

COUNTY COUNCIL OF CECIL COUNTY, MARYLAND  
LEGISLATIVE SESSION DAY 13-08

RESOLUTION NO. 38-2013, AS AMENDED

**Title of Resolution:** Opposition – Maryland Firearms Safety Act

**Synopsis:** A Resolution stating the Council's opposition to the Maryland Firearms Safety Act of 2013.

**Introduced by:** Council Vice President Alan McCarthy

**Introduced and ordered posted on:** April 16, 2013

**Scheduled for consideration on:** May 7, 2013

Notice and title of Resolution having been posted by April 19, 2013 at the County Administration Building, 200 Chesapeake Blvd., Elkton and consideration by the Council having been scheduled on May 7, 2013.

By: James Massey  
Council Manager

1           **WHEREAS**, the Second Amendment to the United States Constitution was adopted in 1791 as a part of the  
2 United States Bill of Rights, and

3           **WHEREAS**, the Second Amendment to the United States Constitution protects the inalienable, individual  
4 right of the people to keep and bear arms, and

5           **WHEREAS**, the Maryland General Assembly has enacted the Maryland Firearms Safety Act of 2013, which  
6 bans the sale of forty-five types of rifles, and magazines in common use, and requires law-abiding citizens to submit  
7 to licensing fees, background checks, fingerprinting, safety training, and renewal fees; and

8           **WHEREAS**, the County Council believes that the “Maryland Firearms Safety Act of 2013” is unconstitutional  
9 and the Council should continue to analyze additional actions to take to protect the rights of the citizens of Cecil  
10 County to keep and bear arms under the Second Amendment; and

11           **WHEREAS**, the Cecil County Council believes that the “Maryland Firearms Safety Act of 2013” violates the  
12 Second Amendment to the United States Constitution; and

13           **WHEREAS**, the undersigned Council members took an oath to support and defend the United States  
14 Constitution.

15           **NOW, THEREFORE, BE IT HEREBY RESOLVED** that the County Council of Cecil County, Maryland believes  
16 that the Maryland Firearms Safety Act of 2013 has been enacted in violation of the Second Amendment to the  
17 United States Constitution and is, therefore, invalid legislation; and

18           **BE IT FURTHER RESOLVED THAT** the County Council recommends that no Cecil County government funds,  
19 resources, employees, agencies, contractors, buildings, detention center, or offices may be used for the purposes of  
20 enforcing any restriction or regulation that inhibit, reduce, or impinge what we believe are our law-abiding citizens’  
21 Second Amendment rights; and

22           **BE IT FURTHER RESOLVED THAT** the General Assembly’s de jure usurpation of the finances of Cecil County  
23 government and, therein, its residents, for the purpose of enforcing the “Maryland Firearms Safety Act of 2013”, is  
24 founded upon unlawful legislation and is, therefore, ultra vires; and

25           **BE IT FURTHER RESOLVED THAT** the County Council of Cecil County believes that any and all legislation  
26 relative to the following is in violation of the Second Amendment of the United States Constitution and, therefore,  
27 ultra vires:

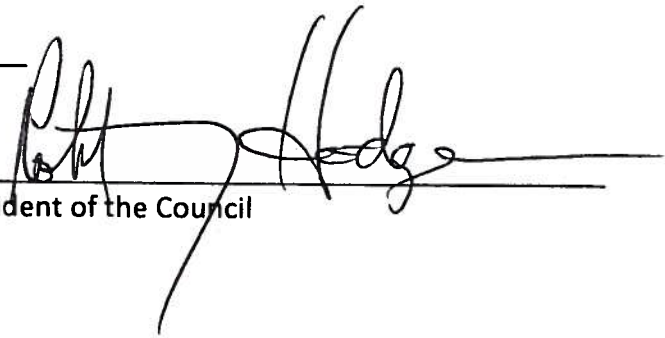
- 28           1. Registration requirements of existing lawfully owned weapons, except those that are fully automatic;  
29           2. Prohibitions, regulations and/or incremental use, storage and transportation restrictions related to non-  
30 fully automatic weapons that have appearance characteristics similar to fully automatic weapons and/or  
31 “assault” weapons;

- 32 3. Prohibitions limiting magazine capacity, clip capacity, internal capacity, or types of ammunition available  
33 for sale, possession, or use; and  
34 4. Registration and background check requirements beyond those customary required at time of purchase  
35


36 Notwithstanding the above, this Resolution is not intended to negate provisions of new gun laws that  
37 would (a) prohibit the sale or possession of weapons by felons; (b) prohibit the sale or possession of weapons by  
38 individuals with a history of dangerous mental illness or who have been adjudicated mentally ill; and (c) require  
39 reasonable safety training, provided training is readily available; timely; and reasonably affordable.

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41 INTRODUCED: April 16, 2013

42  
43 ADOPTED: May 7, 2013

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48 \_\_\_\_\_  
49 President of the Council

48 ATTEST:  
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50 \_\_\_\_\_  
51 Council Manager

52  
53 By the Executive:  
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55 \_\_\_\_\_  
56 County Executive

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58 \_\_\_\_\_  
59 Date 5/9/13