

## RESOLUTION

## A RESOLUTION IN SUPPORT OF VIRGINIA AND UNITED STATES CONSTITUTIONAL RIGHTS TO KEEP AND BEAR ARMS AND REJECTING ANY INFRINGEMENT OF THIS FUNDAMENTAL RIGHT

WHEREAS, the Second Amendment of 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, Article I, Section 13 of the Constitution of Virginia provides “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; that standing armies, in time of peace, should be avoided as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power”; and

WHEREAS, the United States Supreme Court in *District of Columbia v. Heller*, 554 U.S. 570 (2008), affirmed an 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 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 by the Due Process Clause of the Fourteenth Amendment against the states, 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 the common defense are protected by the Second Amendment; and

WHEREAS, bills have been introduced in the 2020 General Assembly that would criminalize the lawful exercise of the right to keep and bear arms under both the United States and Virginia Constitutions; and

WHEREAS, numerous veterans, members of the military, persons employed in the defense industry, gunsmiths, law enforcement officers, competitive shooters, recreational shooters, victims of domestic violence, and other citizens who are gravely concerned about the proposed infringements upon their constitutional rights have appeared before the Board of Supervisors or have contacted the Board of Supervisors and outlined the ways in which the proposed legislation would infringe upon their rights and adversely affect the Virginia economy, their employment, their security clearances, and their right to defend themselves and their families; and

WHEREAS, the Fauquier County Board of Supervisors strongly condemns statements of the Governor and members of the General Assembly threatening to withhold funds to localities that support the constitutional rights of their citizens to keep and bear arms; and

WHEREAS, the Fauquier County Board of Supervisors further condemns threatened actions by state officials that would place the National Guard or other state agencies and officials in opposition to local law enforcement and citizens of the Commonwealth; and

WHEREAS, the Fauquier County Board of Supervisors has also received input from citizens in support of measures that would advance firearm safety without infringing upon the right to keep and bear arms and desires to support such measures; and

WHEREAS, the Fauquier County Board of Supervisors wishes to express its strong commitment to the rights of citizens of Fauquier County to legally keep and bear arms; and

WHEREAS, the Fauquier County Board of Supervisors strongly opposes the passage of any law that would unconstitutionally restrict the rights of our citizens under either the United States or Virginia Constitutions; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 23<sup>rd</sup> day of December 2019, That the Fauquier County Board of Supervisors reaffirms its Oath of Office to support and defend the United States and Virginia Constitutions and stands as a Constitutional County with the overwhelming number of Constitutional and Sanctuary Counties throughout the Commonwealth of Virginia that have gone on record expressing their vigorous opposition to legislation which infringes upon the right to keep and bear arms; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors hereby acknowledges that the United States Constitution and the Virginia Constitution are the highest law of the land and vows to vigorously defend its citizens against any law that violates the United States or Virginia Constitution: and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors hereby modifies its 2020 legislative agenda to express its strong opposition to any legislation that restores gun rights to persons convicted of violent felonies and reiterates its strong rejection of any legislative attempts to undermine or limit the right to keep and bear arms as protected by the United States and Virginia Constitutions; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors hereby modifies its 2020 legislative agenda adopted on November 14, 2019, in which the County strongly opposed any legislative attempts to undermine or limit legal and Constitutional gun ownership in the County and Commonwealth of Virginia, to express its support for additional firearms safety measures to include:

- additional funding from the Commonwealth for firearms education in schools and firearms safety education across the Commonwealth;
- waiving sales tax on gun safes and gun safety locks to help promote such safe gun handling practices;
- Increased funding for school resource and school security officers;

- strong penalties for adults that allow unsafe access to firearms by children; and
- increased funding from the Commonwealth for mental health screening and services throughout the Commonwealth; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors will urge its entire legislative delegation to oppose legislation which infringes upon the fundament right to keep and bear arms and will continue to fight against such legislation; and, be it

RESOLVED FINALLY, That the Fauquier County Board of Supervisors hereby directs its staff to forward a copy of this resolution to the County's elected representatives in the United States Congress, Virginia General Assembly and Governor of Virginia.

*A Copy Teste*

A handwritten signature in black ink, appearing to be 'PS' followed by a long, sweeping horizontal stroke.

*Paul S. McCulla, County Administrator  
Clerk to the Board of Supervisors*