

2020 RESOLUTION TO DECLARE PIKE COUNTY, GEORGIA AS A
SECOND AMENDMENT SANCTUARY COUNTY, WHICH SHALL INCLUDE THE
SPECIFIED RELATED ACTIONS AND SUPPORT

WHEREAS, Pike County, Georgia is a political subdivision of the State of Georgia;

WHEREAS, the Board of Commissioners of Pike County, Georgia is the governing body and each Commissioner is elected to represent the citizens of Pike County, Georgia; and, each Commissioner, having been duly sworn under oath, has committed to uphold the Constitutions of the United States and of the State of Georgia;

WHEREAS, the Second Amendment to the Constitution of the United States provides 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 United States Supreme Court has interpreted and ruled that the right of person to possess firearms unconnected with service in the militia for traditionally lawful purposes such as defense within the home is part of the rights of individuals to “keep and bear arms” protected under the Second Amendment. See District of Columbia v. Heller, 554 US 570, (2008);

WHEREAS, the United States Supreme Court has further interpreted and ruled that an individual’s right to “keep and bear arms” as protected by the Second Amendment to the United States Constitution is applicable to each of the States through the Due Process provisions of the Fourteenth Amendment. See McDonald v. Chicago, 561 US 742 (2010);

WHEREAS, the United States Supreme Court has ruled that the federal government of the United States cannot compel state law enforcement officers to enforce federal laws. See Prinz v. United States, 521 US 898 (1977);

WHEREAS, Article I, Section I, Paragraph VIII of the Constitution of the State of Georgia, which is entitled “Arms, right to keep and bear”, specifically provides that “the right of the people to keep and bear arms shall not be infringed, but the General Assembly shall have the power to prescribe the manner in which arms may be borne”;

WHEREAS, OCGA § 1-2-6 (a) (9) provides that the right to keep and bear arms is among the rights of the citizens of the State of Georgia that are without limitation;

WHEREAS, certain federal acts, laws, orders, rules or regulations regarding firearms, firearm accessories, and ammunition could be a violation of the Second Amendment of the Constitutions of the United States and Georgia, and may be contrary to the original intent of the Constitutions and the statutes referenced herein;

WHEREAS, the Board of Commissioners of Pike County, Georgia deem that the rights of the citizens to keep and bear arms for the defense of life, liberty and property constitutes an inalienable right of the people; and,

WHEREAS, the Pike County Board of Commissions has determined, in a duly noticed and lawfully held public meeting, to declare Pike County as a Second Amendment Sanctuary County in support of the Second Amendment of the Constitution of the United States and the provisions of the Constitution and the applicable statutes of the State of Georgia in order to protect the inalienable rights to keep and bear arms;

WHEREFORE BE IT HEREBY RESOLVED by the Pike County Board of Commissioners that Pike County, Georgia shall be hereby declared as a "Second Amendment Sanctuary County";

BE IT FURTHER RESOLVED that based on such declaration that Pike County shall be a "Second Amendment Sanctuary County" the Pike County Board of Commissioners further declare, resolve and support as follows:

1.

Pike County is declared as a Second Amendment Sanctuary County;

2.

The Pike County Board of Commissions affirms its support of the Pike County Sheriff and the Pike County Sheriff's Office in the exercise of discretion to not enforce unconstitutional firearm laws against the citizens of or in Pike County;

3.

That no agent, employee or official of Pike County, Georgia, or any entity providing services to Pike County, Georgia, shall provide material support or otherwise participate in any way with the implementation of federal acts, orders, rules, laws or regulations in violation of the Second Amendment to the United States Constitution or the Constitution or laws of the State of Georgia;

4.

The Pike County Board of Commissioners will not authorize or appropriate funds, resources, employees, agencies, contractors, buildings, detention centers or offices for the purpose of enforcing or assisting in the enforcement of any element of any acts, laws, orders, mandates, rules or regulations that infringe on the right of the citizens to keep and bear arms; and,

5.

The Pike County Board of Commissioners hereby rejects and declares to be invalid in Pike County, Georgia any federal act, law, order, rule, or regulation that violates the Second Amendment to the Constitution of the United States or the Constitution or laws of the State of Georgia in violation of the true meaning and intent of the Constitutions and laws that protect the rights of the citizens to keep and bear arms.

SO RESOLVED THIS THE 12th day of February, 2020 by the Pike County Board Commissioners,
and executed by:

J. Briar Johnson
Chairman

Attested to by:

Angela Blount
County Clerk

(SEAL)