

**COUNTY COUNCIL OF CECIL COUNTY, MARYLAND
LEGISLATIVE SESSION**

RESOLUTION NO. 40 - 2013

Title of Resolution: Second Amendment Preservation

Synopsis: A Resolution to prevent any and all Federal and State infringement on the right to keep and bear arms; to null and void restrictions and regulations that inhibit, reduce or impinge on our citizens' Second Amendment protections; prohibition use of county funds or resources to enforce any restrictions; creation of "Reserve Deputies" who may practice at official reserve county range; creation of "Law Enforcement Officer Supply Depot" within Sheriff's Office to provide magazines and ammunition to Reserve Deputies at competitive market prices; provide Sheriff to issue interim permit or license; to seek Reciprocity Agreements with other counties to recognize county weapons and firearm permits; and to provide for briefing or handouts related to jury nullification by judicial branch prior to service on any jury.

Introduced by: _____ Councilman Michael Dunn _____

Introduced and ordered posted on: _____ May 7, 2013 _____

Scheduled for consideration on : _____ May 21, 2013 _____

Notice and title of Resolution having been posted by _____ May 10, 2013 _____ at the County Administration Building, 200 Chesapeake Blvd., Elkton and consideration by the Council having been scheduled on _____ May 21, 2013 _____.

By: _____
Council Manager

Preamble

1
2 We, the People of the State of Maryland, grateful to Almighty God for our civil and religious
3 liberty... (Maryland Constitution)

4 We, the undersigned, in order to preserve the blessings of liberty to ourselves and our posterity,
5 recognize that it is our duty to be ever mindful that our civil government exercises its just and lawful
6 authority subject to the moral law of Almighty God and that all powers granted to civil government are
7 derived through the people and are for the sole purpose of protecting and defending the rights which
8 have been given the people by God, as part of His Created Order;

9 And further recognizing that it is the natural tendency of civil government to expand beyond the
10 limits of its rightful charter and to usurp authority and power which have not been authorized to it by God
11 nor delegated to it by the consent of the governed, therefore, it is the duty of the people, through the
12 agency of the lesser magistrate (local elected officials and sheriffs), to resist the civil government when
13 and where it exceeds its authority and to remind overstepping officials thereof from whence their just
14 powers devolve and the limits to which they may extend;

15 And further recognizing that we, as elected officials, bound by sworn oath to uphold and defend
16 the Constitution of these States-united, and the State of Maryland which constrain and limit the authority
17 of the civil government;

18 And whereas Article 2 of the Maryland Declaration of Rights affirms, the Constitution of the United
19 States, and the Laws made, or which shall be made, in pursuance thereof, and all Treaties made, or which
20 shall be made, under the authority of the United States, are, and shall be the Supreme Law of the State;
21 and the Judges of this State, and all the People of this State, are, and shall be bound thereby; anything in
22 the Constitution or Law of this State to the contrary notwithstanding.

23 And whereas, Article 6 of the Maryland Declaration of Rights affirms, that all persons invested with
24 the Legislative or Executive powers of Government are the Trustees of the Public, and, as such,
25 accountable for their conduct: Wherefore, whenever the ends of Government are perverted, and public
26 liberty manifestly endangered, and all other means of redress are ineffectual, the People may, and of right
27 ought, to reform the old, or establish a new Government; the doctrine of non-resistance against arbitrary
28 power and oppression is absurd, slavish and destructive of the good and happiness of mankind.

29 And whereas, John Adams wrote, “[You have Rights] antecedent to all earthly governments:
30 Rights, that cannot be repealed or restrained by human laws; Rights, derived from the Great Legislator of

31 the universe.”

32 And whereas, Thomas Jefferson affirmed, “[w]henver our affairs go obviously wrong, the good
33 sense of the people will interpose and set them to rights.” And he further declared, “[w]hat country can
34 preserve its liberties if its rulers are not warned from time to time that their people preserve the spirit of
35 resistance?”

36 And whereas Alexander Hamilton- in Federalist Paper #78- states, “...No legislative act,
37 therefore, contrary to the Constitution, can be valid. To deny this, would be to affirm, that the deputy is
38 greater than his principal; that the servant is above his master; that the representatives of the people are
39 superior to the people themselves; that men acting by virtue of powers, may do not only what their
40 powers do not authorize, but what they forbid.”

41 “Their swords, and every other terrible instrument of the soldier, are the birth right of an
42 American. ... The unlimited power of the sword is not in the hands of either the federal or the state
43 governments, but, where I trust in God it will ever remain, in the hands of the people.” — Tench Coxe,
44 noted federalist and friend of James Madison, writing in defense of the proposed Constitution, in the
45 Pennsylvania Gazette, Feb. 20, 1788

46 Now, by the authority granted us by the people of Maryland to stand and defend their God-given
47 rights and liberties, which are guaranteed by the U.S. and Maryland Constitutions, we hereby declare as
48 follows:

49 **WHEREAS**, the Constitution of the United States is the foundation of our nation’s rights and
50 freedom, and the basis of our Constitutional Republic; and

51 **WHEREAS**, the County Council of Cecil County has pledged to protect its citizens’ Constitutional
52 rights, and has a history of protecting its residents’ civil rights and liberties; and

53 **WHEREAS**, the Supreme Court in the Heller decision determined the right to keep and bear arms is
54 unconnected to any service in a militia; and

55 **WHEREAS**, the Supreme Court, in the Miller vs. United States decision opined weapons of
56 reasonably common use to those used in the military were subject to protection by the Second
57 Amendment; and

58 **WHEREAS**, the undersigned County Council Members took an oath to support the United States
59 and Maryland Constitutions.

