

Board of County Commissioners

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Questions and Answers Related to Second Amendment Resolution

- 1) **Does this resolution mean I can ignore the 2013 MFSA?**
No. We do not have authority to repeal a state law. It is still in effect.
- 2) **If MFSA 2013 is still in effect, does this mean I can simply violate it?**
No. However, it does mean that the Board of Commissioners encourages, and will support decisions of restraint that may be made at the sole and absolute discretion of the executive and judicial branches of government so as to reduce the likelihood of "criminalizing" an otherwise law abiding citizen.
- 3) **Can I apply for status with the sheriff as a Reserve Resource today?**
No, the sheriff has not yet researched and developed a process for implementation. This initiative will take some time to develop.
- 4) **Is the resolution mostly symbolic?**
No. It is more than symbolic and more than simply words on paper. It is a signal of commitment and intent. Officials from the three branches of government share common concerns about the MFSA. Working separately, but with a shared philosophy, our intention is to preserve our Second Amendment Constitutional rights to the best of our ability, using the three branches of local government.
- 5) **Does this resolution do anything to fix the delays in getting NICS and "Not-denied" status from the Maryland State Police?**
No. Furthermore, firearms dealers are receiving mixed signals from attorneys, the MSP, and the FBI. However, the existing law has provisions that, in theory, allow a dealer to deliver a handgun on the eighth day.
- 6) **Can I take my Mini-14 and add a flash suppressor and folding stock?**
The gun, as modified, is prohibited under the MFSA. However, the decision on whether to arrest is subject to the discretion of local law enforcement and any such decision would likely be made in connection with a number of other factors such as a criminal record. Nothing will prevent any policing authority from arresting you. However, within Carroll County borders, prosecution would be subject to the discretion of our State's Attorney.

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CARROLL COUNTY

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7) What happens if I buy a 20 round magazine in Pennsylvania and bring it back into Maryland?

Nothing will prevent any policing authority from arresting you. You could be prosecuted and go to jail. However arrest and prosecution is completely subject to the discretion of local law enforcement and state's attorney, and likely dependent on whether or not other determining factors exist.

8) Is this resolution nullification?

Some people might characterize it as a nullification resolution. However, according to the Tenth Amendment Center, nullification can take many forms, including an overt declaration of nullification; a declaration that something is null and void; or simple non-compliance. However, what it most important is the outcome. The Board of Carroll County Commissioners prefers the term "Second Amendment Restoration Resolution." Of course, this discussion is somewhat academic. The real question is are the three branches of local government determined to restore common sense and a traditional interpretation of the Constitution in their official roles so as to ensure otherwise law abiding citizens are not needlessly criminalized? The answer is yes.

9) Why not pass an ordinance rather than a resolution? Wouldn't that be stronger?

It is difficult to say. On one hand yes and on the other hand no. First, a change of law would potentially require our delegation to take this to Annapolis where it would face an uphill challenge against the same legislators that supported MFSA. Second, the State would argue their laws preempt our laws. Now compare the possible success of legislation to our resolution. Legislation would be difficult, if not impossible, to pass while our resolution is receiving support from the three branches of local government. That expressed tri-lateral desire to ensure otherwise law abiding gun owners are not criminalized isn't easy with legislation. A county resolution helps keep this within the discretionary realm of your local elected officials who are accountable to you.

10) Is there any precedent to this type of action?

Yes. Other counties in Maryland have overtly adopted policies of discretionary enforcement on matters related to objectionable federal or state legislation. For example, consider Montgomery County, Baltimore City, and Takoma Park's declarations claiming their jurisdictions to be Illegal Immigration Sanctuaries. Carroll is now declaring itself to be a "Second Amendment Sanctuary County". Similar acts have also occurred on matters related to the Fugitive Slave Act of 1850 and The Defense of Marriage Act that was overtly ignored by federal and local governments.

11) Are you saying people can now buy machine guns that were banned by the MFSA?

No. Machine guns, also known as "fully automatic weapons" were already prohibited in Maryland prior to passage of the MFSA. The MFSA is now attempting to ban weapons that simply have cosmetic characteristics that make them look like machine guns, and we believe this ban infringes on the Second Amendment protections of our citizens.