

BEFORE THE BOARD OF COUNTY COMMISSIONERS

IN AND FOR THE COUNTY OF CURRY, OREGON

In the Matter of the Second)
Amendment Preservation) Ordinance No. 16-05
Ordinance for Curry County)

WHEREAS, the Curry County Board of Commissioners and Elected Officials across the Great State of Oregon are sworn into their respective positions by taking an oath of office to uphold the Constitution of the United States of America and the Constitution of the Great State of Oregon; and

WHEREAS, the Second Amendment to the Constitution of the United States of America states, *"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 1, Section 27 of the Constitution of the Great State of Oregon states, *"The people shall have the right to bear arms for the defense of themselves, and the State, but the Military shall be kept in strict subordination to the civil power"*; and

WHEREAS, Article 1, Section 33 of the Constitution of the Great State of Oregon states, *"This enumeration of rights and privileges shall not be construed to impair or deny others retained by the people"*; and

WHEREAS, the criminal misuse of firearms is due to the fact that criminals do not obey laws and thus is not a reason to deny the Constitutional right to keep and bear arms by law-abiding citizens; and

WHEREAS, the Curry County Board of Commissioners recognize that the first and last protectors of the United States Constitution are the people of the United States, and that the ability of the people to fulfill that role rests in large part with the peoples' right to bear arms as stated in the Constitutions of the United States of America and the Great State of Oregon; and

WHEREAS, Section 1 of the Fourteenth Amendment to the Constitution of the United States of America states, *"No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State 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"*; and

WHEREAS, the Fourteenth Amendment to the Constitution of the United States of America clearly defines that the fundamental freedoms relating to the Second Amendment to the Constitution of the United States of America to have the right to keep and bear arms may not be infringed; and

WHEREAS, the rights of the people to keep and bear arms are further protected from infringement by State and Local Governments under the Ninth and Tenth Amendments to the Constitution of the United States of America as well as Article 1 of the Constitution of the Great State of Oregon; and

WHEREAS, the Supreme Court of the United States of America in *District of Columbia v. Heller* upheld the individual rights to bear arms as protected by the Second Amendment of the Constitution of the United States of America with Justice Scalia's opinion stating that the Second Amendment protects an individual's right to possess a firearm unconnected with service in a militia, and to use that firearm for traditionally lawful purposes, such as self-defense within the home; and

WHEREAS, the Supreme Court of the United States of America in *McDonald v. Chicago*, invalidated Chicago's handgun ban and held the Second Amendment to the Constitution of the United States of America applies to the States;

NOW, THEREFORE, THE BOARD OF CURRY COUNTY COMMISSIONERS HEREBY ORDAINS:

That Curry County strongly affirms our commitment to the rights and liberties enshrined within the Constitution of the United States of America and the Constitution of the Great State of Oregon; and

That Curry County opposes any state or federal law that abridges or is contrary to the provisions of the Constitutions of the United States of America and the Great State of Oregon preserving the people's right to keep and bear arms; and

That Curry County strongly supports the right of the people to keep and bear arms as stated in the Constitution of the United States of America, and the Constitution of the Great State of Oregon as interpreted by the United States Supreme Court and the Oregon Supreme Court, and vigorously opposes any state or federal law that unconstitutionally infringes upon these rights; and

That any laws enacted that violate or infringe upon the Constitution of the United States of America or the Constitution of the Great State of Oregon would be in direct conflict and violation of the Oath of Office taken to fulfill the duties of the Elected Position represented; and

To preserve the right of the People of, on and in Curry County, the Curry County Board of Commissioners do further resolve by this instrument that:

Curry County Government will not authorize or appropriate governmental funds, resources, employees, agencies, contractors, buildings, detention centers or offices for the purpose of enforcing any element of such acts, laws, orders, mandates, rules or regulations, that infringe on the right by the People to keep and bear arms, including, but not limited to the following:

1. Registration requirements for existing lawfully owned firearms; and

2. Prohibitions, regulations, and/or use restrictions related to ownership of non-fully automatic firearms, including but not limited to semi-automatic firearms; including semiautomatic firearms that have appearance or features similar to fully automatic firearms and/or military "assault style" firearms; and
3. Prohibition, regulations, and/or use restrictions limiting hand grips, stock, flash suppressors, bayonet mounts, magazine capacity, clip capacity, internal capacity, or types of ammunition available for sale, possession or use; and
4. Registration and background check requirements beyond those customarily required at time of purchase prior to December 2012; and
5. Restrictions prohibiting the possession, carry or transport of lawfully acquired firearms or ammunition by law abiding adult citizens or minors supervised by adults.

This Ordinance acknowledges provisions of preexisting law that:

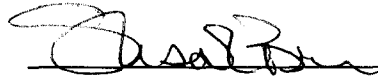
- a. Prohibit the possession of firearms by certain felons per ORS 166.270; and
- b. Prohibit the purchasing or possession of firearms by individuals who have been adjudicated mentally ill and a danger to self and others per ORS 426.130; and
- c. Prohibit the possession of unlawful machine guns, short-barreled shot guns and silencers per ORS 166.272; and
- d. Prohibit the possession of unlawful concealed firearms, or possession by minors per ORS 166.250; and
- e. Prohibit the possession of firearms in public buildings or court facilities per ORS 166.360-166.370; and
- f. Prohibit the possession of firearms to certain convicted domestic violence perpetrators under the Gun Control Act of 1968.

DATED this 3rd day of August, 2016.

BOARD OF CURRY COUNTY COMMISSIONERS



Thomas Huxley, Chair

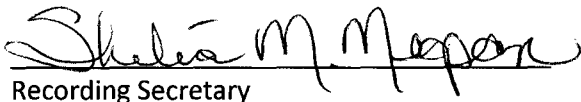


Susan Brown, Vice Chair



David Brock Smith, Commissioner

Attest:



Recording Secretary

Approved as to Form:



John Hutt
Curry County Legal Counsel

First Reading: 07-20-2016

Second Reading: 08-03-2016

Effective Date: 11-01-2016