

RESOLUTION No. 884-2013

WHEREAS, the Board of County Commissioners of Carroll County, Maryland, a body corporate and politic of the State of Maryland (“the Board”), is authorized to adopt, and from time to time amend, revise, rescind or change provisions of resolutions; and

WHEREAS, it is the desire of the Board to declare its support of the Second Amendment to the United States Constitution and the Maryland Constitution protecting citizens’ inalienable and individual right to keep and bear arms, as follows:

Preamble v1.1

*We, the People of the State of Maryland, grateful to Almighty God
for our civil and religious liberty... (Maryland Constitution)*

We, the undersigned, in order to preserve the blessings of liberty to ourselves and our posterity, recognize that it is our duty to be ever mindful that our civil government exercises its just and lawful authority subject to the moral law of Almighty God and that all powers granted to civil government are derived through the people and are for the sole purpose of protecting and defending the unalienable natural rights which have been given the people by God, and affirmed by our Constitution, as part of His Created Order;

And further recognizing that it is the natural tendency of civil government to expand beyond the limits of its rightful charter and to usurp authority and power which have not been authorized to it by God nor delegated to it by the consent of the governed, therefore, it is the duty of the people, through the agency of the lesser magistrate (local elected officials and Sheriffs), to challenge the civil government when and where it exceeds its authority and to remind overstepping officials thereof from whence their just powers devolve and the limits to which they may extend;

And further recognizing that we, as elected officials, bound by sworn oath to uphold and defend the Constitution of these States-united, and the State of Maryland which constrain and limit the authority of the civil government;

And whereas Article 2 of the Maryland Declaration of Rights affirms that,

The Constitution of the United States, and the Laws made, or which shall be made, in pursuance thereof, and all Treaties made, or which shall be made, under the authority of the United States, are, and shall be the Supreme Law of the State; and the Judges of this State, and all the People of this State, are, and shall be bound thereby; anything in the Constitution or Law of this State to the contrary notwithstanding.

And whereas Article 6 of the Maryland Declaration of Rights affirms,

That all persons invested with the Legislative or Executive powers of Government are the Trustees of the Public, and, as such, accountable for their conduct: Wherefore, whenever the ends of Government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the People may, and of right ought, to reform the old, or establish a new Government; the doctrine of

non-resistance against arbitrary power and oppression is absurd, slavish and destructive of the good and happiness of mankind.

And whereas, John Adams wrote, “[*You have Rights*] antecedent to all earthly governments: Rights that cannot be repealed or restrained by human laws; Rights, derived from the Great Legislator of the universe.”

And whereas, Thomas Jefferson affirmed, “*whenever our affairs go obviously wrong, the good sense of the people will interpose and set them to rights.*” And he further declared, “*what country can preserve its liberties if its rulers are not warned from time to time that their people preserve the spirit of resistance?*”

Whereas Alexander Hamilton in Federalist Paper #78- asserts, “...*No legislative act, therefore, contrary to the Constitution, can be valid. To deny this, would be to affirm, that the deputy is greater than his principal; that the servant is above his master; that the representatives of the people are superior to the people themselves; that men acting by virtue of powers, may do not only what their powers do not authorize, but what they forbid.*”

Whereas Tench Coxe, noted federalist and friend of James Madison, in defense of the proposed Constitution, in the *Pennsylvania Gazette*, Feb. 20, 1788 wrote, “*Their swords, and every other terrible instrument of the soldier, are the birth right of an American... the unlimited power of the sword is not in the hands of either the federal or the state governments, but, where I trust in God it will ever remain, in the hands of the people.*”

Now, by the authority granted us by the people of Carroll County, Maryland to stand and defend their God-given rights and liberties, which are guaranteed by the United States and Maryland Constitutions, we hereby declare this Resolution as follows:

Second Amendment Preservation Resolution v1.3d

Designating Carroll a Second Amendment “Sanctuary County”

WHEREAS, the Second Amendment to the United States Constitution protects the inalienable and individual right of the people to keep and bear arms; and

WHEREAS, the Second Amendment was adopted in 1791 as part of the United States Bill of Rights;

WHEREAS, the Supreme Court in the *District of Columbia v. Heller* decision affirmed the right to keep and bear arms is unconnected to any service in a militia;

WHEREAS, the Supreme Court, in *United States v. Miller* opined 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;

WHEREAS, the Maryland General Assembly has enacted the "Maryland Firearms Safety Act of 2013" (MFSA) which bans the sale of forty-five types of ordinary rifles and magazines that could contribute to the common defense; and requires law abiding citizens to submit to licensing fees, background checks, fingerprinting, safety training and renewal fees;

WHEREAS, the Board reasonably believes that the MFSA violates the Second Amendment to the United States Constitution that clearly states, "...**the right of the People to keep and bear arms, shall not be infringed,**"

WHEREAS, the Board proclaims its opposition to the MFSA; and

WHEREAS, the Board took an oath to support and defend the United States Constitution,

NOW, THEREFORE, BE IT HEREBY RESOLVED to protect our citizens' constitutional rights, that Carroll County, Maryland is herein declared a "**Second Amendment Sanctuary County**" as follows:

1. The Board reasonably believes the MFSA to be "pretended" (unconstitutional) legislation and be it further resolved that the Board, in affirmation of the Second Amendment rights of the citizens of Carroll County, herein direct that Carroll County Government will not authorize or appropriate government funds, resources, employees, agencies, contractors, buildings, detention centers or offices for the purpose of enforcing any element of the MFSA that infringes on the right of the people to keep and bear arms, including, but not limited to the following:

