

## **RESOLUTION OF FLOYD COUNTY BOARD OF SUPERVISORS**

### **PURPOSE:**

Certain legislation that has been or may be introduced in the Virginia General Assembly, and certain legislation which has been or may be introduced in the United States Congress, could have the effect of infringing on the rights of law-abiding citizens to keep and bear arms, as guaranteed by the Second Amendment to the United States Constitution and Article I, Section 13 of the Constitution of Virginia; and,

**WHEREAS**, the Floyd County Board of Supervisors wishes to express its intent to stand as a Sanctuary County for Second Amendment rights and to oppose, within the limits of the Constitution of the United States and the Commonwealth of Virginia, any efforts to unconstitutionally restrict such rights, and to use such reasonable and legal means as the Floyd County Board of Supervisors may hereafter approve to protect the rights of the citizens of Floyd County to keep and bear arms.

### **FEDERAL LAW:**

**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**, 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,

### **VIRGINIA STATE LAW:**

**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"; and,

**WHEREAS**, Article I, Section 1 of the Constitution of Virginia 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 I, Section 2 of the Constitution of Virginia reads, "that all power is vested in, and consequently derived from, the people, that magistrates are their trustees and servants, and at all times amenable to them"; and,

**FLOYD COUNTY:**

**WHEREAS**, the Floyd County Board of Supervisors is concerned about the passage of any law containing language which could be interpreted as infringing upon the rights of the citizens of Floyd County to keep and bear arms; and,

**WHEREAS**, in addition to the individual rights to keep and bear arms as enshrined in the United States and Virginia Constitutions, the Floyd County Board of Supervisors is mindful of the deep cultural and historic roots of hunting within the Commonwealth and the County of Floyd, which precede the founding of the United States, as well as the many conservation and wildlife management benefits to be derived from responsible game management through hunting; and

**WHEREAS**, the Floyd County Board of Supervisors wishes to express its deep commitment to the rights of all law-abiding citizens of Floyd County to keep and bear arms as constitutionally protected; and,

**WHEREAS**, the Floyd County Board of Supervisors wishes to express opposition to and to discourage the enactment of any law that would unconstitutionally restrict the rights of the citizens of Floyd County to keep and bear arms; and,

**WHEREAS**, the Floyd County Board of Supervisors is aware of Virginia Code § 15.2-915, and recognizes the limitations on localities contained therein, and wishes to express its intent that this resolution be construed in keeping therewith, and further wishes to express its intent that, in the event that the General Assembly repeals said statute or otherwise empowers localities to adopt local restrictions or regulations on firearms, that it is the intent to the Board of Supervisors, as currently composed, not to adopt any new restrictions on the right to bear arms; and,

**WHEREAS**, the Floyd County Board of Supervisors wishes to express its intent to stand as a Sanctuary County for Second Amendment rights and to oppose, within the limits of the Constitution of the United States and the Commonwealth of Virginia, any efforts to unconstitutionally restrict such rights, and to use such reasonable and legal means as the Floyd County Board of Supervisors may hereafter approve to protect the rights of the citizens of Floyd County to keep and bear arms.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Floyd County Virginia: That the Floyd County Board of Supervisors hereby declares Floyd County, Virginia as a "Second Amendment Sanctuary" for the purposes described above; and,

**BE IT FURTHER RESOLVED**, that the Floyd County Board of Supervisors hereby expresses its intent to uphold the Second Amendment rights of the citizens of Floyd County, Virginia; and,

**BE IT FURTHER RESOLVED**, that the Floyd County Board of Supervisors hereby expresses its intent that public funds are not used to unconstitutionally restrict the Second Amendment rights of the citizens of Floyd County, or to aid federal or state agencies in the unconstitutional restriction of said rights; and,

**BE IT FURTHER RESOLVED**, that the Floyd County Board of Supervisors hereby declares its intent to oppose any infringement, within the limitations imposed by law upon local governments, on the right of law-abiding citizens to keep and bear arms, using such reasonable and legal means as the Floyd County Board of Supervisors may hereafter approve; and,

**BE IT FINALLY RESOLVED**, that the undersigned clerk of the Board of Supervisors of the County of Floyd, hereby certifies that the resolution set forth above was adopted during an open meeting on December \_\_\_, 2019, by the Board of Supervisors with the following votes:

Supervisor Boothe –  
Supervisor Coleman –  
Supervisor Kuchenbuch –  
Supervisor Turman –  
Supervisor Yoder –

  
\_\_\_\_\_  
Chairman, Board of Supervisors

ATTEST

  
\_\_\_\_\_  
Terri W. Morris  
County Administrator