

## **RESOLUTION – Sanctuary County for the Protection of the Right to Keep and Bear Arms**

WHEREAS, recent “gun control” legislation proposed by the Governor and General Assembly is a direct assault on the right of free and law abiding citizens to keep and bear arms, which is a right explicitly recognized in the constitutions of the United States and of the Commonwealth of Virginia; and,

WHEREAS, these proposals would ban entire classes of firearms which are particularly useful for purposes of self-defense and service by the militia of the United States and the Commonwealth of Virginia; and would force tens of thousands of Virginians to choose between abandoning their rights under the “Laws of Nature and Nature’s God,” or becoming criminals in the eyes of the state; and

WHEREAS, ample studies and the light of human experience shows that laws to deprive the People of arms - “gun control” - do not improve public safety, but only disarm and disadvantage the peaceably-minded citizens, who are a threat to no one, except criminals and tyrants; and

WHEREAS, beyond a baseless appeal to “public safety,” the only other reason for depriving the People of arms effective for self-defense is so that immoral laws might be forcibly imposed without effective resistance of last resort; and therefore, those seeking to disarm free citizens must be considered either fools, or tyrants, with designs of imposing absolute despotism upon the citizens of this Commonwealth; and

WHEREAS, the Declaration of Independence clearly states that government exists to secure the rights endowed upon the people by the Laws of Nature and Nature’s God; and further states that “whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it,” and

WHEREAS, if the people have the right and the duty to abolish a tyrannical government, by force of arms, as a last resort; then they certainly have the right to peacefully resist an unjust law; and likewise, a local government, that closest body of representatives to the people, has a right and duty to defend the rights of the people it represents from tyrannical, unjust, and unconstitutional “law;” and

WHEREAS, just as governments should not be overthrown for “light and transient causes,” the power and authority of the lesser magistrate to interpose between the people and the tyrannical designs of a higher magistrate should only be invoked in the most extreme cases, such as a direct assault on the means necessary to securing the constitutionally protected Natural Right of self-defense; and

WHEREAS, when the federal or state government behaves tyrannically; attempts to impose its unconstitutional will on the People of this Commonwealth; and disturbs the public peace by openly manifesting an intent to deprive the citizens of their God-given and natural rights of communal defense and defense of self, by outlawing effective arms for these purposes; thereby risking civil disobedience, civil disturbance, and even armed conflict, threatening the liberty and lives of its citizens, it is the right and duty of lesser magistrates, including the COUNTY NAME Board of Supervisors, to interpose between such tyranny and the People to whom they are accountable; and it is the right and duty of free citizens, including their local governments and constitutional officers, to resist obviously illegal and unconstitutional acts of other branches of government.

## **RESOLUTION – Sanctuary County for the Protection of the Right to Keep and Bear Arms**

WHEREAS, the Board of Supervisors of COUNTY NAME, Virginia invokes the right, duty, and inherent power of the lesser magistrate to protect the rights of the People by declaring COUNTY NAME a “Second Amendment Sanctuary,” and providing new safeguards for their future security; and

WHEREAS, the Board of Supervisors recognizes the existence of the “militia” as set forth in Article 1 Section 13 of the Virginia Constitution and the Second Amendment to the United States Constitution, as being “**composed of the body of the people, trained to arms;**” as further defined in Virginia Code § 44-1 as the “unorganized” “**militia of the Commonwealth of Virginia**” consisting “of all able-bodied residents of the Commonwealth ..., who are at least 16 years of age and ... not more than 55 years of age; and as defined in 10 U.S.C.A. § 246, Militia, as all able-bodied males ages 17 to 45 years of age.

WHEREAS, the Board of Supervisors recognizes the individual right of self-defense using commonly owned semi-automatic firearms and standard capacity magazines, independent of any service in the organized or unorganized militia of the United States or the Commonwealth of Virginia; and

WHEREAS, the Board of Supervisors calls upon the COUNTY NAME Sheriff and the Commonwealth Attorney; their deputies and employees; and the People of COUNTY NAME, including those who make up the Unorganized Militia, as defined in Virginia Code § 44-1, to take action consistent herewith; and to resist tyrannical attempts to make unlawful certain firearms and components which are necessary for self-defense; militia service; law enforcement, and national defense; and

WHEREAS, it is the sincere hope of the COUNTY NAME Board of Supervisors that these provisions will cause the Governor and General Assembly to reflect deeply upon the course upon which they have embarked; and that they will consider the full ramifications of their pending actions; that they will forever cast away the implements of tyranny and return to the fold of liberty; and that they will return to the wisdom of that first generation of Virginia patriots who founded this great Republic and again embrace their fellow citizens as brothers and sisters in liberty, secure in their rights and their arms.

THEREFORE BE IT RESOLVED BY THE COUNTY NAME BOARD OF SUPERVISORS:

- A. The COUNTY NAME Board of Supervisors hereby notifies volunteers from the county and any other free citizens of the Commonwealth of Virginia, to be ready to muster at a location to be determined, on a date to be determined, by a document that shall constitute the “Official Call for the Unorganized Militia of COUNTY NAME” (“The Call”). The muster shall be for review of those citizens who make up the members of the Unorganized Militia of the Commonwealth of Virginia who reside in COUNTY NAME. At a minimum, volunteers must be above the age of 18, must lawfully possess a firearm, must strictly adhere to the official Call from COUNTY NAME, and must be willing to muster into service for the protection of their liberties and those of their fellow citizens.
- B. The purpose of this muster is to identify those citizens willing to come to the defense of COUNTY NAME and its citizens, and to display to the Governor and the General Assembly the potential armed force available to be called forth, should circumstance require. It is the intent of the COUNTY NAME Board of Supervisors to demonstrate the will and resolve of the people and government of COUNTY NAME to defend their rights, resist tyranny, and secure for themselves and their posterity those liberties that have been purchased with the blood and treasure of generations of Virginians.

