

**STATE OF NEW MEXICO
COUNTY OF LEA
RESOLUTION NO. 19-FEB-061R**

A RESOLUTION DECLARING LEA COUNTY TO BE A SECOND AMENDMENT SANCTUARY COUNTY

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, Article II, Section 6 of the Constitution of New Mexico provides that "[n]o law shall abridge the right of the citizen to keep and bear arms for security and defense, for lawful hunting and recreational use and for other lawful purposes, but nothing herein shall be held to permit the carrying of concealed weapons. No municipality or county shall regulate, in any way, an incident of the right to keep and bear arms;" and

WHEREAS, the United States Supreme Court in *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 United States 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 United States 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

WHEREAS, NMSA 1978, Section 4-37-1 provides that Counties have the power to, "provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of any county or its inhabitants"; and

WHEREAS, NMSA, 1978, Section 4-38-18 provides that a Board of County Commissioners has the duty and authority "[t]o represent the county and have the care of the county property and the management of the interest of the county in all cases where no other provision is made by law; and

WHEREAS, it is the desire of the Lea County Board of Commissioners to declare its support of the Second Amendment to the United States Constitution and the New Mexico Constitution protecting citizens' inalienable and individual right to keep and bear arms; and

WHEREAS, the members of this Lea County Board of Commissioners took an oath to support and defend the United States Constitution, the Constitution of the State of New Mexico and the laws of the State of New Mexico (insofar as they are constitutional);

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners of Lea County to stand and defend their rights and liberties, which are guaranteed by the United States and New

Mexico Constitutions, we hereby declare this Resolution as follows: "Second Amendment Preservation Resolution Designating Lea County a Second Amendment Sanctuary County".

BE IT FURTHER RESOLVED that this Board affirms its support for the duly elected Sheriff of Lea County, New Mexico in the exercise of his sound discretion to prioritize the law enforcement duties of the deputies assigned to his office and not to enforce any unconstitutional firearms law against any citizen.

BE IT FURTHER RESOLVED that this Board declares:

1. The United States Constitution and Its Amendments are the supreme law of this great nation.

2. Many of the restrictions being considered by the New Mexico Legislature in proposed gun legislation violate the protections of the Second Amendment of the United States Constitution and Article II, Section 6 of the Constitution of the State of New Mexico.

3. If such provisions are passed by the New Mexico Legislature, Courts of competent jurisdiction will eventually declare those provisions void and unenforceable.

PASSED, APPROVED and ADOPTED on this 28th day of February, 2019, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

LEA COUNTY BOARD OF COUNTY COMMISSIONERS



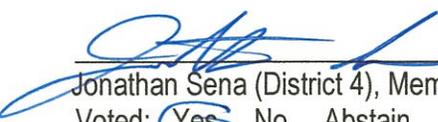
Rebecca Long (District 2), Chair
Voted: Yes No Abstain



Dean Jackson (District 1), Vice Chair
Voted: Yes No Abstain



Gary G. Eidson (District 3), Member
Voted: Yes No Abstain

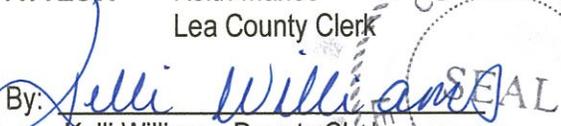


Jonathan Sena (District 4), Member
Voted: Yes No Abstain



Richard Don Jones (District 5), Member
Voted: Yes No Abstain

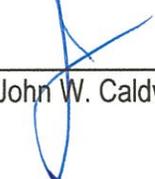
ATTEST: Keith Manes
Lea County Clerk

By: 

Kelli Williams, Deputy Clerk



APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



John W. Caldwell, County Attorney

Lea County
FEB 28 2019
LCBCC Meeting