

**RESOLUTION NO. 19-05
TOWN OF MILLIKEN, COLORADO**

**A RESOLUTION SUPPORTING WELD COUNTY'S DECLARATION TO BE A
"SECOND AMENDMENT SANCTUARY COUNTY" AND OPPOSING COLORADO
HOUSE BILL NO. 19-1177**

WHEREAS, the Board of County Commissioners of Weld County, Colorado, adopted a resolution on March 6, 2019 declaring Weld County a "Second Amendment Sanctuary County"; and

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 United States Supreme Court in *District of Columbia v. Heller*, 554 U.S. 570 (2008), 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, Article II, Section 3 of the Colorado Constitution provides that all "persons have certain inalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties; of acquiring, possessing and protecting property; and of seeking and obtaining their safety and happiness," and

WHEREAS, Article II, Section 13 of the Colorado Constitution provides that the "right of no person to keep and bear arms in defense of his home, person and property, or in aid of the civil power when thereto legally summoned, shall be called in question"; and

WHEREAS, based on the foregoing constitutional principles, the Weld County Commissioners declared its support of the Second Amendment to the United States Constitution and to the provisions of the Colorado Constitution and declared the County to be a "Second Amendment Sanctuary County"; and

WHEREAS, the Board of Trustees of the Town of Milliken support the County's declaration to be a Second Amendment Sanctuary City based on the constitutional principles stated in this Resolution; and

WHEREAS, the Board of Trustees supports Weld County's Second Amendment Sanctuary County status in response to proposed Colorado House Bill No. 19-1177, known as the "Red Flag Bill" ("HB 19-1177"); and

WHEREAS, HB 19-1177 creates a process for extreme risk protection orders whereby family members, household members or law enforcement agencies could petition a judge to temporarily remove firearms from an individual who poses a significant risk of danger to themselves or others; and

WHEREAS, HB 19-1177 implicates a citizen’s right to bear arms and appears to overstep Article II, Section 13 of the Colorado Constitution, which provides that the “right of no person to keep and bear arms in defense of his home, person and property, or in aid of the civil power when thereto legally summoned, shall be called in question”; and

WHEREAS, the Board of Trustees finds that HB19-1177 goes too far and will not provide the protections it aims to provide.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF MILLIKEN, COLORADO, AS FOLLOWS:

Section 1. The Board of Trustees supports Weld County’s declaration as a “Second Amendment Sanctuary County.”

Section 2. The Board of Trustees hereby declares its opposition to Colorado House Bill 19-1177.

Section 3. This Resolution shall become effective immediately upon passage.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS 27th day of March 2019.

ATTEST:

THE TOWN OF MILLIKEN, COLORADO



Cheryl Powell, Town Clerk



Beau Woodcock, Mayor