

RESOLUTION 55-2023

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY PROTECTING CITIZENS' RIGHT TO SELF-DEFENSE AND OPPOSING HB23-1165 "COUNTY AUTHORITY TO PROHIBIT FIREARMS DISCHARGE"

WHEREAS, Amendment II of the US Constitution states, "A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.";

WHEREAS, in the 2008 *Heller* decision, the Supreme Court held that though the first clause indicated a purpose, it in no way expands or restricts the operative clauses that protect the unfringed right of individuals to both keep and bear arms;

WHEREAS, in the 2010 *McDonald* decision, the Supreme Court held that the right of the people to keep and bear Arms, applies to state and local governments as well as to the federal government;

WHEREAS, in the 2022 *Bruen* decision, the Supreme Court held that the constitutionality of gun laws will be based on whether the plain text of the Second Amendment protects the activities the laws are regulating;

WHEREAS, Section 3 of Article II. of the Colorado Constitution (Inalienable Rights) states, "All persons have certain natural, essential and inalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties; of acquiring, possessing and protecting property; and of seeking and obtaining their safety and happiness.";

WHEREAS, Section 13 of Article II. of the Colorado Constitution (Right to Bear Arms) states, "The right of no person to keep and bear arms in defense of his home, person and property, or in aid of the civil power when thereto legally summoned, shall be called in question";

WHEREAS, under existing state law, a board of county commissioners (BOCC) may not designate as unlawful the discharge firearms, in shooting galleries, on private grounds, or in residences under circumstances that do not endanger persons or property;

WHEREAS, Washington County does not regulate private shooting galleries;

WHEREAS, the BOCC recognizes that individual communities may enact covenants, conditions, and restrictions that govern the use of a certain piece of real estate in a given community which are voluntarily accepted by property owners in those communities;

WHEREAS, HB 23-1165, if enacted into law will allow local governments to increase restrictions (or infringes) on the manner in which citizens of Washington County choose to bear arms;

WHEREAS, HB 23-1165 specifically allows for a ban on outdoor private shooting galleries;

WHEREAS, training and practice are important to ensuring the safe use of firearms in the exercise of inalienable rights to self-defense, defense of property, and to come to the aide of civil authorities in rural areas;

WHEREAS, it should not be necessary for gun owners to have paid membership in a private gun club or pay to use a private facility in order to maintain firearm proficiency; and

WHEREAS, the BOCC has previously declared its faith in our citizens' ability to make good decisions regarding their own health and safety and the health and safety of their families and neighbors.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, COLORADO:

Section 1. The Board is opposed to HB 23-1165 as both unnecessary and potentially harmful to our citizens should future boards choose to impose the restrictions allowed by this bill.

Section 2. The Board directs the Planning Commission to draft language that strengthens protections for individuals who choose to construct private shooting galleries on their properties, thereby requiring public hearings should future boards choose to enact the restrictions of the type envisioned in HB 23-1165 for consideration by the Board.

Section 3. The Board calls on members of the Colorado Senate to vote against this legislation and the Governor to veto HB 23-1165 if it reaches his desk.

Section 4. The Board calls on all citizens of Washington County to join the Board in opposing HB 23-1165.

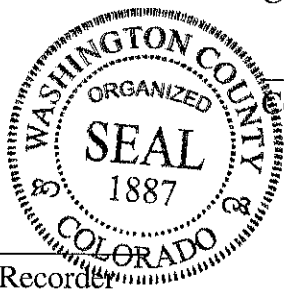
APPROVED this 28th day of February 2023.

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, COLORADO

Lee Ann Laybourn
Chair

Givela Jefferson
Commissioner

KT R Van
Commissioner



Attest:

Annie Kuntz
Annie Kuntz, Clerk and Recorder