



Huntington County

Board of Commissioners

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RESOLUTION NO. 2020-05

SECOND AMENDMENT SANCTUARY RESOLUTION

WHEREAS, the Declaration of Independence, adopted by the Continental Congress on July 4, 1776, set forth and established a self-evident truth, that all people are endowed by their creator with certain inalienable rights;

WHEREAS, a statement of a number of these inalienable rights are set forth in the Bill of Rights adopted as part of the Constitution of the United States and the Constitution of the State of Indiana;

WHEREAS, the Second Amendment to the Constitution of the United States, which is part of the Bill of Rights, 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.";

WHEREAS, the Bill of Rights in the Constitution of Indiana, being Article 1, Section 32, states: "The people shall have a right to bear arms, for the defense of themselves and the State.";

WHEREAS, all Constitutional Officers in Indiana, before assuming the duties of the office to which they are elected, do solemnly swear or affirm to support the Constitution of the United States and the Constitution of Indiana;

WHEREAS, certain legislation introduced before the 2020 session of the Indiana General Assembly ignores the United States Supreme Court's holding in *District of Columbia v. Heller*, 554 U.S. 570 (2008) and could have the effect of unlawfully infringing upon the inalienable rights of law-abiding citizens to keep and bear arms, as aforesaid; and

WHEREAS, the Board of Commissioners of Huntington County and the Sheriff of Huntington County, in the performance of their oaths of Office, feel compelled in the exercise of the duties of their Office to make and declare the following **Resolution**:

NOW THEREFORE, be it RESOLVED as follows:

- (1) That the inalienable right to keep and bear arms is a fundamental individual right that shall not be infringed, and any future enactment of laws by the Indiana General Assembly or any other governmental body that infringes upon such right are violations of the Constitution of the United States and the Constitution of Indiana.

- (2) That notwithstanding any other law, regulation, rule or order to the contrary, no agent, department, employee, or official of the Board of Commissioners of Huntington County, being a political subdivision of the State of Indiana, and the Sheriff of Huntington County, while acting in his official capacity, shall:
- (a) Knowingly and willingly participate in any way in the enforcement of any Unlawful Act, as defined herein, regarding personal firearms, firearm accessories, or ammunition.
 - (b) Utilize any Huntington County funds/assets, or funds/assets allocated by any entity to Huntington County, in whole or in part, to engage in any activity that aids in the enforcement or investigation relating to an unlawful act unconstitutionally restricting the Second Amendment rights of the citizens of Huntington County in connection with personal firearms, firearm accessories, or ammunition.
 - (c) For purposes of this *Resolution* an “Unlawful act” shall be defined as “any federal or state act, law, order, rule, or regulation which bans or effectively bans, registers, or limits the lawful use of firearms, firearm accessories, or ammunition (other than that which is already in place as of the date of adoption of this Resolution). Any such “Unlawful Act” is invalid in Huntington County; is specifically rejected by the voters of Huntington County; and shall be considered null, void, and of no effect in Huntington County, which includes, but shall not be limited, to the following:
 - (1) Any new tax, fee, levy or stamp imposed on firearms, firearm accessories, or ammunition;
 - (2) Any registration or tracking of firearms, firearm accessories, or ammunition;
 - (3) Any registration or tracking of the owners of firearms, firearm accessories, or ammunition;
 - (4) Any act forbidding the possession, ownership or use or transfer of any type of firearm, firearm accessory, or ammunition by citizens of the legal age of eighteen (18) and over, other than pursuant to federal law, background check requirements, or transfers or purchases through Federal Firearms License (FFL) dealers;
 - (5) Any act ordering the confiscation of firearms, firearm accessories, or ammunition from citizens except as currently provided by law for persons who have been convicted of a felony and persons who have been adjudicated to be mentally incompetent;
 - (6) Any prohibition, regulation, and/or use restriction related to ownership or the constitutionally guaranteed lawful use or carry of non-fully automatic firearms;
 - (7) Any restriction upon the lawful right of a parent to decide whether and/or when to train his/her children in the safe use of firearms; to allow a child so trained to hunt


alone; or have access to firearms and ammunitions for home defense when such parents are away; and

- (8) Any prohibition, regulation, an/or use restriction limiting hand grips, stocks, flash suppressors, muzzle brakes, muzzle brakes, muzzle compensators, threaded barrels, bayonet mounts, magazine capacity, clip capacity, internal capacity, or types of ammunition available for sale, possession, or use by citizens and any other prohibition declaring a firearm or firearm accessory lawfully owned by the law abiding citizens on the date of the adoption of this Resolution to be illegal or subject to confiscation, or the owner thereof to be subjected to criminal prosecution.
- (3) EXCEPTIONS: The protection provided to citizens by the *Resolution* do not apply to persons who have been convicted of felony crimes; have been adjudicated to be incompetent; are the subjects of a state or federal protective order; or who are otherwise prohibited from possessing firearms under the state or federal law as those laws exist on the date of adoption of this *Resolution*.
- (4) This *Resolution* is not intended to prohibit or affect in any way the prosecution of any crime for which the use of or possession of a firearm is an aggravating factor or enhancement to any otherwise independent crime. This *Resolution* does not permit or otherwise allow the possession of firearms in federal or other public buildings (such as the Huntington County Courthouse where such possession or use is currently prohibited). This *Resolution* shall not affect the otherwise lawful permitting, licensing, registration, or other processing of application for carry permits or other firearm, firearm accessory, or ammunition licensing or registration processes that may be required by laws existing as of the date hereof. This *Resolution* shall not in any way affect the enforceability of any other current federal or state firearm law as those laws exist on the adoption of hereof.

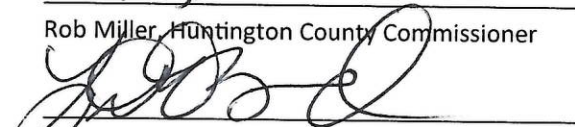
It is so RESOLVED this 16 day of March, 2020.



Tom Wall, Huntington County Commissioner



Rob Miller, Huntington County Commissioner



Larry Buzzard, Huntington County Commissioner



Christian Newton, Huntington County Sheriff

ATTEST:



Jill Landrum, Huntington County Auditor