

Be it remembered that at a regular meeting of the Luna County Board of County Commissioners in Deming New Mexico, on the 22nd day of February, 2019, the following proceedings were had and entered of record.

RESOLUTION #19-13

RECOGNITION OF SECOND AMENDMENT RIGHTS

WHEREAS, Section 4-37-1, NMSA 1978, grants Counties the powers necessary to provide for the safety, preserve the health, promote prosperity and improve morals, order, comfort and convenience in the county and for its inhabitants; and

WHEREAS, Section 4-38-18, NMSA 1978, provides that the Board of County Commissioners has the power to represent the County and to manage the interest of the County; and

WHEREAS, the Second Amendment to the Constitution of the United States of America ensures the right of the people to keep and bear arms by prohibiting infringement upon this right; and

WHEREAS, Article II, Section 6 of the New Mexico Constitution also ensures the right of each citizen to keep and bear arms for security and defense, for lawful hunting and recreational use and for other lawful purposes by prohibiting infringement by any law upon this right; and

WHEREAS, the United States Supreme Court affirmed the rights of individuals under the Second Amendment to possess firearms for traditionally lawful purposes such as self-defense within the home and unconnected to service in the militia in District of Columbia v. Heller, 554 US 570 (2008); and

WHEREAS, the United States Supreme Court declared that the Second Amendment right of an individual to keep and bear arms is incorporated by the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States of America and, thus, applies to and against the States as well as the Federal Government in McDonald v. Chicago, 561 US 742 (2010); and

WHEREAS, the members of the Board of County Commissioners of Luna County, swore an oath upon taking office to support and defend the Constitutions of the United States of America and the State of New Mexico; and

WHEREAS, the Board of County Commissioners intends by this Resolution to reaffirm its duty to support the aforementioned Constitutions and the rights and liberties guaranteed thereunder, including the right to bear arms, and to express its opposition to laws, rules, regulations and actions that unreasonably, improperly and unconstitutionally infringe upon those rights and liberties, including the right to bear arms.

NOW THEREFORE, BE IT RESOLVED AND ORDERED that the Board of County Commissioners of Luna County, by the authority granted under Constitution and Laws of the State of New Mexico and by the citizens of Luna County, New Mexico, does hereby declare its support for the rights and liberties, specifically the right to bear arms, of those citizens and in defense of that specific right, by this Resolution declares that Luna County, New Mexico is a:

SECOND AMENDMENT SANCTUARY COUNTY.

BE IT FURTHER RESOLVED that the Board of County Commissioners of Luna County reaffirms its support of the duly elected Sheriff of Luna County in the performance of his statutory duties, including the exercise of his professional discretion regarding the enforcement of the Constitution and Laws of the State of New Mexico.

BE IF FURTHER RESOLVED that the Board of County Commissioners of Luna County does not and will not support or authorize the use of County funds, property or, personnel in furtherance or enforcement of unreasonable and improper laws that are declared to unconstitutionally infringe upon the rights of Luna County citizens to keep and bear arms under the Constitutions of the United States of America and/or the State of New Mexico.

Done at Deming, New Mexico this ____ day of February, 2019

Luna County Board of County Commissioners

ATTEST:

**Linda M. Smrkovsky, Chairperson
Commissioner, District 2**

Andrea Rodriguez, County Clerk

**Barbara L. Reedy,
Commissioner, District 1**

**John S. Sweetser,
Commissioner, District 3**