

MOTION: ANDERSON

December 10, 2019

SECOND: LAWSON

Regular Meeting

Res. No. 19-611

RE: DECLARE PRINCE WILLIAM COUNTY, VIRGINIA AS A "CONSTITUTIONAL COUNTY"; AFFIRM OATH OF OFFICE; URGE THE VIRGINIA GENERAL ASSEMBLY, THE UNITED STATES CONGRESS, THE GOVERNOR OF THE COMMONWEALTH OF VIRGINIA, THE PRESIDENT OF THE UNITED STATES OF AMERICA, AND OTHER AGENCIES OF THE COMMONWEALTH OF VIRGINIA AND THE UNITED STATES GOVERNMENT TO VIGILANTLY PRESERVE, UPHOLD, AND PROTECT THE RIGHTS OF THE LAW-ABIDING CITIZENS TO KEEP AND BEAR ARMS UNDER THE CONSTITUTIONS OF VIRGINIA AND THE UNITED STATES BY REJECTING ANY PROVISION, LAW, OR REGULATION THAT MAY UNLAWFULLY INFRINGE OR PLACE ANY ADDITIONAL UNLAWFUL BURDENS ON THE RIGHT OF LAW-ABIDING CITIZENS TO KEEP AND BEAR ARMS; AND EXPRESS INTENT, PURSUANT TO THE LAWS AND CONSTITUTIONS OF THE UNITED STATES AND THE COMMONWEALTH OF VIRGINIA, TO UPHOLD THE SECOND AMENDMENT RIGHTS OF THE LAW-ABIDING CITIZENS OF PRINCE WILLIAM COUNTY, VIRGINIA

ACTION: APPROVED

WHEREAS, the Prince William Board of County Supervisors has received significant input from citizens expressing serious concerns about potential gun control legislation restricting the right to keep and bear arms that may be enacted during the 2020 General Assembly session. This Resolution is intended to address those citizen concerns; and

WHEREAS, in Prince William County, we believe in the rule of law and support the United States Constitution, including the Bill of Rights and the Second Amendment, and the Virginia Constitution; and

WHEREAS, each member of the Prince William Board of County Supervisors has taken an oath to "support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia". The Prince William Board of County Supervisors takes the oath of office seriously and actively works to protect all rights guaranteed by both constitutions, including the right for law-abiding citizens to bear arms; and

WHEREAS, the Prince William Board of County Supervisors passes resolutions and ordinances for the County to the extent authority has been specifically granted by the General Assembly. While we have limited authority, we fully use our authority to protect and defend the rights of our law-abiding citizens: and

December 10, 2019
Regular Meeting
Res. No. 19-611
Page Two

WHEREAS, the Board of County Supervisors is not responsible for criminal prosecutions. Law enforcement in the County is entrusted to the Prince William County Police Department, and the Prince William County Sheriff, who is a constitutional officer separately elected by the citizens of this County. Criminal prosecutions are handled by the Commonwealth's Attorney, who is also a constitutional officer separately elected by the citizens of this County. Sworn law enforcement officers also take an oath to support the Constitution of the United States and the Constitution of the Commonwealth of Virginia. Finally, the Board of County Supervisors has no judicial authority; interpretation and determination of the constitutionality of laws is performed by the court system; and

WHEREAS, this Resolution affirms our support for the Second Amendment of the United States Constitution and the Virginia Constitution, and sends a clear message to our legislators and all elected officials that we respect our law-abiding citizens' rights, all their rights, including the Second Amendment of the United States Constitution; 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 United States Supreme Court in *District of Columbia v. Heller*, 554 U.S. 570 (2008), 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 reaffirmed prohibitions on the possession of firearms by felons and the mentally ill, in addition to laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, and laws imposing conditions and qualifications on the commercial sale of arms; and

WHEREAS, the United States 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

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

WHEREAS, Article I, section 1, of the Constitution of Virginia reads “That all men [and women] are by nature equally free and independent and have certain inherent rights, of which, when they enter into the state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety, and

WHEREAS, Article I, section 2 of the Constitution of Virginia reads “that all power is vested in, and consequently derived from, the people, that magistrates are their trustees and servants, and at all times amenable to them.”, and

WHEREAS, certain legislation that has or may be introduced in the Virginia General Assembly during the 2020 session, and certain legislation which has or may be introduced in the United States Congress, could have the effect of unconstitutionally infringing on the rights of law-abiding citizens to keep and bear arms, as guaranteed by the Second Amendment to the United States Constitution and Article I, Section 13 of the Constitution of Virginia, and

WHEREAS, the Prince William Board of County Supervisors is concerned about the passage of any bill containing language which could be interpreted by the courts as infringing the rights of the law-abiding citizens of Prince William County to keep and bear arms, and

WHEREAS, the Prince William Board of County Supervisors desires to express its deep commitment to the rights of all law-abiding citizens of Prince William County to keep and bear arms, and

WHEREAS, the Prince William Board of County Supervisors desires to express strong opposition to any federal or state legislation that unconstitutionally restricts the rights of the law-abiding citizens of Prince William County to keep and bear arms, and

WHEREAS, the Prince William Board of County Supervisors desires to express its intent to support and defend Second Amendment rights and to oppose, within the limits of the Constitution of the United States and the Commonwealth of Virginia, and Virginia law, any efforts to unconstitutionally restrict such rights, and

WHEREAS, nothing in this Resolution is intended to declare any intent or effectuate any act, present or prospective, by the Prince William Board of County Supervisors or any County officer or employee in contravention of law or judicial act, including but not limited to Section 15.2-915, VA Code Ann.;

December 10, 2019
Regular Meeting
Res. No. 19-611
Page Four

NOW, THEREFORE, BE IT RESOLVED that the Prince William Board of County Supervisors hereby declares Prince William County, Virginia as a "Constitutional County";

BE IT FURTHER RESOLVED that the Prince William Board of County Supervisors, as a body collective, hereby affirms the Oath of Office pursuant to Section 49-1, VA Code Ann., committing to support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and to faithfully and impartially discharge all the duties incumbent upon the Board to the best of its ability;

BE IT FURTHER RESOLVED that the Prince William Board of County Supervisors urges the Virginia General Assembly, the United States Congress, the Governor of the Commonwealth of Virginia, the President of the United States of America, and other agencies of the Commonwealth of Virginia and the United States Government to vigilantly preserve, uphold, and protect the rights of the law-abiding citizens to keep and bear arms under the Constitutions of Virginia and the United States by rejecting any provision, law, or regulation that may unlawfully infringe or place any additional unlawful burdens on the right of law-abiding citizens to keep and bear arms;

BE IT FURTHER RESOLVED that the Prince William Board of County Supervisors hereby expresses its intent, pursuant to the laws and Constitutions of the United States and the Commonwealth of Virginia, to uphold the Second Amendment rights of the law-abiding citizens of Prince William County, Virginia.

Votes:

Ayes: Anderson, Caddigan, Candland, Lawson, Nohe, Stewart

Nays: Angry, Principi

Absent from Vote: None

Absent from Meeting: None

ATTEST: Andrea P. Madden
Clerk to the Board