

KANE COUNTY RESOLUTION NO. R 2021 - 25

**A RESOLUTION DECLARING KANE COUNTY A
SECOND AMENDMENT SANCTUARY**

WHEREAS, acting through the United States Constitution, the people created the federal government to be their agent in the exercise of a few defined powers, while reserving to the citizens or the States the right to decide on matters which concern their lives, liberty, and property in the ordinary course of affairs; and

WHEREAS, the Second Amendment to the Constitution of the United States of America states, “A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed;” and

WHEREAS, the rights set forth in the Second Amendment are further protected from State and Local Governments under the Ninth, Tenth, and Fourteenth Amendments to the Constitution of the United States of America; and

WHEREAS, the Supreme Court of the United States of America in *District of Columbia v. Heller*, 554 US 570 (2008) recognized the individual’s right to keep and bear arms, as protected by the Second Amendment of the Constitution of the United States of America; and

WHEREAS, Justice Antonin Scalia’s prevailing opinion in *Heller* stated that the Second Amendment protects an individual’s right to possess a firearm unconnected with service in a militia, and the right to use that firearm for traditionally lawful purposes, such as self-defense within the home (*Id.*) ; and

WHEREAS, Section 1 of the Fourteenth Amendment to the Constitution of the United States of America states, “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws”;

WHEREAS, The Supreme Court of the United States recognized in *McDonald v. City of Chicago, Ill.*, 561 US 742 (2010) that the Second Amendment to the Constitution was incorporated by the Fourteenth Amendment and thereby made applicable to the States; and

WHEREAS, The right to be free from the commandeering hand of government has been recognized by the United States Supreme Court in *Printz v. United States*, 521 US 898 (1997) where the Court held, “the Federal Government may neither issue directives requiring the States to address particular problems, nor command the States’ officers, or those of their political subdivisions, to administer or enforce a federal regulatory program”; and

WHEREAS, the right to keep and bear arms is a fundamental individual right and all local, state, and federal acts, laws, orders, rules, or regulations restricting the fundamental right to keep and

bear arms that are not narrowly tailored to protect a compelling state purpose are in violation of the Second Amendment; and

WHEREAS, local governments have the legal authority to refuse to cooperate with state and federal firearm laws that violate those rights and to proclaim a Second Amendment Sanctuary for law-abiding citizens in their local jurisdiction;

NOW THEREFORE, BE IT RESOLVED BY THE KANE COUNTY BOARD OF COMMISSIONERS, IN AND FOR KANE COUNTY, STATE OF UTAH, AS FOLLOWS:

1. The Kane County Commission declares Kane County, Utah a Second Amendment Sanctuary County.
2. The Kane County Commission affirms its support for the duly elected Kane County Sheriff to enforce state and federal laws regarding firearms in a way that protects the rights enshrined in the Second Amendment of the Constitution of the United States of America and Article I Section 6 of the Constitution of the State of Utah.
3. The Kane County Commission promotes the responsible ownership, transfer, use, possession, and storage of firearms, firearms accessories and ammunition and condemns the use of arms to further criminal or other unlawful activities.
4. The Kane County Commission is firmly resolved to support and defend the Constitutions of the United States of America and of the State of Utah.
5. The Kane County Commission, and any of its officials, agents, and employees shall not enforce or attempt to enforce any federal acts, laws, executive orders, rules, regulations, statutes, or ordinances ("Federal Action") that unconstitutionally infringe on an individual's right to keep and bear arms, as guaranteed by the Second Amendment of the Constitution of the United States of America and Article I Section 6 of the Constitution of the State of Utah.
6. The Kane County Commission, and any of its officials, agents, and employees shall not use any county funds or county assets in an effort to enforce any unconstitutional Federal Action.
7. In addition to any state or federal court determining that a Federal Action is unconstitutional, each Elected Official of Kane County should independently determine if a Federal Action unconstitutionally infringes upon an individual's constitutional rights before engaging in any enforcement action or using any county funds or assets on an enforcement action.
8. The Kane County Commission, and any of its officials, agents, and employees will not knowingly deprive a citizen of the rights and privileges described in the Second Amendment of the Constitution of the United States and Article I Section 6 of the Constitution of the State of Utah while acting under the color of any state or federal law.

ADOPTED this 24th day of August 2021.

ATTEST:

KARLA JOHNSON
Kane County Clerk

Andrew Gant, Chair
Board of Commissioners
Kane County

Commissioner Heaton voted _____
Commissioner Gant voted _____
Commissioner Chamberlain voted _____