- a) Registration requirements for existing lawfully owned firearms;
- b) Prohibitions, regulations, and/or use restrictions related to ownership of non-fully automatic firearms, including but not limited to semi-automatic handguns; semi-automatic long guns; and including semi-automatic firearms that have appearance characteristics or features similar to fully automatic firearms and/or military "assault style" firearms;
- c) Prohibitions limiting hand grips, stock, flash suppressors, bayonet mounts, magazine capacity, clip capacity, internal capacity, or types of ammunition available for sale, possession, or use;
- d) Registration and background check requirements beyond those customarily required at time of purchase prior to the passage of the MFSA; and
- e) Restrictions prohibiting the possession, carry or transport of lawfully acquired firearms or ammunition by law abiding adult citizens or minors supervised by adults.

Notwithstanding the above, this Resolution is not intended to and does not negate provisions of MFSA that would **(a)** prohibit the sale to or possession of firearms by felons; **(b)** prohibit the sale or possession of firearms by individuals with a history of dangerous mental illness or who have been

adjudicated mentally ill; (c) habitual drunkards; or (d) require reasonable safety training, provided said training is readily available; timely; and affordable.

2. The Board affirms its support for the duly elected Sheriff of Carroll County, Maryland, in the exercise of his/her sound discretion, and affirms its resolve to support decisions by our Sheriff in the discretionary enforcement of the MFSA against any citizen unless an individual is engaged in the commission of a crime of violence, a violent act, has otherwise been convicted of a prior felony, adjudicated with a dangerous mental illness or under any other related compelling exigent circumstances.

Additionally, the Board affirms its support for reasonable measures of interposition in the event the Sheriff deems it necessary to protect citizens from unconstitutional elements of the MFSA.

3. The Board herein affirms its support for our duly elected Sheriff in the event he/she chooses to implement a process of researching, developing, and establishing procedures for creation of “Reserve Resources”. Reserve Resources would serve at the direction of the Sheriff and would be deployed to support public safety. Reserve Resources would be subject to minimum standards to be established at the sole discretion of the local Sheriff, with the provision that approved Reserve Resources may be equipped in a manner similar to other law enforcement officers.

4. The Board herein affirms its support for the Sheriff if he/she chooses to execute agreements with local Federal Firearms License dealers, designating them to serve as “Law Enforcement Officer Supply Vendors”.

5. The Board herein affirms support for the duly elected State’s Attorney of Carroll County, Maryland, in the exercise of his/her sound discretion, and affirms its resolve to support decisions by our State’s Attorney, should he/she refuse to prosecute or chooses to *nolle prosee* charges against any otherwise law abiding citizen detained for non-compliance with regulations under the MFSA unless an individual is engaged in the commission of a crime of violence, a violent act, has otherwise been convicted of a prior felony, adjudicated with a dangerous mental illness, or other related compelling exigent circumstances.

6. The Board herein affirms that existing procedures at county-owned firearms ranges will not be changed as a result of the MFSA.

7. The Board herein declares null and void within Carroll County, elements of any and all international treaties, including the UNATT that infringe on the rights of citizens to keep and bear arms.

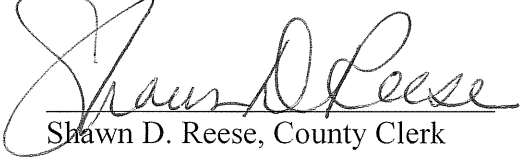
8. The Board herein affirms its support for the acquisition or creation, and airing within Carroll County of a video documentary discussing Second Amendment concepts, and potential remedies available to citizens when confronted with unconstitutional infringements upon their liberties; case studies to include examples such as the Rosa Parks incident.

9. The Board will, from time-to-time update this Resolution. Future amendments may include but are not limited to: Reciprocity Agreements between Carroll and other Maryland and Non-Maryland counties.

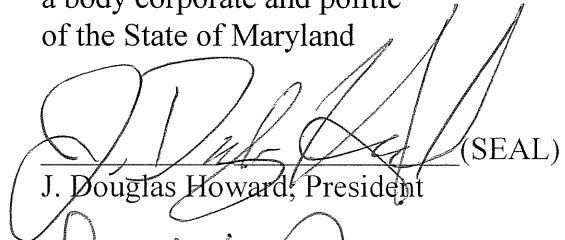
This Resolution shall take effect immediately upon its execution.

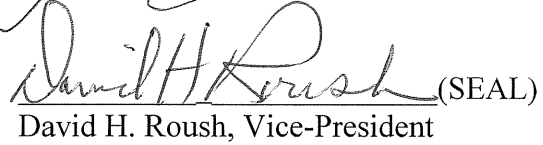
RESOLVED this 22nd day of May, 2013.


ATTEST:

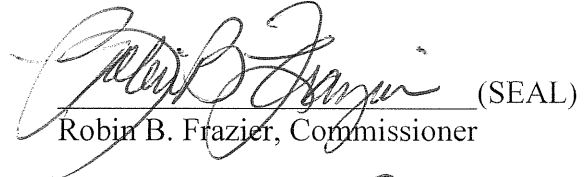

Shawn D. Reese, County Clerk

THE COUNTY COMMISSIONERS OF
CARROLL COUNTY, MARYLAND
a body corporate and politic
of the State of Maryland

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 (SEAL)
David H. Roush, Vice-President

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