

REQUEST FOR BOARD ACTION
HENDERSON COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: 4 February 2013
SUBJECT: Resolution regarding Second Amendment
PRESENTER: Commissioner Hawkins
ATTACHMENT(S): Draft resolution

SUMMARY OF REQUEST:

Commissioner Hawkins has requested that the attached resolution be considered by the Board. Its effect would be:

1. To call upon North Carolina government to take no action with the effect of infringing upon citizens' rights under the Second Amendment to the Constitution of the United States of America; and,
2. Directing County staff to take no action with the effect of infringing upon citizens' rights under the Second Amendment to the Constitution of the United States of America.

BOARD ACTION REQUESTED:

Consideration of the resolution.

If the Board is so inclined, the following motion is suggested:

I move that the Board pass the Resolution regarding the Second Amendment contained in the Board's agenda package.

**A RESOLUTION TO PRESERVE AND DEFEND
THE CONSTITUTIONS OF THE UNITED STATES OF AMERICA AND
THE STATE OF NORTH CAROLINA**

1 **WHEREAS**, the Second Amendment to the Constitution of the United States of America
2 provides: “A well-regulated militia being necessary to the security of a free state, the right of
3 the people to keep and bear arms shall not be infringed”; and

4 **WHEREAS**, the Constitution of the State of North Carolina provides: “A well regulated
5 militia being necessary to the security of a free State, the right of the people to keep and bear
6 arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty,
7 they shall not be maintained, and the military shall be kept under strict subordination to, and
8 governed by, the civil power. Nothing herein shall justify the practice of carrying concealed
9 weapons, or prevent the General Assembly from enacting penal statutes against that practice”;
10 and

11 **WHEREAS**, the United States Supreme Court in recent months has twice upheld the
12 Second Amendment to the Constitution as applying to the rights of individuals to keep and
13 bear arms separate and apart from any requirement of militia service; and

14 **WHEREAS**, consideration is reportedly being given to adopting laws, regulations or
15 actions which would have the effect of infringing on the right of Americans to keep and bear
16 arms; and

17 **WHEREAS**, the reasons given in support of such infringements as gun registration,
18 banning certain kinds of weapons and accessories, requiring extreme background checks,
19 restricting the bearing of arms such as excessive restrictions on concealed carry and other
20 restrictions, have not been shown by the substantial weight of scientific evidence to have been
21 effective in accomplishing the stated objectives of such restrictions as compelling necessities for
22 government action to protect the public safety.

**A RESOLUTION TO PRESERVE AND DEFEND
THE CONSTITUTIONS OF THE UNITED STATES OF AMERICA AND
THE STATE OF NORTH CAROLINA**

1 **NOW THEREFORE BE IT RESOLVED**, by the Henderson County Board of
2 Commissioners as follows:

3 1. The Henderson County Board of Commissioners hereby calls upon the Governor
4 and the General Assembly of the State of North Carolina to pass or permit no law or other
5 action with the effect of enabling within the State of North Carolina any Federal law, executive
6 order or regulations restricting the right to keep and bear arms, and

7 2. The County Manager is hereby directed that no county staff shall participate in
8 nor allow any county resources be used in the implementation of any law, executive order or
9 directive, or regulation that has the effect of infringing on the right to keep and bear arms
10 consistent with the Constitution of the United States of America as amended.

Adopted after motion duly made, this the 4th day of February, 2013.

Chairman of the Board of Commissioners

Attest:

Clerk to the Board of Commissioners