATE.

SECTION 3. ONCE THERE ARE AT LEAST TWO MEMBER STATES, A MEMBER STATE MAY ONLY WITHDRAW FROM OR AMEND THIS COMPACT AS PROVIDED HEREIN AND IN SECTIONS 4 AND 5 OF THIS ARTICLE. DURING EACH OF ITS RESPECTIVE LEGISLATIVE SESSIONS OCCURRING CLOSEST TO EVERY FIFTH YEAR AFTER THE FIRST STATE PASSES

1 LEGISLATION ENACTING, ADOPTING AND AGREEING TO BE BOUND TO THIS COMPACT, EACH
2 MEMBER STATE MAY INTRODUCE LEGISLATION PROVIDING FOR WITHDRAWAL FROM THIS
3 COMPACT, WHICH SHALL BE EFFECTIVE UPON PASSAGE, IF ACTUAL NOTICE OF SUCH
4 INTRODUCTION WITHIN THIRTY DAYS THEREOF, IS GIVEN OR RECEIVED BY EACH OTHER
5 MEMBER STATE.

6 SECTION 4. AT ANY TIME, THE GOVERNOR OR OTHER ACTING CHIEF EXECUTIVE
7 OFFICER, IF ANY, OF A MEMBER STATE MAY CALL A MEETING OF THE GOVERNORS OR
8 OTHER ACTING CHIEF EXECUTIVE OFFICERS, IF ANY, OF ALL OTHER MEMBER STATES,
9 WHO SHALL ACT COLLECTIVELY AS A TASK FORCE, FOR THE PURPOSE OF REACHING A
10 CONSENSUS ON THE INTRODUCTION OF LEGISLATION THAT WOULD EFFECT A WITHDRAWAL
11 FROM OR AMENDMENT TO THIS COMPACT. SAID CALL MUST GIVE AT LEAST THREE MONTHS
12 ADVANCE ACTUAL PUBLIC NOTICE OF THE AGENDA, TIME, DATE AND LOCATION OF SUCH
13 MEETING TO ALL GOVERNORS OR ACTING CHIEF EXECUTIVE OFFICERS OF ALL OTHER
14 MEMBER STATES. PROVIDED THAT A SIMPLE MAJORITY QUORUM OF MEMBER STATES IS
15 REPRESENTED BY SAID EXECUTIVE OFFICIALS WHO ARE PRESENT ELECTRONICALLY OR
16 PHYSICALLY DURING THE MEETING, AND A MAJORITY OF ATTENDING MEMBER STATES
17 APPROVE THROUGH THEIR REPRESENTATIVES, THE INTRODUCTION OF SUCH LEGISLATION
18 SHALL BE PERMITTED IN ACCORDANCE WITH EACH MEMBER STATE'S RESPECTIVE LAWS AND
19 CONSTITUTIONS. ANY AMENDMENT TO THIS COMPACT AUTHORIZED BY THIS SECTION
20 SHALL ONLY BE EFFECTIVE IF AND WHEN LEGISLATIVELY ADOPTED BY A TWO-THIRDS
21 MAJORITY OF MEMBER STATES WITHIN THREE YEARS OF ITS FIRST ENACTMENT, WITH THE
22 MINORITY OF NON-ADOPTING MEMBER STATES DEEMED TO HAVE THEN IMMEDIATELY
23 WITHDRAWN FROM THE COMPACT UNLESS THE AMENDMENT ONLY AFFECTS THE MEMBER
24 STATES THAT HAVE ADOPTED THE AMENDMENT.

25 SECTION 5. A MEMBER STATE MAY AT ANY TIME BY ORDINARY LEGISLATION
26 REPEAL ANY OR ALL PROVISIONS OF AN "ADDENDUM TO COMPACT," FOR WHICH IT IS
27 RESPONSIBLE, AS CONTEMPLATED IN SECTION 2 OF ARTICLE IV OF THIS COMPACT, AS
28 WELL AS ANY LAW, REGULATION OR POLICY SPECIFIED THEREIN, THAT IS INCLUDED AS
29 A SECTION WITHIN ITS RESPECTIVE LEGISLATION ADOPTING AND AGREEING TO BE BOUND
30 BY THIS COMPACT; WITH THE REMAINDER OF THE COMPACT REMAINING IN FULL FORCE
31 AND EFFECT.

