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EL PASO BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Date: January 22, 2013 Agenda Item No: 8.
To: Board of County Commissioners
From: Peggy Littleton - Commissioner, Board of County Commissioners
Subject: Resolution In Defense of 2nd Amendment Rights

SUMMARY (including information on budgeted matters):

See Above

BACKGROUND (including information on budgeted matters):

See Above

FINANCIAL IMPLICATIONS (completed only if not currently budgeted, and is an emergency, mandated or grant/unanticipated revenue funding request before the Board for consideration):

Not Applicable

Revenue/Funding Sources:	NA
Revenue/Funding Amount:	NA
Future Revenue/Funding Amount:	NA
Subject to TABOR?	NA
Increase to Original Adopted Budget:	NA
Increase to Future Budget:	NA
Net Cost to El Paso County:	NA
Future Net Cost to El Paso County:	NA
Total Project Cost:	NA
Future Total Project Cost:	NA

Resolution In Defense of 2nd Amendment Rights

WHEREAS, the Second Amendment of the United States Constitution provides that "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 right to arms and self defense is recognized in State Constitutions; and

WHEREAS, the natural and inalienable right to self-defense is well established in the writings of many philosophers and authors since ancient times of Greece and Rome; and

WHEREAS, for centuries tyrants have recognized that a disarmed population is readily dominated; and

WHEREAS, the Second Amendment protects the rights of self-defense, defense of others and defense of the nation, and assumes the rights to hunting and sport shooting; and

WHEREAS, it is estimated that more than 70 million people, representing more than half of the households in America, have chosen to lawfully exercise the right to bear arms and defend themselves and their families; and

WHEREAS, many gun-control laws implicitly assume the guilt of lawful and responsible firearms owners with little effect on the ability of criminals to obtain firearms and use them unlawfully; and

WHEREAS, the vast majority of all lawfully owned firearms in America are not used in crime; and

WHEREAS, statistically, lawful gun owners are less likely to break the law than the average member of the public; and

WHEREAS, in 2008 the United States Supreme Court in *District of Columbia v. Heller* ruled that the Second Amendment protects an *individual's—rather than a collective—right to keep and bear arms*, and in 2010 in *McDonald v. City of Chicago* the Supreme Court further opined that the right of an individual to keep and bear arms protected by the Second Amendment is incorporated by the Due Process Clause of the Fourteenth Amendment and applies to the States; and

WHEREAS, studies by the National Academies of Science and the Centers for Disease Control have found no persuasive evidence that "gun control" laws actually reduce crime; and

WHEREAS, today, Americans are safer from violent crime than they have been at any time since the mid-1960s.

NOW, THEREFORE, BE IT RESOLVED that the County of El Paso, State of Colorado, **WILL** uphold the Second Amendment of the Constitution of the United States, and **WILL** act in conformity with our sworn duties as duly elected officials charged with public trust, and **WILL**, in conjunction with prior decisions by the United States Supreme Court, **NOT** enforce any statutes, edicts, Presidential Directives, or other regulations and proclamations which conflict—and are expressly preempted by—the U.S. Supreme Court’s rulings.

The Board of El Paso County Commissioners strongly urges the United States Senate to reject international treaties that will infringe on the Second Amendment rights of American citizens; including United Nations (UN) Arms Trade Treaty, Inter-American Convention Against Illicit Manufacturing of and Trafficking in Firearms (CIFTA), or the UN Programme of Action. And that neither the United States Congress nor the Colorado General Assembly of the State of Colorado should entertain consideration of any new legislation that would infringe on constitutionally protected rights under the Second Amendment through any means, including additional restrictions on lawful firearms and accessories; or on the possession, use, sale or transfer of legitimately owned firearms.

AND BE IT FURTHER RESOLVED that the El Paso County Board of County Commissioners calls upon the United States Congress and the Colorado General Assembly to recognize the multitudes of existing laws related to the manufacture, sale and possession of firearms, and acknowledge that in order to combat gun violence, the Country must enforce existing laws and more effectively punish and deter those who commit these crimes.

DONE THIS 22nd day of January 2013 at Colorado Springs, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO**

Dennis Hisey, Chair

Amy Lathen, Vice Chair

Sallie Clark, Member

Darryl Glenn, Member

Peggy Littleton, Member

ATTEST:

Wayne W. Williams
County Clerk and Recorder