

RESOLUTION NO. 21-15

THE SECOND AMENDMENT FUNDAMENTAL RIGHTS RESOLUTION

WHEREAS, the title of this Resolution shall be known as the “Second Amendment Fundamental Rights Resolution”;

WHEREAS, acting through the United States Constitution, the people created government to be their agent in the exercise of a few defined powers, while reserving to the citizens the right to decide on matters which concern their lives, liberty, and property in the ordinary course of affairs;

WHEREAS, the Second Amendment to the Constitution of the United States of America states that “A well-regulated Militia being necessary to the security of a free State, the right of the People to keep and bear arms, shall not be infringed”;

WHEREAS, the right of the people to keep and bear arms is further protected from infringement by State and Local Government under the Ninth, Tenth, and Fourteenth Amendment to the Constitution of the United States of America;

WHEREAS, the Legislature of the State of Alabama passed and the Governor of Alabama signed into law Ala. Code § 13A-11-61.3, which provides that “The purpose of this section is to establish within the Legislature complete control over regulation and policy pertaining to firearms, ammunition, and firearm accessories in order to ensure that such regulation and policy is applied uniformly throughout this state to each person subject to the state’s jurisdiction and to ensure protection of the right to keep and bear arms recognized by the Constitution of the State of Alabama and the United States”;

WHEREAS, the Supreme Court of the United States of America in *District of Columbia v. Keller* recognized the individual’s right to keep and bear arms, as protected by the Second Amendment of the Constitution of the United States of America. Justice Antonin Scalia’s prevailing opinion in that case stated that the Second Amendment protects an individual’s right to possess a firearm unconnected with service in a militia, and the right to use that firearm for traditionally lawful purposes, such as self-defense within the home;

WHEREAS, Section 1 of the Fourteenth Amendment to the Constitution of the United States of America states, “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws”;

WHEREAS, the Supreme Court of the United States recognized in *McDonald v. City of Chicago* that the Second Amendment to the Constitution was incorporated by the Fourteenth Amendment and thereby made applicable to the States; and

WHEREAS, Justice Thomas M. Cooley in the *People v. Hurlbut* 24 Mich. 44, page 108 (1871), stated: “The State may mold local institutions according to its views of policy or expediency; but local government is a matter of absolute right; and the state cannot take it away.”

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PINSON, ALABAMA while in regular session on _____, 2021 at 7:00 p.m., as follows:

1. The right to keep and bear arms is a fundamental individual right that should not be infringed; and the City Council of the City of Pinson, Alabama desires to ensure and publicly communicate to state and federal elected officials its concern that state and federal laws not be enacted that dilute or violate the important Second Amendment rights of the citizens of the City of Pinson, Alabama; and to set forth by this Resolution their support for the protection of all law abiding citizens' right to bear arms as protected by the Second Amendment to the United States Constitution.

2. The City Council further declares that this Resolution does not intend to offer support to bear arms to persons who have been convicted of felony crimes or who are prohibited from possessing firearms under federal law.

3. This Resolution is not intended to prohibit or affect in any way the prosecution of any crime for which the use of, or possession of, a firearm is an aggregating factor or enhancement to an otherwise independent crime.

ADOPTED this the 15th day of April, 2021.


JOE COCHRAN, MAYOR

ATTEST:

MARIE TURNER, CITY CLERK/TREASURER