

RESOLUTION

A RESOLUTION IN SUPPORT OF VIRGINIA AND UNITED STATES CONSTITUTIONAL RIGHTS TO KEEP AND BEAR ARMS

WHEREAS, § 15.2-1522 of the *Code of Virginia* requires every elected officer in the Commonwealth to qualify for office by taking the following oath prescribed by *Code of Virginia* § 49-1: “I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and that I will faithfully and impartially discharge all the duties incumbent upon me as an elected member of the Board of Supervisors according to the best of my ability, so help me God”; and

WHEREAS, the Second Amendment of the United States Constitution reads: “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, the Fauquier County Board of Supervisors has received significant input from citizens expressing serious concern about potential legislation restricting the right to their lawful right to keep and bear arms during the upcoming 2020 General Assembly, and has also received significant input supporting reasonable gun safety measures such as those outlined below in the County’s modification of its legislative request; and

WHEREAS, Article I, Section 13 of the Constitution of Virginia provides “that a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state, therefore, the right of the people to keep and bear arms shall not be infringed; that standing armies, in time of peace, should be avoided as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power”; and

~~WHEREAS, legislation has or may be introduced in the 2020 session of the Virginia General Assembly that has the potential to infringe on the aforementioned Constitutional rights; and~~

WHEREAS, Fauquier County has a long history and tradition of sport hunting and other recreational use of firearms which provides a valuable source of tourism revenue for the County; and

WHEREAS, the Fauquier County Board of Supervisors ~~is concerned about~~ **strongly opposes** the passage of any law that restricts or prohibits our County citizens and tourism industry from participating in such historical and traditional activities by infringing on any aforementioned constitutional rights; and

~~WHEREAS, pursuant to *Code of Virginia* § 15.2-915 the Fauquier County Board of Supervisors has no legislative, regulatory, or enforcement authority related to “the purchase, possession, transfer, ownership, carrying, storage or transporting of firearms, ammunition, or~~

~~components or combination thereof” and has no authority over the independent execution of the duties of the constitutional officers involved in law enforcement; and~~

WHEREAS, the Fauquier County Board of Supervisors is not responsible for law enforcement or criminal prosecution. Law enforcement is entrusted to the Sheriff who is a constitutional officer elected by the citizens of Fauquier County and criminal prosecutions are handled by the Commonwealth’s Attorney who is also separately elected by the citizens of Fauquier County and takes an oath to also support the constitution of the United States and Constitution of the Commonwealth of Virginia. Finally the Board of supervisors has no judicial authority and interpretation and determination of the constitutionality of laws is performed by the courts; and

WHEREAS, the Fauquier County Board of Supervisors wishes to express its commitment to the rights of citizens of Fauquier County to legally keep and bear arms; and

WHEREAS, the Fauquier County Board of Supervisors ~~is concerned about~~ strongly **opposes** the passage of any law that would unconstitutionally restrict the rights of our citizens under either the United States or Virginia Constitutions; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of December 2019, That the Fauquier County Board of Supervisors hereby acknowledges that the United States Constitution is the supreme law of the land and affirms its support of all rights of its citizens protected under both the US Constitution and the Constitution of the Commonwealth of Virginia; and

RESOLVED FURTHER, That the Board of Supervisors hereby reaffirms the oath taken by each member to support all the provisions of the Constitutions of the United States and Commonwealth of Virginia; and

RESOLVED FURTHER that the Fauquier County Board of Supervisors modifies its 2020 legislative agenda adopted on November 14, 2019, in which the County strongly opposed any legislative attempts to undermine or limit legal and Constitutional gun ownership in the County and Commonwealth of Virginia, to express its support **for additional firearms safety measures to include**

- additional funding from the Commonwealth for firearms education in schools and firearms safety education across the Commonwealth;
- waiving sales tax on gun safes and gun safety locks to help promote such safe gun handling practices;
- **Increased funding for school resource and school security officers**
- strong penalties for adults that allow unsafe access to firearms by children; and
- increased funding from the Commonwealth for mental health screening and services throughout the Commonwealth; and

RESOLVED FURTHER that the Fauquier County Board of Supervisors modifies its 2020 legislative agenda to express its strong opposition to any legislation that that restores gun rights to persons convicted of violent felonies and reiterates its strong opposition to any legislative attempts

to undermine or limit legal and Constitutional gun ownership under the Constitutions of the United States or Commonwealth of Virginia; and

RESOLVED FINALLY that the Fauquier County Board of Supervisors directs its staff to forward a copy of this resolution to the County's elected representatives in the United States Congress, Virginia General Assembly and Governor of Virginia.