



Amherst County Board of Supervisors
County Resolution No. 2019-0018-R

For consideration on December 3, 2019

A RESOLUTION, NO. 2019-0018-R

A resolution, declaring Amherst County a Second Amendment Sanctuary County

Approved as to form and legality by the County Attorney

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF AMHERST, VIRGINIA:

I. That the Board of Supervisors of Amherst County hereby declares Amherst County a Second Amendment Sanctuary County, as follows:

WHEREAS, the Second Amendment to the United States Constitution reads: “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 United States Supreme Court, in *District of Columbia v. Heller*, 554 U.S. 570 (2008), affirmed an individual’s right to own and possess firearms, unconnected to service in a militia, for traditionally lawful purposes, such as self-defense within the home; and

WHEREAS, the United States 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 against the states by the Due Process Clause of the Fourteenth Amendment to the United States Constitution; and

WHEREAS, the United States 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 common defense, are protected by the Second Amendment; and

WHEREAS, Article I, § 13 of the Virginia Constitution reads: “A well-regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state, therefore, the right of the people to keep and bear arms shall not be infringed”; and

WHEREAS, Article I, § 1 of the Virginia Constitution reads: “That all men are by nature equally free and independent and have certain inherent rights, of which, when they enter into the state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety”; and

WHEREAS, Article 1, § 2 of the Virginia Constitution reads: “That all power is vested in, and consequently to be derived from, the people, that magistrates are their trustees and servants, and at all times amenable to them”; and

WHEREAS, the Board is concerned that certain legislation prefiled for introduction in the 2020 Virginia General Assembly, and certain legislation that has been introduced in the United States Congress, may have the effect of infringing on the rights of law-abiding citizens to bear arms, as guaranteed by the United States and Virginia Constitutions; and

WHEREAS, the Board is concerned that passage of these bills, imposing unnecessary burdens on law-abiding citizens and inviting further regulations and burdens, and if to be enforced by local officials, will impose on the County unfunded mandates, whether as a formal mandate or as a practical requirement of enforcing the law; and

WHEREAS, the General Assembly has expressed its intent, in Section 15.2-915 of the Code of Virginia, 1950, as amended, that rules, regulations, and administrative actions “governing the purchase, possession, transfer, ownership, carrying, storage or transporting of firearms, ammunition, or components or combination thereof,” other than workplace rules, is an exclusive preserve of State government, and that local law enforcement is the responsibility and preserve of the Sheriff and the Commonwealth’s Attorney, who are independently elected officers under the Virginia Constitution; and

WHEREAS, the Board wishes to express its sentiments, together with the sentiments of the Amherst County community as a whole, with regard to this important matter, and its continuing intent to take lawful action to protect these important rights; and

WHEREAS, the Board wishes to express its intent to stand as a Sanctuary County for Second Amendment rights, and to oppose, within the limits of the Constitution and laws of the United States and the Commonwealth of Virginia, any efforts to unconstitutionally restrict such rights, and to use such legal means at its disposal to protect the rights of the citizens of Amherst County, Virginia, to keep and bear arms, including through legal action, petition for redress of grievances, and not enforcing any law ruled unconstitutional.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF AMHERST COUNTY, VIRGINIA, that:

1. Amherst County is hereby declared a Second Amendment Sanctuary County, wherein the rights of law-abiding citizens to keep and bear arms for the purposes of lawful self-defense, community defense, and hunting, as protected by the United States and Virginia Constitutions, is part of the fabric of the community since before the foundation of the Republic, and is and must be respected, celebrated, and upheld; and

2. Amherst County urges the General Assembly, the United States Congress, and other agencies of State and Federal government not to adopt, accept, or enact any provision, law, or regulation that may infringe, have the tendency to infringe, or place any additional burdens on the right of law-abiding citizens to bear arms; and

3. Amherst County expresses its intent to continue to take lawful actions to protect and support the rights of its citizens to keep and bear arms as guaranteed by the United States and Virginia Constitutions, and not to aid in unconstitutional efforts to restrict these rights; and

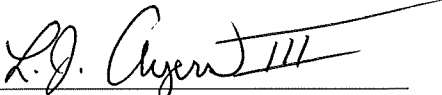
4. Amherst County opposes, in particular, any provision, law, or regulation that may impose additional regulatory burdens on its citizens or result in mandates, whether mandatory or practical, to expend additional public funds on enforcement or administration of such laws, or to require the constitutional officers of the locality to do so; and

5. The County Administrator is directed to cause true copies of this resolution to be forwarded to the County’s representatives in the General Assembly and the United States Congress and the Governor of Virginia; and

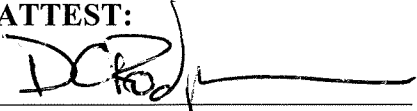
6. This resolution is effective upon adoption.

II. This resolution shall be in force and effect upon adoption.

Adopted this 3rd day of December, 2019.



L. J. Ayers III, Chairman
Amherst County Board of Supervisors

ATTEST:


Dean C. Rodgers, Clerk
Amherst County Board of Supervisors

Ayes 5

Nays 0

Abstentions 0