

RESOLUTION 62-2021

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS FOR WASHINGTON COUNTY OPPOSING PROPOSED LEGISLATION NOW PENDING IN THE 117th CONGRESS OF THE UNITED STATES

WHEREAS, the Board of County Commissioners for Washington County (the Board), a political subdivision of the State of Colorado, is aware that legislation is now pending in the 117th Congress of the United States known as the Sabika Sheikh Firearm Licensing and Registration Act (H.R. 127); and

WHEREAS, §30-11-101 (2), C.R.S., grants to each county the authority to adopt and enforce ordinances and resolutions regarding health, safety, and welfare issues for the well-being of the citizens of the county; and

WHEREAS, the Second Amendment to the United States Constitution, adopted in 1791 as part of the Bill of Rights, protects the inalienable and individual right of the people to keep and bear arms; and

WHEREAS, the Supreme Court of the United States in the case of *District of Columbia v. Heller*, 554 U.S. 570 (2008), affirmed an individual's right to possess firearms, unconnected with service in a militia, for traditionally lawful purposes, such as self-defense within the home; and

WHEREAS, the Supreme Court of the United States in the case of *McDonald v. Chicago*, 561 U.S. 742 (2010), affirmed the right of an individual to "keep and bear arms," as protected under the Second Amendment, is incorporated by the Due Process Clause of the Fourteenth Amendment against the states; and

WHEREAS, the Supreme Court of the United States in the case of *United States v. Miller*, 307 U.S. 174 (1939), ruled that firearms that are part of ordinary military equipment, or with use that could contribute to the common defense, are protected by the Second Amendment; and

WHEREAS, it is the desire of the Board to declare its support of and allegiance to the Second Amendment of the United States Constitution, and Article II, Section 13 of the Colorado Constitution, both of which protect and guarantee the inalienable and individual right to keep and bear arms; and

WHEREAS, the members of this Board took an oath to support and defend the United States Constitution, the Colorado Constitution, and the laws of the State of Colorado insofar as such laws are constitutional; and

WHEREAS, it is the unanimous opinion of this Board that H.R. 127, as presently drafted and proposed, represents a clear violation of the constitutional principles reflected above and that such proposed legislation, if passed should not be enforced in Washington County until such time as its constitutionality is ruled upon by a court of competent jurisdiction.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for Washington County, pursuant to the authority granted to the Board by the laws of the State of Colorado as referenced above, to stand and defend the rights and liberties guaranteed by the Second Amendment to the United States Constitution and by Article II, Section 13 of the Colorado Constitution, we hereby approve and adopt this Resolution which shall be known as:

THE SECOND AMENDMENT PRESERVATION RESOLUTION REJECTING PROPOSED H.R. 127 AS A GROSSLY UNCONSTITUTIONAL VIOLATION OF THE RIGHT OF THE CITIZENS OF WASHINGTON COUNTY TO KEEP AND BEAR ARMS

AND BE IT FURTHER RESOLVED that this Board affirms its support for the duly elected Sheriff of Washington County, Colorado, in the exercise of his/her sound discretion, and further affirms its resolve to support decisions by our Sheriff not to enforce any unconstitutional firearms laws against any citizen of this county;

AND BE IT FURTHER RESOLVED that this Board will not authorize or appropriate government funds, resources, employees, agencies, contractors, buildings, detention centers, or offices for the purpose of enforcing any law that unconstitutionally infringes on the right of the people to keep and bear arms.

The above and foregoing Resolution was, on motion duly made and seconded, adopted by the following vote on the 23rd day of March, 2021.

BOARD OF COUNTY COMMISSIONERS
WASHINGTON COUNTY, COLORADO

ATTEST:

Washington County Clerk to the Board

BY:

Annie Kuntz

Annie Kuntz

Lea Ann Laybourn

Lea Ann Laybourn, Chairman, District 3

Kent Vance

Kent Vance, District 2

Tony Wells

Tony Wells, District 1

