

## RESOLUTION 2019-8

### DECLARING COLFAX COUNTY TO BE A SECOND AMENDMENT SANCTUARY COUNTY

WHEREAS, the Colfax County Board of County Commissioners met in a Special Meeting on March 12, 2019 at 0900 am at 230 N. 3rd St., Raton, New Mexico; and

WHEREAS, NMSA 1978, Section 4-37-1 (1995) provides that Counties have the power to, "provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of any county or its inhabitants"; and

WHEREAS, NMSA, 1978, Section 4-38-18 (1976) provides that a Board of Commissioners has the duty and authority "to represent the county and have the care of the county property and the management of the interest of the county in all cases where no other provision is made by law; 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 in the 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 in McDonald v. Chicago, 561 U.S. 742 (2010), affirmed that 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 to the states; and

WHEREAS, the Supreme Court, in United States v. Miller, 307 U.S. 174 (1939), 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; and

WHEREAS, Article II, Section 6 of the Constitution of New Mexico provides that "no law shall abridge the right of the citizen to keep and bear arms for security and defense, for lawful hunting and recreational use and for other lawful purposes, but nothing herein shall be held to permit the carrying of concealed weapons. No municipality or county shall regulate, in any way, an incident of the right to keep and bear arms"; and

WHEREAS, it is the desire of the Board to declare its support of the Second Amendment to the United States Constitution and New Mexico Constitution protecting citizens' 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 Constitution of the State of New Mexico and the constitutional laws of the State of New Mexico; and

WHEREAS, for purposes of this resolution, the term "sanctuary" is defined as: Refuge or safety from pursuit, persecution, or other danger therefore; the rights expressed in the Second Amendment of the United States Constitution are deemed safe and protected in Colfax County; and

WHEREAS, the County Commission recognizes the beneficial economic impact of hunting and the shooting sports of Colfax County; and

WHEREAS, the citizens of Colfax County by protest, have indicated to the Board of County Commissioners of Colfax County, their belief that the legislative body of the state of New Mexico is, by proposed legislation, infringing upon their inalienable and individual right to keep and bear arms; their right against unreasonable search and seizure;

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of the County of Colfax do hereby declare and resolve that the Second Amendment should be preserved, and Colfax County is hereby designated a Second Amendment "Sanctuary County" as defined hereinabove; and

BE IT FURTHER RESOLVED that this Board affirms its support of its citizens, and the Sheriff of Colfax County, to protect our citizens from any legislation that infringes on the rights of the people of Colfax County and the State of New Mexico to keep and bear arms; and affirms its resolve to support the constitution of the United States, and the constitution of New Mexico.

BE IT FURTHER RESOLVED that this Board joins its citizens, and the Sheriff of Colfax County, in opposition of any legislation that infringes on the rights of the people of Colfax County and the State of New Mexico to keep and bear arms.

APPROVED, ADOPTED, AND PASSED on this 12 day of March 2019

COLFAX COUNTY BOARD OF COMMISSIONERS

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Bobby LeDoux, Chairman

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James Landon Newton, Vice Chair

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Roy P. Fernandez, Member

ATTEST:

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