32 SECTION 6. A WITHDRAWAL, OR AMENDMENT INTENDED TO AFFECT ONLY A
33 PARTICULAR MEMBER STATE, SHALL NOT AFFECT THE VALIDITY OR APPLICABILITY OF
34 THE COMPACT WITH RESPECT TO REMAINING MEMBER STATES, PROVIDED THAT THERE
35 REMAIN AT LEAST TWO SUCH STATES.

36 ARTICLE IV

37 UNIFORMITY REQUIREMENT

38 SECTION 1. BEGINNING ON THE EFFECTIVE DATE OF THIS COMPACT, UNLESS THE
39 TRANSFER OF FIREARMS IS AN ELEMENT OF A CRIMINAL OR CIVIL CAUSE OF ACTION
40 INVOLVING VIOLENCE, ATTEMPTED OR THREATENED VIOLENCE, CONTROLLED SUBSTANCES,
41 ACTUAL FRAUD, BREACH OF CONTRACT, OR INTENTIONAL OR NEGLIGENT MISCONDUCT
42 ACTUALLY CAUSING OR IMMINENTLY THREATENING PERSONAL OR ECONOMIC INJURY, OR
43 THE VIOLATION OF PROPERTY RIGHTS, NO MEMBER STATE SHALL ENACT, PROMULGATE, OR
44 ENFORCE ANY LAW, REGULATION OR POLICY, WHETHER BY LEGISLATIVE ACT, POPULAR
45 INITIATIVE, PROSECUTION, ADMINISTRATIVE ACTION OR OTHERWISE, THAT WOULD:

1 (a) IMPOSE ANY FEE, TAX, PENALTY, MANDATE OR REGULATION GOVERNING,
2 PUNISHING, RESTRICTING, CONDITIONING OR OTHERWISE BURDENING IN ANY RESPECT OR
3 AT ANY TIME THE TRANSFER OF FIREARMS BY ANY PERSON, IF SUCH FEE, TAX,
4 PENALTY, MANDATE OR REGULATION WOULD BE IN ADDITION TO ANY SUCH FEE, TAX,
5 PENALTY, MANDATE OR REGULATION IMPOSED BY THEN-EXISTING FEDERAL LAW; OR
6 (b) CREATE OR IMPOSE ANY CRIMINAL OR CIVIL LIABILITY NOT CREATED OR IMPOSED
7 UNDER THEN-EXISTING FEDERAL LAW IN CONNECTION WITH THE TRANSFER OF FIREARMS
8 BY ANY PERSON. IT IS THE INTENT OF THIS PROVISION THAT THE FEES, TAXES,
9 PENALTIES, MANDATES OR REGULATIONS, IF ANY, IMPOSED BY FEDERAL LAW BEGINNING
10 ON THE EFFECTIVE DATE OF THIS COMPACT SHALL ESTABLISH A REGULATORY CEILING AS
11 AFORESAID, ABOVE WHICH THE MEMBER STATES MAY NOT REGULATE EXCEPT AS EXPRESSLY
12 PROVIDED IN SECTION 2 OF THIS COMPACT, AND BELOW WHICH ANY MEMBER STATE MAY
13 ADOPT SUCH POLICIES AS IT WISHES IN ACCORDANCE WITH ITS RESPECTIVE STATE LAW
14 AND CONSTITUTION, AND THE CONSTITUTION OF THE UNITED STATES, WITHOUT
15 AFFECTING THE PUBLIC POLICY OF ANY OTHER MEMBER STATE.

