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**TORRANCE COUNTY
BOARD OF COUNTY COMMISSONERS
RESOLUTION NO. R 2019-14-**

**DECLARING TORRANCE COUNTY TO BE A SECOND AMENDMENT SANCTUARY
COUNTY**

WHEREAS, NMSA 1978, Section 4-37-1 (1995) provides that Counties have the power to, “provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of any county or its inhabitants”; and,

WHEREAS, NMSA, 1978, Section 4-38-18 (1976) provides that a Board of County Commissioner has the duty and authority “[t]o represent the county and have the care of the county property and the management of the interest of the county in all cases where no other provision is made by law; and,

WHEREAS, firearms training, shooting sports, hunting, and self-protection through the use of firearms is a traditional and necessary part of life in Torrance county; and,

WHEREAS, the Second Amendment to the United States Constitution, adopted in 1791 as part of the Bill of Rights, protects the inalienable and individual right of the people to keep and bear arms; and,

WHEREAS, the Supreme Court in the District of Columbia v. Heller 554 U.S. 570 (2008), decision 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 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,

1 **WHEREAS**, the Supreme Court, in United States v. Miller, 307 U.S. 174 (1939), opined
2 that firearms that are part of ordinary military equipment, or with use that could contribute to the
3 common defense are protected by the Second Amendment; and,

4 **WHEREAS**, Article II, Section 6 of the Constitution of New Mexico provides that “[n]o
5 law shall abridge the right of the citizen to keep and bear arms for security and defense, for
6 lawful hunting and recreational use and for other lawful purposes, but nothing herein shall be
7 held to permit the carrying of concealed weapons. No municipality or county shall regulate, in
8 any way, an incident of the right to keep and bear arms;” and,

9 **WHEREAS**, it is the desire of the Board to declare its support of the Second Amendment
10 to the United States Constitution and the New Mexico Constitution protecting citizens’
11 inalienable and individual right to keep and bear arms; and,

12 **WHEREAS**, the members of this Board took an oath to support and defend the United
13 States Constitution, the Constitution of the State of New Mexico and the laws of the State of
14 New Mexico; and,

15 **WHEREAS**, enforcement of any state law that violates the United States Constitution or
16 the Constitution of the State of State of New Mexico would be a violation of our oath of office;
17 and,

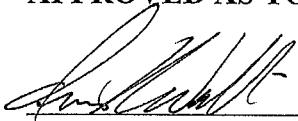
18 **NOW, THEREFORE BE IT RESOLVED** that the Board of County Commissioners of
19 the County of Torrance by the authority granted by the laws of The State of New Mexico and
20 people of Torrance County to stand and defend their rights and liberties, which are guaranteed by
21 the United States and New Mexico Constitutions, do hereby declare the County of Torrance as a
22 Second Amendment Sanctuary County where the rights and privileges guaranteed by the Second
23 Amendment of the United State Constitution are preserved.

1 **BE IT FURTHER RESOLVED** that this Board affirms its support for the duly elected
2 Sheriff of Torrance County, New Mexico in the exercise of their sound discretion and affirms its
3 resolve to support decisions by our Sheriff to not enforce any unconstitutional firearms law
4 against any citizen. This provision shall not be construed to include persons convicted of violent
5 felonies.

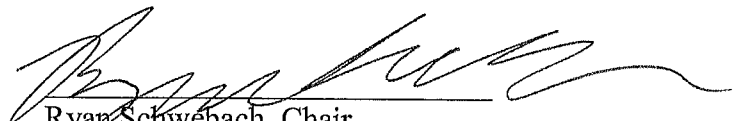
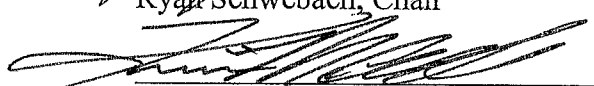
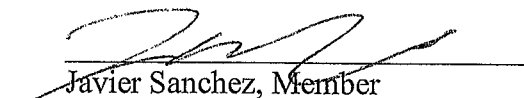
6 **BE IT FURTHER RESOLVED** that this Board will not authorize or appropriate
7 government funds, resources, employees, agencies, contractors, buildings, detention centers or
8 offices for the purpose of enforcing law that unconstitutionally infringes on the right of the
9 people to keep and bear arms.

10 **DONE THIS 25th DAY OF FEBRUARY, 2019.**

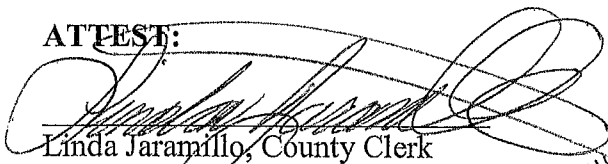
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13 **APPROVED AS TO FORM ONLY:**

14 
15 _____ 2/27/19
16 County Attorney Date

BOARD OF COUNTY COMMISSIONERS

17 
18 _____
19 Ryan Schwebach, Chair
20 
21 _____
22 Kevin McCall, Member
23 
24 _____
25 Javier Sanchez, Member

ATTEST:

22 
23 _____
24 Linda Jaramillo, County Clerk

25 Date: 2/25/19

