

DOLORES COUNTY RESOLUTION NO. 3-19-01

A RESOLUTION BY THE DOLORES COUNTY BOARD OF COUNTY COMMISSIONERS, DOLORES COUNTY, COLORADO, DECLARING THAT ANY ATTEMPTS AT ADDRESSING THE POSSIBLE DANGER ASSOCIATED WITH POSSESSION OF FIREARMS BY PERSONS SUFFERING FROM BEHAVIORAL (MENTAL) HEALTH ISSUES SHOULD BE VIEWED AND ADDRESSED AS A PUBLIC HEALTH ISSUE, WITH IDENTIFICATION, EVALUATION AND APPROPRIATE SERVICES THE FIRST AND PRIMARY FOCUS, AND CONSIDERATION OF ANY POSSIBLE INFRINGEMENT UPON SECOND AMENDMENT RIGHTS ONLY AS ANCILLARY TO THE PRIMARY FOCUS AND ONLY IN EXIGENT CIRCUMSTANCES AND NARROWLY TAILORED AFTER DILIGENT APPLICATION OF THAT PRIMARY FOCUS

WHEREAS, §30-11-101, C.R.S. provides that counties have the authority to adopt and enforce ordinances and resolutions regarding health, safety, and welfare issues; and

WHEREAS, §30-11-103, C.R.S. provides that the powers of a county as a body politic and corporate shall be exercised by a board of county commissioners; and

WHEREAS, the Board finds that making appropriate mental health and substance abuse services available to all persons, and should be part of the primary focus of any attempts at preventing the possible dangers of firearm possession by persons suffering from mental health or substance abuse issues; and

WHEREAS, the Board finds that identification and evaluation of persons in need of mental health or substance abuse services, along with locating said services, should also be part of the primary focus of any attempts at preventing the possible dangers of firearm possession by said persons; and

WHEREAS, the Board finds that any attempts at possible infringement upon Second Amendment rights initiated with the claimed goal of addressing the possible danger associated with possession of firearms by persons suffering from mental health or substance abuse issues, should be pursued only as ancillary to the primary focus stated above and only in exigent circumstances and narrowly tailored after diligent application of that stated primary focus; and

WHEREAS, the Second Amendment to the United States Constitution, adopted in 1791 as part of the Bill of Rights, protects the inalienable and individual right of the people to keep and bear arms; and

WHEREAS, the Supreme Court in the *District of Columbia v. Heller*, 554 U.S. 570 (2008), decision 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

WHEREAS, the 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 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

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WHEREAS, Article II, Section 3 of the Constitution of Colorado provides that all "persons have certain inalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties; of acquiring, possessing and protecting property; and of seeking and obtaining their safety and happiness"; and

WHEREAS, Article II, Section 13 of the Constitution of Colorado provides that the "right of no person to keep and bear arms in defense of his home, person and property, or in aid of the civil power when thereto legally summoned, shall be called in question"; and

WHEREAS, Article II, Section 11 of the Constitution of Colorado provides that no "ex post facto law, nor law impairing the obligation of contracts, or retrospective in its operation...shall be passed by the general assembly"; and

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Lana Hancock, County Clerk & Recorder
Dolores County, CO RP \$0.00
03-12-2019 11:02 AM Recording Fee \$0.00



WHEREAS, Article II, Section 7 of the Constitution of Colorado provides that the “people shall be secure in their persons, papers, homes and effects, from unreasonable searches and seizures”; and

WHEREAS, Article II, Section 15 of the Constitution of Colorado provides that “[P]rivate property shall not be taken or damaged, for public or private use, without just compensation,” which the Colorado Supreme Court has indicated includes a legal interference with the physical use, possession, disposition, or enjoyment of the property, including temporarily; and

WHEREAS, it is the desire of the Board to declare its support of the Second Amendment to the United States Constitution and the Colorado Constitution protecting citizens’ inalienable and individual right to keep and bear arms; and

WHEREAS, the members of the Board took an oath to support and defend the United States Constitution, the Constitution of the State of Colorado and the laws of the State of Colorado, insofar as they are constitutional; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Dolores by the authority granted the Board by the laws of the State of Colorado and the people of Dolores County, Colorado to stand and defend their rights and liberties, which are guaranteed by the United States and Colorado Constitutions, the Board hereby declares this Resolution to be a Second Amendment Preservation Resolution Designating Dolores County a Second Amendment “Sanctuary County.”

BE IT FURTHER RESOLVED that the Board affirms its support for the duly elected Sheriff of Dolores County, Colorado in the exercise of his sound discretion and affirms its resolve to support decisions by the Sheriff regarding enforcement of laws related to the possible infringement of Second Amendment rights.

BE IT FURTHER RESOLVED that the Board encourages all appropriate agencies to take reasonable steps to ensure that there is available to all persons, appropriate mental health and substance abuse services.

BE IT FURTHER RESOLVED that the Board encourages the Sheriff, as well as all other appropriate agencies to adopt the focus of identification and evaluation of persons in need of mental health or substance abuse services, along with locating said services, as the primary focus of any attempts at preventing the possible dangers of firearm possession by persons in need.

DONE AND SIGNED this 12th day of APRIL, 2019.


Commissioner


Commissioner


Commissioner

DEPUTY CLERK TO THE BOARD


Jody Gardner