16 SECTION 2. NOTWITHSTANDING ANYTHING TO THE CONTRARY SET FORTH HEREIN,
17 SECTION 1 OF THIS ARTICLE SHALL NOT APPLY TO ANY LAW, REGULATION OR POLICY,
18 OR RELATED PROSECUTION OR ADMINISTRATIVE OR ENFORCEMENT ACTION THAT IS
19 SPECIFIED BY A MEMBER STATE IN A SECTION ENTITLED "ADDENDUM TO COMPACT" AND
20 INCLUDED WITHIN ITS RESPECTIVE LEGISLATION ADOPTING AND AGREEING TO BE BOUND
21 BY THIS COMPACT, PROVIDED THAT THE SPECIFIED LAW, REGULATION OR POLICY IS
22 EXISTING AND EFFECTIVE, OR THE PROSECUTION OR ADMINISTRATIVE OR ENFORCEMENT
23 IS PENDING, IN THE MEMBER STATE ON THE ENACTMENT DATE OF THE LEGISLATION
24 ADOPTING AND AGREEING TO BE BOUND TO THIS COMPACT. SAID ADDENDUM TO COMPACT,
25 IF ANY, SHALL BE REGARDED AS PART OF THIS COMPACT WITH RESPECT TO THE
26 RESPECTIVELY ENACTING MEMBER STATE, AND, EXCEPT AS IT QUALIFIES SECTION 1 OF
27 THIS ARTICLE, SHALL OTHERWISE BE CONSTRUED AS SUBJECT TO THE COMPACT'S TERMS.

28 SECTION 3. SUBJECT TO SECTION 2 OF THIS ARTICLE, PRIMA FACIE EVIDENCE
29 THAT A LAW, REGULATION OR POLICY, WHETHER BY LEGISLATIVE ACT, POPULAR
30 INITIATIVE, OR ADMINISTRATIVE ACT, OR RELATED PROSECUTION, OR ADMINISTRATIVE
31 OR ENFORCEMENT ACTION, VIOLATES SECTION 1 OF THIS ARTICLE SHALL BE A COMPLETE
32 DEFENSE IN ALL MEMBER STATES TO ANY CIVIL OR CRIMINAL PROCEEDING AGAINST ANY
33 PERSON IN RELATION TO THE TRANSFER OF A FIREARM TO THE EXTENT THAT THE
34 PROCEEDING ARISES FROM THE AUTHORITY OF SUCH LAW, REGULATION OR POLICY. SUCH
35 PRIMA FACIE EVIDENCE MAY BE REBUTTED ONLY BY REFERENCE TO A SPECIFIED LAW,
36 REGULATION OR POLICY, OR RELATED PROSECUTION OR ADMINISTRATIVE OR ENFORCEMENT
37 ACTION, LISTED IN THE "ADDENDUM TO COMPACT," IF ANY, THAT IS INCLUDED AS A
38 SECTION WITHIN THE RELEVANT MEMBER STATE'S RESPECTIVE LEGISLATION ADOPTING
39 AND AGREEING TO BE BOUND TO THIS COMPACT AS PROVIDED IN SECTION 2 OF THIS
40 ARTICLE. ANY PARTY PREVAILING IN THE DEFENSE AFFORDED BY THIS SECTION SHALL
41 BE ENTITLED TO RECOVER IN THE SAME PROCEEDING ALL LEGAL EXPENSES, INCLUDING
42 REASONABLE ATTORNEYS' FEES, FROM ANY PARTY SEEKING TO ENFORCE ANY SUCH
43 CONFLICTING LAW, REGULATION OR POLICY. EVERY PERSON QUALIFYING FOR THE
44 DEFENSE AFFORDED BY THIS SECTION IS GRANTED A VESTED RIGHT THERETO AS AN
45 INTENDED THIRD PARTY BENEFICIARY OF THIS COMPACT.

1 SECTION 4. SUBJECT TO SECTION 2 OF THIS ARTICLE, ANY LAW, REGULATION
2 OR POLICY EXISTING ON THE EFFECTIVE DATE OF THIS COMPACT, WHICH IS IN
3 CONFLICT WITH SECTION 1 OF THIS ARTICLE, SHALL HEREBY BE REPEALED AND HELD
4 FOR NAUGHT TO THE EXTENT OF SUCH CONFLICT.

5 SECTION 5. SUBJECT TO SECTION 2 OF THIS ARTICLE, ANY LAW, REGULATION
6 OR POLICY, WHETHER BY LEGISLATIVE ACT, POPULAR INITIATIVE, OR ADMINISTRATIVE
7 ACT, OR RELATED PROSECUTION, ADMINISTRATIVE OR ENFORCEMENT ACTION, WHICH IS
8 IN VIOLATION OF SECTION 1 OF THIS ARTICLE IS AND SHALL HENCEFORTH BE REGARDED
9 BY ALL MEMBER STATES AS ULTRA VIRES AND VOID AS A SUBSTANTIAL IMPAIRMENT OF
10 THE OBLIGATION OF A SOLEMN CONTRACT BETWEEN SOVEREIGNS, IN VIOLATION OF
11 UNITED STATES CONSTITUTION, ARTICLE I, SECTION 10, CLAUSE 1.

