

UNION COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION № 107-19

DECLARING UNION COUNTY TO BE A
SECOND AMENDMENT SANCTUARY COUNTY

WHEREAS, the Board of County Commissioners met in a Regular Meeting on February 12, 2019 at 9:00 am at the Union County Courthouse 100 Court St. Clayton, 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 County Commissioner has the duty and authority “[t]o 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), decision affirmed pan 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 against 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 “[n]o 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 the 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 laws of the State of New Mexico (insofar as they are constitutional); and,

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

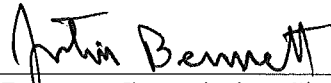
Second Amendment Preservation Resolution Designating Union County a

Second Amendment "Sanctuary County"

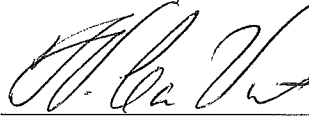
BE IT FURTHER RESOLVED that this Board affirms its support for the duly elected Sheriff of Union County, New Mexico in the exercise of his/her sound discretion and affirms its resolve to support decisions by our Sheriff to not enforce any unconstitutional firearms law against any citizen.

BE IT FURTHER RESOLVED that this Board will not authorize or appropriate government funds, resources, employees, agencies, contractors, buildings, detention centers or offices for the purpose of enforcing law that unconstitutionally infringes on the right of the people to keep and bear arms.

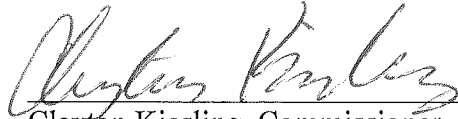
APPROVED, ADOPTED, AND PASSED on this 12th day of February, 2019.



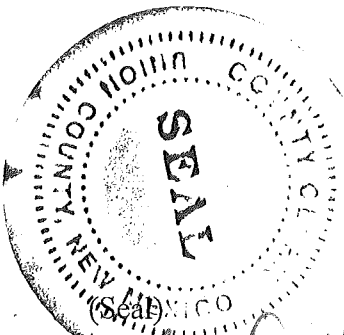
Justin Bennett, Commission Chair



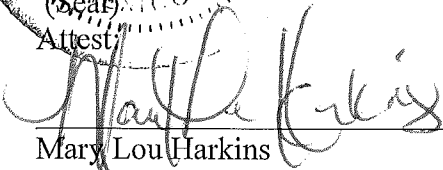
W. Carr Vincent, Commissioner



Clayton Kiesling, Commissioner



Attest:



Mary Lou Harkins
Union County Clerk