



McDonald County Commission

Bill Lant, Presiding Commissioner

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Jamey Cope
Eastern Commissioner

Rick Lett
Western Commissioner

March 24, 2021

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;

WHEREAS, Article I, Section 23 of the Constitution of Missouri provides that “the right of every citizen to keep and bear arms, ammunition, and accessories typical to the normal function of such arms, in defense of his home, person, family and property, or when lawfully summoned in aid of the civil power, shall not be questioned. The rights guaranteed by this section shall be unalienable. Any restriction on these rights shall be subject to strict scrutiny and the state of Missouri shall be obligated to uphold these rights and shall under no circumstances decline to protect against their infringement. Nothing in this section shall be construed to prevent the general assembly from enacting general laws which limit the rights of convicted violent felons or those adjudicated by a court to be a danger to self or others as result of a mental disorder or mental infirmity”;

WHEREAS, the Supreme Court in the *District of Columbia v. Heller*, 554 U.S. 570 (2008), decision 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;

WHEREAS, Section 1 of the Fourteenth Amendment to the Constitution of the United States provides in part “No state... shall [...] 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 laws.”;

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 against the states;

WHEREAS, the Supreme Court in *Printz v. United States*, 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." The anti-commandeering principles recognized by the U.S. Supreme Court in *Printz v. United States* are predicated upon the advice of James Madison, who in Federalist #46 advised "a refusal to cooperate with officers of the Union" in response to either unconstitutional federal measures or constitutional but unpopular federal measures;

WHEREAS, the Tenth Amendment provides, “The power not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people;

WHEREAS, it is the desire of the County Commission and Sheriff of McDonald County to declare its support of the Second Amendment to the United States Constitution and the Missouri Constitution protecting citizens’ inalienable and individual right to keep and bear arms;

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the County of McDonald by the authority granted the Commission by the laws of the State of Missouri and people of McDonald County, Missouri to stand and defend their rights and liberties, which are guaranteed by the United States and Missouri Constitutions, we hereby declare this Resolution as follows:

Second Amendment Preservation Act Designating McDonald County a Second Amendment “Sanctuary County”

BE IT FURTHER RESOLVED that this Commission affirms its support for the duly elected Sheriff of McDonald County, Missouri. The McDonald County Commission and McDonald County Sheriff promote responsible ownership, transfer, use, possession, and storage of firearms, firearms accessories and ammunition and condemns the use of arms in criminal or unlawful activities.

BE IT FURTHER RESOLVED that the McDonald County Commission and McDonald County Sheriff are firmly resolved to support and defend the Constitution of the United States and of the State of Missouri against every aggression, whether foreign or domestic, and is duty bound to oppose every violation of those principles that constitute the basis of the union of the states because only a faithful observance of those principles can secure the union’s existence and the public happiness.


BE IT FURTHER RESOLVED that the McDonald County Commission, and McDonald County Sheriff, and its officials, agents, and employees shall not enforce or attempt to enforce any federal acts, laws, executive orders, administrative orders, court orders, rules, regulations, statutes, or ordinances that infringe on law abiding people’s rights to keep and bear arms, as guaranteed by the Second Amendment of the Constitution of the United States and Article I, Section 23 of the Constitution of Missouri, or use county funds or county assets in an effort to enforce said Acts. McDonald County, the McDonald County Commission, and the McDonald County Sheriff, and 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 23 of the Constitution of Missouri while acting under the color of any state or federal law.

BE IT FURTHER RESOLVED this Resolution should not be interpreted or construed as affording protections to individuals who have been convicted of felony crimes or who are otherwise prohibited from the ownership, transfer, use, or possession of a firearm, firearm accessory, or ammunition pursuant to law, and it is not intended to prohibit the investigation or prosecution of any crime for which the ownership, transfer, use, or possession of a firearm, firearm accessory, or ammunition is an aggravating factor, enhancement, or violation relating to an otherwise independent crime.

BE IT FURTHER RESOLVED this Resolution shall not prohibit officials, agents, and employees of McDonald County, the McDonald County Commission, and the McDonald County Sheriff from assisting and providing services relating to permitting, licensing, registering, or processing applications for concealed carry permits or other firearms, firearm accessories, or ammunition, licenses, registrations or permits, or the use of county assets or county funds for said purposes.

Effective Date. This Resolution shall be effective as of the date set forth below:

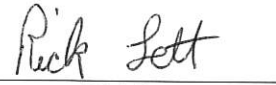
RESOLVED AND ADOPTED this 24th day of March 2021.



Jamey Cope
Eastern Commissioner



Bill Lant
Presiding Commissioner




Rick Lett
Western Commissioner



Attest: _____



Kimberly Bell, County Clerk



Robert Evenson
McDonald County Sheriff