12 SECTION 6. SUBJECT TO SECTION 2 OF THIS ARTICLE, ANY AMENDMENT TO THE
13 STATE CONSTITUTION OF ANY MEMBER STATE, WHICH IS ADOPTED AFTER THAT MEMBER
14 STATE'S AGREEMENT TO THIS COMPACT AND THEN IN VIOLATION OF SECTION 1 OF THIS
15 ARTICLE, SHALL BE REGARDED BY ALL MEMBER STATES AS ULTRA VIRES AND VOID AS A
16 SUBSTANTIAL IMPAIRMENT OF THE OBLIGATION OF A SOLEMN CONTRACT BETWEEN
17 SOVEREIGNS, IN VIOLATION OF UNITED STATES CONSTITUTION, ARTICLE I, SECTION
18 10, CLAUSE 1.

19 SECTION 7. SUBJECT TO SECTION 2 OF THIS ARTICLE, ANY CRIMINAL LAW,
20 WHETHER BY LEGISLATIVE ACT OR POPULAR INITIATIVE, OR RELATED CRIMINAL
21 INVESTIGATION OR PROSECUTION, WHICH IS IN VIOLATION OF SECTION 1 OF THIS
22 ARTICLE IS AND SHALL HENCEFORTH BE REGARDED BY ALL MEMBER STATES AS ULTRA
23 VIRES AND VOID AS A VIOLATION OF UNITED STATES CONSTITUTION, ARTICLE VI,
24 CLAUSE 2, DUE TO THE EXISTENCE OF ADVANCE STATUTORY CONGRESSIONAL CONSENT
25 UNDER 4 UNITED STATES CODE SECTION 112 FOR THE CRIMINAL LAW ENFORCEMENT
26 COORDINATION REQUIRED BY THIS COMPACT.

27 SECTION 8. SUBJECT TO SECTION 2 OF THIS ARTICLE, ANY AMENDMENT TO THE
28 STATE CONSTITUTION OF ANY MEMBER STATE, WHICH IS ADOPTED AFTER THAT MEMBER
29 STATE'S AGREEMENT TO THIS COMPACT AND THEN IMPOSES A CRIMINAL LAW IN
30 VIOLATION OF SECTION 1 OF THIS ARTICLE, SHALL BE REGARDED BY ALL MEMBER
31 STATES AS ULTRA VIRES AND VOID AS A VIOLATION OF UNITED STATES CONSTITUTION,
32 ARTICLE VI, CLAUSE 2, DUE TO THE EXISTENCE OF ADVANCE STATUTORY CONGRESSIONAL
33 CONSENT UNDER 4 UNITED STATES CODE SECTION 112 FOR THE CRIMINAL LAW
34 ENFORCEMENT COORDINATION REQUIRED BY THIS COMPACT.

35 SECTION 9. NOTHING IN THIS COMPACT IS INTENDED TO SUPERSEDE FEDERAL
36 LAW EXCEPT AS MAY BE AUTHORIZED BY THE PROVISIONS OF 4 UNITED STATES CODE
37 SECTION 112.

38 ARTICLE V

39 CONSTRUCTION, ENFORCEMENT, VENUE, AND SEVERABILITY

40 SECTION 1. INTENDED THIRD PARTY BENEFICIARIES. INTENDED THIRD PARTY
41 BENEFICIARIES OF THIS COMPACT INCLUDE, BUT ARE NOT LIMITED TO, RESIDENTS OF
42 MEMBER STATES WHO: (a) ENJOY THE RIGHT TO KEEP AND BEAR ARMS FOR
43 SELF-DEFENSE, DEFENSE OF HOME, OR DEFENSE OF COMMUNITY UNDER STATE OR FEDERAL
44 LAW OR THEIR RESPECTIVE STATE CONSTITUTION OR THE UNITED STATES CONSTITUTION;
45 (b) ENJOY A PROTECTED PROPERTY INTEREST IN ANY FIREARM UNDER STATE OR