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61 **THEREFORE, BE IT HEREBY RESOLVED**, the County Council of Cecil County herein resolve, and
62 affirm this resolution, which shall be known and may be cited as the “Second Amendment Preservation
63 Resolution” for purposes of preventing any and all federal and State infringement(s) on the right to keep
64 and bear arms; and herein declare null and void in the County of Cecil, located in the State of Maryland all
65 restrictions or regulations that inhibit, reduce, or impinge on our citizens’ Second Amendment
66 protections, and herein declare null and void any and all such requirements related to:

- 67 1) Registration requirements of existing lawfully owned weapons;
68 2) Prohibitions, regulations, and/or use restrictions related to ownership of non-fully automatic weapons,
69 including semi-automatic handguns or rifles, and including semi-automatic weapons that have
70 appearance characteristics similar to fully automatic weapons and/or “assault style” weapons;
71 3) Prohibitions limiting magazine capacity, clip capacity, internal capacity, or types of ammunition
72 available for sale, possession, or use;
73 4) Registration and background check requirements beyond those customarily required at time of
74 purchase; and
75 5) Restrictions prohibiting the carry of lawfully owned weapons by law abiding citizens.

76 The Council herein affirm no Cecil County government funds, resource, employee, agency,
77 contractor, building, detention center, or office may be used for purposes of enforcing any restrictions or
78 regulations that inhibit, reduce, or impinge on our citizens’ Second Amendment protections.

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

84 **BE IT FURTHER RESOLVED** the County Council of Cecil County, Maryland herein affirm their
85 support to the duly elected Sheriff of Cecil County, Maryland that we herein support any and all
86 reasonable measures of interposition our sheriff deems appropriate in defense of our citizens’ Second
87 Amendment protections as guaranteed under the United States Constitution.

88 **BE IT FURTHER RESOLVED** the County Council of Cecil County, Maryland herein affirm their
89 support for the duly elected State’s Attorney of Cecil County, Maryland, and affirm their resolve that no
90 law abiding citizen shall be prosecuted for non-compliance with regulations under the 2013 Firearms

91 Safety Act, unless used to commit a crime of violence, or a violent act; and

92 **BE IT FURTHER RESOLVED**, the County Council of Cecil County, Maryland herein affirm all law
93 abiding adult citizens may apply for status with the local sheriff as “Reserve Deputies,” with the
94 requirement they can legally possess firearms, magazines, and accessories akin to those used by
95 local/state/federal law enforcement officers, but excluding fully automatic weapons. Upon being
96 sworn as a “Reserve Deputy” by the Sheriff, reserve deputies may, for reasonable and customary charges
97 receive training and qualification from the Office of the Sheriff, and may practice at an official reserve
98 county range. All government owned shooting ranges within the County are herein designated official
99 “Reserve Deputy” training ranges that may be used for practice and training. All privately owned
100 ranges may designate themselves as official “Reserve Deputy” ranges simply by posting a sign 24x36”
101 conspicuously upon their premises stating they are an “Official Reserve Deputy Range.”; and

102 **BE IT FURTHER RESOLVED**, the County Council of Cecil County, Maryland herein affirm their
103 support for the Sheriff to create a “Law Enforcement Officer Supply Depot” within his/her offices, with the
104 provision that it be managed, stocked, and staffed by a business owner that has a Federal Firearms
105 License. This depot shall be used to provide magazines of all capacities and ammunition to Reserve
106 Deputies for practice, training, and eventual performance of their duties, at competitive market prices;
107 and

108 **BE IT FURTHER RESOLVED**, the County Council of Cecil County, Maryland herein affirm the rights
109 of Cecil County citizens to receive State sponsored licenses, concealed carry permits, and renewals in a
110 timely manner. In the event the State fails to issue or renew a valid license or permit application within
111 the specified code or statutory period for reasons other than valid disqualifying criteria, the citizen, or
112 Federal Firearms License dealer shall provide reasonable evidence to the Sheriff that said permit or
113 renewal is not being processed according to the time limits prescribed by State Law, and the Sheriff may
114 issue an interim permit or license valid for an initial period of 1 year, but renewable at the discretion of
115 the local Sheriff. This permit shall be valid only within Cecil County, and other counties that sign
116 reciprocity agreements; and

117 **BE IT FURTHER RESOLVED**, the County Council of Cecil County will endeavor to create Reciprocity
118 Agreements with other counties to recognize county weapons and firearms permits, licenses, and carry
119 permits issued by the Sheriff of Cecil County and other participating counties; and

120 **BE IT FURTHER RESOLVED**, the County Council of Cecil County , Maryland herein affirm their firm

121 believes that all persons serving on a jury should receive a briefing or handout on matters related to jury
122 nullification by the judicial branch prior to service on any jury. Notwithstanding this belief, the Council
123 recognizes that the ultimate decision on this matter rests with the Judicial Branch of government.

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126 INTRODUCED: May 7, 2013

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128 ADOPTED: May 21, 2013

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President of the Council

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134 ATTEST:

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137 Council Manager

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140 By the Executive:

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142 _____

143 County Executive

Date