

A RESOLUTION IN SUPPORT OF SECOND AMENDMENT RIGHTS AND EXPRESSING COMMITMENT TO RESPECT, PRESERVE, AND UPHOLD THE SECOND AMENDMENT OF THE UNITED STATES CONSTITUTION AND ARTICLE I, § 13 OF THE VIRGINIA CONSTITUTION.

WHEREAS, the Second Amendment of the United States Constitution states in part that the “right of the people to keep and bear arms shall not be infringed”; and

WHEREAS, Article I, § 13 of the Virginia Constitution reads: “That 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, 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 for self-defense within the home or other lawful purposes; 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 applies to the states through the Due Process Clause of the Fourteenth Amendment to the United States Constitution; and

WHEREAS, the Chesapeake City Council feels that the right of citizens to bear arms, as stated in both the United States Constitution and the Virginia Constitution, is a fundamental right that should be protected to the greatest degree possible; and

WHEREAS, the Fifth Amendment to the United States Constitution provides that “No person shall...be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation”; and

WHEREAS, the members of the Chesapeake City Council have taken an oath to defend and uphold the United States and Virginia Constitutions; and

WHEREAS, the Chesapeake City Council is concerned that certain pre-filed legislation for the 2020 session of the Virginia General Assembly may threaten the rights of law-abiding citizens guaranteed by the Second Amendment to the United States Constitution and Article I, § 13 of the Virginia Constitution; and

WHEREAS, the Chesapeake City Council is concerned that the passage of these bills, may place undue burdens on the right of law-abiding citizens to keep and bear arms, including but not limited to divesting property from citizens who currently lawfully possess certain weapons and certain capacity magazines; and

WHEREAS, unless an express delegation exists from the General Assembly, the Chesapeake City Council has no legislative or regulatory authority related to “the purchase, possession, transfer, ownership, carrying, storage or transporting of firearms, ammunition, or components or combination thereof”, as provided by Section 15.2-915 of the Code of Virginia, 1950, as amended, and has no authority over the independent execution of the duties of the constitutional officers involved in law enforcement; and

WHEREAS, the Chesapeake City Council expresses opposition to any law that would unconstitutionally restrict the rights of law-abiding citizens of the City of Chesapeake to keep and bear arms; and

WHEREAS, the Chesapeake City Council strives to act in the best interest of the City and its citizens, and accordingly wishes to express its sentiments with regard to this important matter, and its continuing intent to take lawful action to protect these important rights.

NOW, THEREFORE, BE IT RESOLVED, by the Chesapeake City Council that this body expresses its commitment by all legal means and remedies to respect, preserve, and uphold the Second Amendment of the United States Constitution and Article I, § 13 of the Virginia Constitution; and

BE IT FURTHER RESOLVED, that the Chesapeake City Council hereby expresses its strong support for the rights of law-abiding citizens to keep and bear arms and urges the members of the General Assembly and the Governor to take no action which would violate the freedoms guaranteed in both Constitutions or burden law-abiding citizens who currently lawfully possess certain weapons and capacity magazines; and

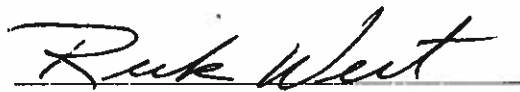
BE IT FURTHER RESOLVED, that the Chesapeake City Council hereby expresses its intent to uphold the Second Amendment rights of law-abiding citizens within the limits of the Constitutions of the United States, the Commonwealth of Virginia, and the laws thereof; and

BE IT FURTHER RESOLVED, that the Chesapeake City Council declares Chesapeake a "Second Amendment Constitutional City"; and

BE IT FURTHER RESOLVED, that the Chesapeake City Council directs the City Manager to forward a copy of this resolution to the City's General Assembly delegation and to the Governor of Virginia.

ADOPTED by the Council of the City of Chesapeake, Virginia this 10th day of December, 2019.

APPROVED:



Mayor

ATTEST:



Clerk of the Council

APPROVED AS TO FORM:



City Attorney