1 FEDERAL LAW OR THEIR RESPECTIVE STATE CONSTITUTION OR THE UNITED STATES
2 CONSTITUTION; (c) ENJOY A PROTECTED CONTRACTUAL INTEREST IN THE TRANSFER OF
3 ANY FIREARM UNDER STATE OR FEDERAL LAW OR THEIR RESPECTIVE STATE CONSTITUTION
4 OR THE UNITED STATES CONSTITUTION; OR (d) ENJOY A PROTECTED LIBERTY INTEREST
5 IN THE TRANSFER OF ANY FIREARM UNDER STATE OR FEDERAL LAW OR THEIR RESPECTIVE
6 STATE CONSTITUTION OR THE UNITED STATES CONSTITUTION.

7 SECTION 2. ANY MEMBER STATE RESIDENT, WHO IS AN INTENDED THIRD PARTY
8 BENEFICIARY OF THIS COMPACT, SHALL HAVE STANDING IN THE COURTS OF ANY MEMBER
9 STATE TO SEEK DECLARATORY, INJUNCTIVE OR OTHER APPROPRIATE RELIEF TO ENFORCE
10 THIS COMPACT AS A DULY AUTHORIZED AGENT OF THE MEMBER STATE OF HIS OR HER
11 RESIDENCY PROVIDED THAT THE FOLLOWING CONDITIONS ARE FIRST MET: (a) SUCH
12 RESIDENT SHALL GIVE REASONABLE NOTICE OF THE ALLEGED NONCOMPLIANCE WITH THIS
13 COMPACT TO THE ENTITY DIRECTLY RESPONSIBLE FOR SUCH NONCOMPLIANCE AND ALSO TO
14 THE ATTORNEY GENERAL OR OTHER CHIEF LAW ENFORCEMENT OFFICER, IF ANY, OF THE
15 MEMBER STATE IN WHICH SUCH ENTITY IS DOMICILED, WITHIN SIXTY (60) DAYS OF
16 SAID RESIDENT'S ACTUAL DISCOVERY OF THE FIRST INSTANCE OF NONCOMPLIANCE;
17 (b) THE AFORESAID RESPONSIBLE ENTITY FAILS TO CURE SUCH NONCOMPLIANCE WITHIN
18 THIRTY (30) DAYS OF SUCH NOTICE; AND (c) THE ATTORNEY GENERAL OR OTHER CHIEF
19 LAW ENFORCEMENT OFFICER, IF ANY, OF THE MEMBER STATE IN WHICH SUCH ENTITY IS
20 DOMICILED SHALL FAIL TO ENFORCE THIS COMPACT BY FILING AN APPROPRIATE ACTION,
21 AS NECESSARY TO ENSURE COMPLIANCE WITHIN SIXTY (60) DAYS OF THE EXPIRATION OF
22 SUCH CURE PERIOD.

