

COUNTY OF NEWBERRY)

)

ORDINANCE NO. 05-14-21

STATE OF SOUTH CAROLINA)

AN ORDINANCE EXPRESSING THE INTENT OF NEWBERRY COUNTY COUNCIL TO DECLARE NEWBERRY COUNTY AS A SANCTUARY COUNTY FOR SECOND AMENDMENT RIGHTS.

WHEREAS, the Second Amendment of the United States Constitution reads "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, 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, the United States Supreme Court in United States v. Miller, 307 U.S. 174 (1939), opined that firearms that are part of ordinary military equipment, or with use that could contribute to the common defense are protected by the Second Amendment; and

WHEREAS, Article 1, Section 20 of the constitution of South Carolina reads "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, certain legislation that has or may be introduced in the South Carolina General Assembly, and certain legislation which has or may be introduced in the United States Congress that has the effect of infringing on the rights of law abiding citizens to keep and bear arms, as guaranteed by the Second Amendment to the United States Constitution and Article I, Section 20 of the Constitution of South Carolina; and

WHEREAS, the NEWBERRY County Council is concerned about the passage of any bill containing language which is interpreted as infringing the rights of the citizens of NEWBERRY County to keep and bear arms; and

WHEREAS, the NEWBERRY County Council wishes to express its deep commitment to the rights of all citizens of NEWBERRY County to keep and bear arms; and

WHEREAS, the NEWBERRY County Council wishes to express opposition to any law that would unconstitutionally restrict the rights of the citizens of NEWBERRY County to keep and bear arms; and

WHEREAS, the NEWBERRY County Council wishes to express its intent to stand as a Sanctuary County for Second Amendment rights and to oppose, within the limits of the Constitution of the United States and the State of South Carolina, any efforts to unconstitutionally restrict such rights, and to use such legal means at its disposal to protect the rights of the citizens of NEWBERRY County to keep and bear arms, including through legal action, the power to appropriate public funds, the right to petition for redress of grievances, and to request the Sheriff to direct law enforcement and employees of NEWBERRY County to not enforce any unconstitutional law.

WHEREAS, Any regulation of the right to keep and bear firearms, firearm accessories, and ammunition that violate the Second, Fourth, Ninth, Tenth and Fourteenth Amendments to the Constitution of the United States and article 1, Section 20, of the South Carolina Constitution, any Executive or Administrative orders, or in any current or future legislation that violate these rights or the others set forth in the ordinance shall be considered violative of the concept of second amendment sanctuary in Newberry County.

Should any part or provision of this ordinance be deemed unconstitutional or unenforceable by any court of competent jurisdiction, such determination shall not affect the remainder of this Ordinance, all of which is hereby deemed separable.

NOW, THEREFORE, by the power and authority granted to the NEWBERRY County Council by the Constitution of the State of South Carolina and the powers granted to the County by the General Assembly of the State, the following hereby is ordained and enacted:

That the NEWBERRY County Council hereby declares NEWBERRY County, South Carolina, as a "Second Amendment Sanctuary"; and

That the NEWBERRY County Council hereby expresses its intent to uphold the Second Amendment rights of the citizens of NEWBERRY County, South Carolina; and

That the NEWBERRY County Council hereby expresses its intent that public funds of the county not be used to knowingly and willfully participate in act to unlawfully restrict the Second Amendment rights of the citizens of NEWBERRY County, or to aid federal or state agencies to knowingly and willingly engage in the unlawful restriction of said rights; and

That the NEWBERRY County Council hereby declares its intent to oppose any unlawful infringement on the right of law-abiding citizens to keep and bear arms using such legal means as may be expedient, including, without limitation, court action.

The protections provided to citizens by this ordinance do not apply to persons who have been convicted of felony crimes or who are prohibited from possessing firearms under state or federal law.

AND IT IS SO ORDAINED by Newberry County Council this ____ day of _____ 2021, in meeting duly assembled at Newberry, South Carolina.

NEWBERRY COUNTY COUNCIL

By:

Henry H. Livingston III, Chairman

(SEAL)

Attest:

Susan C. Fellers, Clerk to Council

1st reading: May 5, 2021

2nd reading: May 19, 2021

3rd reading: May 28, 2021