

RESOLUTION NO.

BE IT RESOLVED BY THE CHAIRPERSON AND COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF Dodge, NEBRASKA, as follows:

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 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 "keep and bear arms," as protected under the Second Amended, is incorporated by the Due Process Clause of the Fourteenth Amendment against the states; and

WHEREAS, the Supreme Court, in the 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 I-1 of the Constitution of Nebraska provides that "All persons have certain inalienable rights; among these are life, liberty, and the pursuit of happiness, and the right to keep and bear arms for the security or defense of self, family, home, and others, and for lawful common defense, hunting, recreational use, and all other lawful purposes, and such rights shall not be denied or infringed by the state or any subdivision thereof. To secure these rights, and the protection of property, governments are instituted among people, deriving their just powers from the consent to the governed."; and

WHEREAS, Article I, Section I-7 of the Constitution of Nebraska provides that "The right of the people to secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue but upon probably cause, supported by oath or affirmation, and particularly describing the place to be searches, and the person or thing to be seized."; and

WHEREAS, Article I, Section I-16 of the Constitution of Nebraska provides that "No bill of attainder, ex post facto law, or law impairing the obligation of contracts, or making any irrevocable grant of special privileges or immunities shall be passed."; and

WHEREAS, Article I, Section I-21 of the Constitution of Nebraska provides that: The property of no person shall be taken or damaged for public use without just compensation therefore."; and

WHEREAS, the criminal misuse of firearms is not a reason to infringe the rights of law-abiding citizens of Dodge County; and

WHEREAS, it is the desire of the County Board to declare its support of the Second Amendment to the United States Constitution and Article I, Section I-1 of the Nebraska Constitution protecting citizens' inalienable and individual right to keep and bear arms; and

WHEREAS, the Dodge County Board of Supervisors wishes to express its intent to stand as a Sanctuary County for Second Amendment rights and to oppose, within the limits of the Constitutions of the United

States and the State of Nebraska, any efforts to unconstitutionally restrict such rights, and to use such legal means at its disposal to protect the rights of citizens to keep and bear arms.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Supervisors of the County of Dodge, Nebraska by the authority granted the Board by the laws of the State of Nebraska and people of Dodge County, Nebraska, we hereby declare that we shall stand and defend the rights and liberties of all county citizens, which are guaranteed by the United States and Nebraska Constitutions.

That the Dodge County Board of Supervisors hereby expresses its intent to uphold the Second Amendment rights of the citizens of Dodge County and that public funds, resources, employees, buildings or offices not be used to restrict Second Amendment right or to aid or assist in the enforcement of the unnecessary and unconstitutional restriction of the rights under the Second Amendment of the citizens of Dodge County to keep and bear arms; and

That the Board of Supervisors hereby declares Dodge County, Nebraska, as a "Second Amendment Sanctuary."

BE IT FURTHER RESOLVED that this board affirms its support of the duly elected Sheriff and the appointed County Attorney of Dodge County, Nebraska in the exercise of their sound discretion and affirms its resolve to support decisions by our Sheriff and County Attorney to defend the Constitution of the United States and the Constitution of the State of Nebraska.

Dated this    day of    , 2021.

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Chairman

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ATTEST: \_\_\_\_\_ Dodge County Clerk