## RESOLUTION – Sanctuary County for the Protection of the Right to Keep and Bear Arms

THEREFORE BE IT ENACTED BY THE COUNTY NAME BOARD OF SUPERVISORS:

The COUNTY NAME Board of Supervisors hereby enacts County Ordinance Number #####. The Board of Supervisors declares any attempt to arrest or prosecute citizens for firearms violations not in existence prior to January 1, 2020 as an attempt to violate civil rights under color of law, and a violation of COUNTY NAME Ordinance Number #####.

- A. The Board of Supervisors of COUNTY NAME recognizes the particular suitability and fitness of certain firearms for individual self-defense; militia service, including the Unorganized Militia; law enforcement; and national defense. Such firearms, including, but not limited to those with the following characteristics, shall remain lawful for possession and use by individuals or militia after January 1, 2020:
- i. A semi-automatic center-fire rifle that expels single or multiple projectiles by action of an explosion of a combustible material with a fixed magazine capacity in excess of 10 rounds;
  - ii. A semi-automatic center-fire rifle that expels single or multiple projectiles by action of an explosion of a combustible material that has the ability to accept a detachable magazine and has one of the following characteristics: (i) a folding or telescoping stock; (ii) a pistol grip that protrudes conspicuously beneath the action of the rifle; (iii) a thumbhole stock; (iv) a second handgrip or a protruding grip that can be held by the non-trigger hand; (v) a bayonet mount; (vi) a grenade launcher; (vii) a flare launcher; (viii) a silencer or sound suppressor; (ix) a flash suppressor; (x) a muzzle brake; (xi) a muzzle compensator; (xii) a threaded barrel capable of accepting (a) a silencer or sound suppressor, (b) a flash suppressor, (c) a muzzle brake, or (d) a muzzle compensator; or (xiii) any characteristic of like kind as enumerated in clauses (i) through (xii);
  - iii. A semi-automatic center-fire pistol that expels single or multiple projectiles by action of an explosion of a combustible material with a fixed magazine capacity in excess of 10 rounds;
  - iv. A semi-automatic center-fire pistol that expels single or multiple projectiles by action of an explosion of a combustible material that has the ability to accept a detachable magazine and has one of the following characteristics: (i) a folding or telescoping stock; (ii) a thumbhole stock; (iii) a second handgrip or a protruding grip that can be held by the non-trigger hand; (iv) the capacity to accept a magazine that attaches to the pistol outside of the pistol grip; (v) a shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to hold the pistol with the non-trigger hand without being burned; (vi) a manufactured weight of 50 ounces or more when the pistol is unloaded; (vii) a threaded barrel capable of accepting (a) a silencer or sound suppressor, (b) a flash suppressor, (c) a barrel extender, or (d) a forward handgrip; or (viii) any characteristic of like kind as enumerated in clauses (i) through (vii);
  - v. A shotgun with a revolving cylinder that expels single or multiple projectiles by action of an explosion of a combustible material; or
  - vi. A semi-automatic shotgun that expels single or multiple projectiles by action of an explosion of a combustible material that has one of the following characteristics: (i) a folding or telescoping stock, (ii) a thumbhole stock, (iii) a pistol grip that protrudes conspicuously beneath the action of the shotgun, (iv) the ability to accept a detachable magazine, (v) a fixed magazine capacity in excess of seven rounds, or (vi) any characteristic of like kind as enumerated in clauses (i) through (v).
  - vii. Spare parts or combinations of parts designed or intended to readily assemble or maintain such firearms in subsections i-vi, and magazines holding more than 10 rounds of ammunition.

## RESOLUTION – Sanctuary County for the Protection of the Right to Keep and Bear Arms

- B. It shall be unlawful for any county, state, or federal government employee, official or agency to enforce any firearm law enacted after January 1, 2020, which has the purpose or effect of impeding the ability of any member of the Unorganized Militia or individual person to use a firearm or firearm component set forth for purposes contemplated by the Second Amendment to the U.S. Constitution; by Article 1 Section 13 of the Virginia Constitution; by 10 U.S.C.A. § 246; and by Virginia Code § 44-1.
- i. Such unlawful activity includes, but is not limited to, any attempt to arrest a resident of this county alleging a violation of any statute for failure to register, surrender, or destroy; or for continued possession after January 1, 2020, currently legal arms, including semi-automatic rifles, pistols and shotguns; their components, adjustable stocks and other features; including standard capacity magazines of more than 10 rounds; or ammunition amounts, components, or composition, any of which is otherwise legal as of the effective date of this ordinance, or which is set forth in Section A of this ordinance.
  - ii. County law enforcement shall immediately investigate a citizen complaint alleging a violation of this section, and shall, upon personal inquiry and contemporaneous observation, arrest any person engaged in a violation of this ordinance. An arrest or attempted arrest in violation of this section shall be a Class 1 Misdemeanor.
  - iii. COUNTY NAME shall establish a system for residents to notify county law enforcement of any violation of Section A.
  - iv. COUNTY NAME shall establish a system to immediately notify, after dispatch of county law enforcement to the scene of an arrest or confiscation of arms in violation of this section and after confirmation by county law enforcement to dispatch that a violation is in progress, those members of the Unorganized Militia of COUNTY NAME who are accepted by the County for addition to the notification list.