

**THE HONORABLE BOARD OF COMMISSIONERS OF BERRIEN COUNTY, MICHIGAN
RECOMMENDS THE ADOPTION OF THE FOLLOWING:**

RESOLUTION

WHEREAS, the County Board of Commissioners of the County of Berrien, State of Michigan, pursuant to Michigan statute, is vested with the authority of administering the affairs of the County government of Berrien County, Michigan, and is organized as a body corporate with powers and immunities provided by law, and to protect the health, safety, and welfare of the residents of Berrien County and the employees of the Berrien County government; and

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

WHEREAS, the United States Supreme Court in *District of Columbia v. Heller*, 554 U.S. 570 (2008), affirmed an individual's right to possess a firearm, unconnected with service in a militia, and to use that firearm 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 to the States by the Due Process Clause of the Fourteenth Amendment; and

WHEREAS, the United States Supreme Court in *United States v. Miller*, 307 U.S. 174 (1939), opined that possession or use of a firearm that has some reasonable relationship to the preservation of a well-regulated militia is protected by the Second Amendment; and

WHEREAS, Article I, Section 6 of the Michigan Constitution (1963) provides that "Every person has a right to keep and bear arms for the defense of himself and the state"; and

WHEREAS, it is the desire of this Board to declare its support of the Second Amendment to the United States Constitution and to the provisions of the Michigan Constitution which protect Berrien County citizens' individual rights to keep and bear arms; and

WHEREAS, each Berrien County Commissioner, as provided by Article IX, Section 1, of the Michigan Constitution (1963), took an oath to support the United States Constitution and the Michigan Constitution.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Berrien County Board of Commissioners, that the County of Berrien, Michigan, be, and hereby is, declared to be a "Second Amendment Sanctuary County."

BE IT FURTHER RESOLVED that this Board affirms its support for the Berrien County Sheriff and the Berrien County Prosecuting Attorney, in the exercise of their sound discretion to not enforce against any citizen an unconstitutional firearms law.

BE IT FURTHER RESOLVED that the Board directs its staff to forward a copy of this resolution to the Berrien County elected officials, the Michigan State Legislature (House of Representatives and State Senators), the Governor of Michigan and all of the Michigan U.S. Congressmen.

Berrien County Board of Commissioners

R. McKinley Elliott

William J. Chickering

Teri Sue Freehling

Jim Curran

Michael J. Majerek

Don Meeks

David Vollrath

Chris Heugel

Ezra A. Scott

Robert P. Harrison

Mamie L. Yarbrough

Jon Hinkelman

RESOLUTION APPROVED AS TO FORM	
Administrator <u>W</u>	Date <u>2/10/20</u>
Comments Attached _____	
Corporate Counsel <u>2</u>	Date <u>2.10.20</u>
Comments Attached _____	