

**RESOLUTION NO. \_\_\_\_\_, SERIES OF 2023**

**A RESOLUTION FOR THE FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS, FREMONT COUNTY, COLORADO, PROTECTING CITIZENS' RIGHTS TO SELF-DEFENSE AND OPPOSING HB 23-1165, "COUNTY AUTHORITY TO PROHIBIT FIREARMS DISCHARGE"**

**WHEREAS**, Amendment II of the US Constitution states, "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"; and

**WHEREAS**, in the 2008 Heller decision, the Supreme Court held that though the first clause indicated a purpose, it in no way expands or restricts the operative clauses that protect the unincorporated right of individuals to both keep and bear arms; and

**WHEREAS**, in the 2010 McDonald decision, the Supreme Court held that the right of the people to keep and bear Arms, applies to state and local governments as well as to the federal government; and

**WHEREAS**, in the 2022 Bruen decision, the Supreme Court held that the constitutionality of gun laws will be based on whether the plain text of the Second Amendment protects the activities the laws are regulating; and

**WHEREAS**, Section 3. of Article II of the Colorado Constitution (Inalienable Rights) states, "All persons have certain natural, essential and 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**, Section 13. of Article II of the Colorado Constitution (Right to Bear Arms) states, "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**, under existing state law, a board of county commissioners (BOCC) may not designate as unlawful the discharge of firearms, in shooting galleries, on private grounds, or in residences under circumstances that do not endanger persons or property; and

**WHEREAS**, the BOCC recognizes that individual communities may enact covenants, conditions, and restrictions that govern the use of a certain piece of real estate in a given community which are voluntarily accepted by property owners in those communities; and

**WHEREAS**, HB 23-1165, if enacted into law will allow local governments to increase restrictions (or infringes) on the manner in which citizens of Fremont County choose to bear arms; and

**WHEREAS**, HB 23-1165 specifically allows for a ban on outdoor private shooting galleries; and

**WHEREAS**, training and practice are important to ensuring the safe use of firearms in the exercise of inalienable rights to self-defense, defense of property, protection of livestock, and to come to the aide of civil authorities in rural areas; and

**WHEREAS**, it should not be necessary for gun owners to have paid membership in a private gun club or pay to use a private facility in order to maintain firearm proficiency; and

**WHEREAS**, the BOCC has previously and often declared its faith in our citizens' ability to make good decisions regarding their own health and safety and the health and safety of their families and neighbors.

**THEREFORE, BE IT RESOLVED THAT THE BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY, COLORADO does hereby:**

- (1) Reaffirm its long-standing and vigorous support of the 2<sup>nd</sup> Amendment and the rights of the people of Fremont County to freely exercise those God-given rights.
- (2) Publicly announce its opposition to HB 23-1165 as both unnecessary and potentially harmful to our citizens should future boards choose to impose the restrictions allowed by this bill; and
- (3) Call on members of the Colorado Legislature to vote against this legislation and the Governor to veto HB 23-1165 if it reaches his desk; and

**BE IT FUTHER RESOLVED** that all citizens of Fremont County are encouraged to join the BOCC in opposing HB 23-1165.

Commissioner \_\_\_\_\_ moved adoption of the foregoing Resolution, seconded by Commissioner \_\_\_\_\_ and approved by roll call vote as follows:

Debbie Bell	Aye	Nay	Abstain	Absent
Kevin Grantham	Aye	Nay	Abstain	Absent
Dwayne McFall	Aye	Nay	Abstain	Absent

The Resolution was declared to be duly adopted.

Date: \_\_\_\_\_

**BOARD OF COUNTY COMMISSIONERS  
OF FREMONT COUNTY**

**ATTEST:**

By: \_\_\_\_\_  
Chairman

By: \_\_\_\_\_  
Clerk to the Board