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3 **SUMMARY: A NON-PARTISAN RESOLUTION DECLARING THE COUNTY OF**
4 **HUMBOLDT, NEVADA TO BE A "SECOND AMENDMENT SUPPORTING**
5 **COUNTY"**
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9 **RESOLUTION NUMBER: 10-07-19a**
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12 **WHEREAS, the Second Amendment of the United States**
13 **Constitution**, adopted in 1791 as part of the Bill of Rights, protects the
14 inalienable and pre-existing individual right of the people to keep and bear
15 arms and states:
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17 A well-regulated Militia, being necessary to the security of a free state, the
18 right of the people to keep and bear arms, shall not be infringed; and
19

20 **WHEREAS, the Fourth Amendment of the United States Constitution**
21 **states:**

22 The right of the people to be secure in their persons, houses, papers, and
23 effects, against unreasonable searches and seizures, shall not be violated, and
24 no warrants shall issue, but upon probable cause, supported by oath or
25 affirmation, and particularly describing the place to be searched, and the
26 persons or things to be seized; and
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29 **WHEREAS, the Sixth Amendment of the United States Constitution**
30 **states:**

31 In all criminal prosecutions, the accused shall enjoy the right to a speedy and
32 public trial, by an impartial jury of the State and district wherein the crime
33 shall have been committed, which district shall have been previously
34 ascertained by law, and to be informed of the nature and cause of the
35 accusation; to be confronted with the witnesses against him; to have
36 compulsory process for obtaining witness in his favor, and to have the
37 assistance of Counsel for his defense; and
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40 **WHEREAS, the Fourteenth Amendment, Article 1 states:**

41 All persons born or naturalized in the Unites States and subject to the
42 jurisdiction thereof, are citizens of the United States and of the State wherein
43 they reside. **No State shall make or enforce any law which shall abridge the**
44 **privileges or immunities of citizens of the Unites States; nor shall any State**
45 **deprive any person of life, liberty, or property, without due process; nor**
46 **deny to any person within its jurisdiction in equal protection of the laws; and**
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49 **WHEREAS, the United States Supreme Court in District of Columbia**
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1 v. Heller, 554 U.S. 570 (2008), affirmed an individual's right to possess
2 firearms, unconnected with service in militia; and
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5 **WHEREAS, the United States Supreme Court** in McDonald v. City of
6 Chicago 561 U.S. 742 (2010), affirmed that the right of an individual to keep
7 and bear arms, as protected under the Second Amendment, is incorporated
8 by the Due Process Clause of the Fourteenth Amendment against the states
9 of the union; and
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12 **WHEREAS, the United States Supreme Court** in United States v.
13 Miller, 307 U.S. 174 (1939) affirmed that the right to keep and bear arms for
14 security and defense or with use that could contribute to the common
15 defense, are protected by the Second Amendment; and
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17 **WHEREAS, Article 1, Section 11 of the Nevada Constitution** states:
18 Every citizen has the right to keep and bear arms for security and defense, for
19 lawful hunting and recreational use and for other lawful purposes.
20 The military shall be subordinate to the civil power; No standing army shall be
21 maintained by the state in time of peace, and in time of War, no appropriation
22 for a standing army shall be for a longer time than two years; and
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24
25 **WHEREAS, Article 1, Section 18 of the Nevada Constitution** states:
26 The right of the people to be secure in their persons, houses, papers and
27 effects against unreasonable seizures and searches shall not be violated; and
28 no warrant shall issue but on probable cause, supported by Oath or
29 Affirmation, particularly describing the place or places to be searched, and the
30 person or persons, and thing or things to be seized; and
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32
33 **WHEREAS, Pursuant to NRS 282.020, members of the Legislature and**
34 **all officers, executive, judicial and ministerial, shall, before they enter upon**
35 **the duties of their respective offices, take and subscribe to the following oath:**
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37 I,, do solemnly swear (or affirm) that I will support, protect
38 and defend the Constitution and Government of the United States, and the
39 Constitution and government of the State of Nevada, against all enemies,
40 whether domestic or foreign, and that I will bear true faith, allegiance and
41 loyalty to the same, any ordinance, resolution or law of any state
42 notwithstanding, and that I will well and faithfully perform all the duties of the
43 office of, on which I am about to enter; (if an oath) so help
44 me God; (if an affirmation) under the pains and penalties of perjury.; and
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47 **WHEREAS, We the Humboldt County Board of County Commissioners**
48 **have a duty to uphold the rights of residents of Humboldt County who are**
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1 entitled to all rights and protections of the United States and Nevada
2 constitutions; and
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5 **WHEREAS**, it is the desire of the Humboldt County Board of
6 Commission to declare its support of the Second Amendment to the United
7 States Constitution and to the provisions of the Nevada Constitution which
8 protect Humboldt County's Citizens preexisting inalienable and individual
9 right to keep and bear arms.
10

11 **WHEREAS**, the Citizens of Humboldt County derive personal and
12 economic benefit from all safe forms of firearms recreation, hunting, and
13 shooting conducted within Humboldt County using all types of firearms
14 allowable under the United States and Nevada constitutions; and
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16
17 **WHEREAS**, We the Humboldt County Board of County Commissioners
18 take seriously the protection of our rights under the United States and Nevada
19 Constitution; and
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23 **NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY**
24 **COMMISSIONERS OF HUMBOLDT COUNTY, NEVADA THAT:**
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26 That the Humboldt County Board of County Commissioners opposes the
27 enactment of any legislation, state or federal, that would unconstitutionally
28 infringe upon the lawful rights of residents to keep and bear arms, including
29 the rights of private individuals to lawfully sell or transfer their legally owned
30 firearms without undue government burden and to be free from unreasonable
31 search and seizure;
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34 That the Humboldt County Board of County Commissioners fully supports the
35 oath of office taken by its elected officials and adopts it as its own.
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37 That the Humboldt County Board of County Commissioners will uphold the
38 United States and Nevada Constitutions, and will act in conformity with our
39 sworn duties as elected officials charged with public trust, and in conjunction
40 with United States Supreme Court precedent. And that neither the United
41 States Congress nor the Nevada Legislature should entertain consideration of
42 any legislation that would infringe on constitutionally protected rights under
43 the Second Amendment through any means, including additional restrictions
44 on lawful firearms and accessories; or in the possession, use, sale or transfer
45 of legitimately owned firearms.
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48 **PASSED AND ADOPTED** this 7th day of Oct., 2019
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1
2 THE BOARD OF COUNTY COMMISSIONERS, HUMBOLDT
3 COUNTY, NEVADA
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6 THOSE VOTING AYE: Commissioner: [Signature]

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8 Commissioner: [Signature]

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10 Commissioner: [Signature]

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12 Commissioner: [Signature]

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14 Commissioner: _____

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16 THOSE VOTING NAY: Commissioner: _____

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18 Commissioner: _____

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20 THOSE ABSENT: Commissioner: [Signature]

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22 Commissioner: _____

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30 ATTEST:

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32 [Signature]
33 TAMI RAE SPERO, Clerk
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