

RESOLUTION NO. 2021 – 9
RESOLUTION OF THE DAVIESS COUNTY COMMISSION
AND
DAVIESS COUNTY SHERIFF

WHEREAS, the Second Amendment to the Bill of Rights of the Constitution of the United States of America provides, "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."

WHEREAS, Article I, Section 23 of the Constitution of the State of Missouri provides, "That the right of every citizen to keep and bear arms, ammunition, and accessories typical to the normal function of such arms, in defense of his home, person, family and property, or when lawfully summoned in aid of the civil power, shall not be questioned. The rights guaranteed by this section shall be unalienable. Any restriction on these rights shall be subject to strict scrutiny and the state of Missouri shall be obligated to uphold these rights and shall under no circumstances decline to protect against their infringement. Nothing in this section shall be construed to prevent the general assembly from enacting general laws which limit the rights of convicted violent felons or those adjudicated by a court to be a danger to self or others as a result of a mental disorder or mental infirmity."

WHEREAS, federal court cases have held that the Second Amendment conferred an individual right to keep and bear arms, and that the Second Amendment extends to all instruments that constitute bearable arms, even those that were not in existence at the time of the founding.

WHEREAS, Section 1 of the Fourteenth Amendment to the Constitution of the United States provides, in part "No state shall [. ..] deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

WHEREAS, the Tenth Amendment provides, "The power not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

WHEREAS, the County Commission and Sheriff of Daviess County desire to declare their support for these principals relating the Second Amendment of the Constitution of the United States in accordance with their oath of office.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSISON OF DAVIESS COUNTY, MISSOURI, AND THE SHERIFF OF DAVIESS COUNTY, MISSOURI, AS FOLLOWS:

1. Recitals. The County Commission and Sheriff incorporate whereas clauses set forth in the recitals above as the findings of the County Commission and Sheriff, respectively.

2. The Daviess County Commission and Daviess County Sheriff support responsible ownership, transfer, use, possession, and storage of firearms, firearms accessories and ammunition and condemns the use of arms in criminal or unlawful activities.

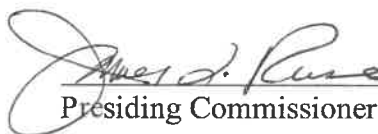
3. The Daviess County Commission and Daviess County Sheriff are firmly resolved to support and defend the Constitution of the United States and of the State of Missouri against every aggression, whether foreign or domestic, and is duty bound to oppose every violation of those principles that constitute the basis of the union of the states because only a faithful observance of those principles can secure the union's existence and the public happiness.

4. This Resolution should not be interpreted or construed as affording protections to individuals who have been convicted of felony crimes or who are otherwise prohibited from the ownership, transfer, use, or possession of a firearm, firearm accessory, or ammunition pursuant to law, and is not intended to prohibit the investigation or prosecution of any crime for which the ownership, transfer, use or possession of a firearm, firearm accessory, or ammunition is an aggregating factor, enhancement, or violation relating to an otherwise independent crime.

5. Further, this Resolution shall not prohibit officials, agents, and employees of Daviess County, the Daviess County Commission, and the Daviess County Sheriff from assisting and providing services relating to permitting, licensing, registering, or processing applications for concealed carry permits or other firearms, firearm accessories, or ammunition licenses, registrations or permits, or the use of county assets or county funds for said purposes.

6. Effective Date. This Resolution shall be effective as of the date set forth below.

RESOLVED AND ADOPTED this 7th day of April 2021.


Presiding Commissioner


Sheriff


Associate Commissioner


Associate Commissioner



ATTEST:


County Clerk