23 SECTION 3. THIS COMPACT SHALL BE LIBERALLY CONSTRUED SO AS TO
24 EFFECTUATE ITS PURPOSES. TO THE EXTENT THAT THE EFFECTIVENESS OF THIS
25 COMPACT OR ANY OF ITS ARTICLES OR PROVISIONS REQUIRES THE ALTERATION OF LOCAL
26 LEGISLATIVE RULES, LEGISLATIVE DRAFTING POLICIES OR STATUTES, OR
27 PARLIAMENTARY PROCEDURE TO BE EFFECTIVE, THE ENACTMENT OF LEGISLATION
28 ENACTING, ADOPTING AND AGREEING TO BE BOUND BY THIS COMPACT SHALL BE DEEMED
29 TO WAIVE, REPEAL, SUPERSEDE, OR OTHERWISE AMEND AND CONFORM ALL SUCH RULES,
30 POLICIES, STATUTES OR PROCEDURES TO ALLOW FOR THE EFFECTIVENESS OF ALL
31 PROVISIONS OF THIS COMPACT ACCORDING TO THEIR TERMS AND CONDITIONS TO THE
32 FULLEST EXTENT PERMITTED BY THE CONSTITUTION OF ANY AFFECTED MEMBER STATE,
33 CONSISTENT WITH THE PROHIBITION ON STATES IMPAIRING THE OBLIGATION OF
34 CONTRACT UNDER UNITED STATES CONSTITUTION, ARTICLE I, SECTION 10, CLAUSE 1.
35 IN THE EVENT THAT THE PURPOSES OF THIS COMPACT CANNOT BE FULFILLED DUE TO
36 DEFECTS IN FORM OR STYLE, EACH AFFECTED MEMBER STATE SHALL TAKE ALL
37 REASONABLE STEPS, BOTH LEGISLATIVE OR OTHERWISE, THAT WILL REMEDY SUCH
38 DEFECTS AND ENSURE THAT THE PURPOSES OF THIS COMPACT ARE NOT FRUSTRATED BY
39 FORMAL OR STYLISTIC DEFECTS. HOWEVER, THE DEFINITIONS SPECIFIED IN THIS
40 COMPACT SHALL GOVERN THIS COMPACT UNLESS THE CONTEXT CLEARLY AND
41 UNEQUIVOCALLY INDICATES OTHERWISE.

42 SECTION 4. IF ANY PHRASE, CLAUSE, SENTENCE OR PROVISION OF THIS
43 COMPACT, OR THE APPLICABILITY OF ANY PHRASE, CLAUSE, SENTENCE OR PROVISION OF
44 THIS COMPACT TO ANY GOVERNMENT, AGENCY, PERSON OR CIRCUMSTANCE, IS DECLARED
45 IN A FINAL JUDGMENT TO BE CONTRARY TO THE UNITED STATES CONSTITUTION,

1 CONTRARY TO THE STATE CONSTITUTION OF ANY MEMBER STATE, SUBJECT TO THE
2 PROHIBITION ON STATES IMPAIRING THE OBLIGATION OF CONTRACT UNDER UNITED
3 STATES CONSTITUTION, ARTICLE I, SECTION 10, CLAUSE 1, OR IS OTHERWISE HELD
4 INVALID BY A COURT OF COMPETENT JURISDICTION, SUCH PHRASE, CLAUSE, SENTENCE
5 OR PROVISION SHALL BE SEVERED AND HELD FOR NAUGHT, AND THE VALIDITY OF THE
6 REMAINDER OF THIS COMPACT AND THE APPLICABILITY OF THE REMAINDER OF THIS
7 COMPACT TO ANY GOVERNMENT, AGENCY, PERSON OR CIRCUMSTANCE SHALL NOT BE
8 AFFECTED. FURTHERMORE, IF THIS COMPACT IS DECLARED IN A FINAL JUDGMENT BY A
9 COURT OF COMPETENT JURISDICTION TO BE ENTIRELY CONTRARY TO THE STATE
10 CONSTITUTION OF ANY MEMBER STATE, SUBJECT TO THE PROHIBITION ON STATES
11 IMPAIRING THE OBLIGATION OF CONTRACT UNDER UNITED STATES CONSTITUTION,
12 ARTICLE I, SECTION 10, CLAUSE 1, OR OTHERWISE ENTIRELY INVALID AS TO ANY
13 MEMBER STATE, SUCH MEMBER STATE SHALL BE DEEMED TO HAVE WITHDRAWN FROM THE
14 COMPACT, AND THE COMPACT SHALL REMAIN IN FULL FORCE AND EFFECT AS TO ANY
15 REMAINING MEMBER STATE. FINALLY, IF THIS COMPACT IS DECLARED IN A FINAL
16 JUDGMENT BY A COURT OF COMPETENT JURISDICTION TO BE WHOLLY OR SUBSTANTIALLY
17 IN VIOLATION OF ARTICLE I, SECTION 10, OF THE UNITED STATES CONSTITUTION,
18 THEN IT SHALL BE CONSTRUED AND ENFORCED SOLELY AS RECIPROCAL LEGISLATION
19 ENACTED BY THE AFFECTED MEMBER STATE(S).

20 SECTION 5. THE EFFECTIVE DATE OF THIS COMPACT IS THE EARLIEST DATE
21 PERMITTED BY LAW.