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1 of 2 R\$0 D\$0 N\$0 S\$0 M\$0 E\$0 Custer County Clerk

## **Resolution No. 21-03**

### **A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS FOR CUSTER COUNTY OPPOSING PROPOSED LEGISLATION NOW PENDING IN THE 117<sup>TH</sup> CONGRESS OF THE UNITED STATES**

**WHEREAS**, the Board of County Commissioners for Custer County (the Board), a political subdivision of the State of Colorado, is aware that legislation is now pending in the 117<sup>th</sup> 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 14<sup>th</sup> 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 Custer County until such time as its constitutionality is ruled upon by a court of competent jurisdiction.

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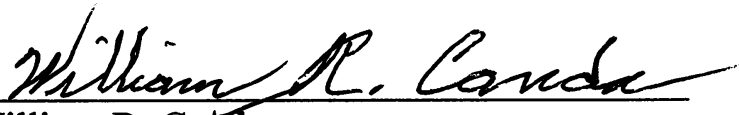
**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Board of County Commissioners for Custer County, pursuant to the authority granted the Board by the laws of the State of Colorado as referenced above, to stand and defend the rights and liberties guaranteed by the Second Amendment to the United States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

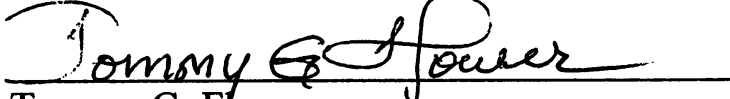
**THE SECOND AMENDMENT PRESERVATION RESOLUTION  
REJECTING PROPOSED H.R. 127 AS A GROSSLY  
UNCONSTITUTIONAL VIOLATION OF THE RIGHT OF THE CITIZENS  
OF CUSTER COUNTY TO KEEP AND BEAR ARMS**


**AND BE IT FURTHER RESOLVED** that this Board affirms its support for the duly elected Sheriff of Custer 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.

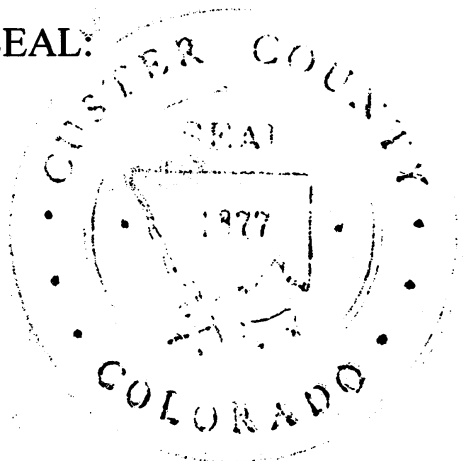
Done this 26<sup>th</sup> day of February, 2021.

  
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William R. Cana  
Chairman, Board of County Commissioners

  
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Tommy G. Flower  
Vice Chairman, Board of County Commissioners

  
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Kevin V. Day  
County Commissioner

SEAL:



ATTEST:

  
\_\_\_\_\_  
Kelley S. Camper, Clerk and Recorder for Custer County