

# TAZEWELL COUNTY VIRGINIA

"Bound For Progress"

Tom A. Lester, Jr., Member  
Western District



Charles A. Stacy, Vice-Chair  
Eastern District

Margaret A. "Maggie" Asbury, Member  
Northern District

D. Michael Hymes, Member  
Southern District

Travis Hackworth, Chair  
Northwestern District

C. Eric Young  
County Administrator

**VIRGINIA: AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF TAZEWELL COUNTY, VIRGINIA HELD AT THE COUNTY ADMINISTRATION BUILDING, LOCATED AT 197 MAIN STREET, IN THE TOWN OF TAZEWELL, VIRGINIA 24651, ON THE 3RD DAY OF DECEMBER, 2019, THE FOLLOWING RESOLUTION WAS ADOPTED, UPON A MOTION AND SECOND:**

Resolution No.: 19-008

Date: December 3, 2019

**A RESOLUTION PROMOTING THE ORDER OF MILITIA WITHIN TAZEWELL COUNTY, VIRGINIA, PURSUANT TO THE SECOND AMENDMENT OF THE UNITED STATES CONSTITUTION AND THE CONSTITUTION OF VIRGINIA**

**WHEREAS**, the Second Amendment of the United States Constitution (hereafter, "Second Amendment") 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.";

**WHEREAS**, Article I, Section 13 of the Constitution of Virginia reads: "that a well regulated militia, comprised of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state, therefore, the right of the people to keep and bear arms shall not be infringed...and that in all cases the military should be under strict subordination to, and governed by, the civil power;"

**WHEREAS**, the Second Amendment reserves the right to regulate arms to the states, as militias are local and not federal forces;

**WHEREAS**, Article I, Section 13 of the Constitution of Virginia is substantively equal to the Second Amendment, wherein the right to regulate arms is placed upon the locality that orders the militia;

**WHEREAS**, to commit to the fullness of the Constitutional freedoms granted by the Second Amendment and Article I, Section 13 of the Constitution of Virginia, the Tazewell County Board of Supervisors (hereafter, "the Board") **finds** the following measures as appropriate and necessary to well order its militia;

**NOW THEREFORE**, be it **RESOLVED** by the Tazewell County Board of Supervisors that the Board expresses its intent to vigorously uphold the Second Amendment rights of the law-abiding citizens of Tazewell County, Virginia.

Be it **FURTHER RESOLVED** that, in order to enable the well regulated militia under the Second Amendment and Article I, Section 13 of the Constitution of Virginia, the Board hereby expresses its intent to adopt the following measures at subsequent dates and times:

- (1) Provisions to fund concealed weapons training for Tazewell County residents, including firearms safety training in Tazewell County Public Schools;
- (2) Provisions to fund Reserve Officers' Training Corps (ROTC), Boy Scouts of America, and Girl Scouts of America programs;
- (3) Provisions to eliminate funding for any enforcement of any laws or regulations which would unconstitutionally infringe upon rights of Tazewell County's law-abiding citizens to keep and bear arms, in accordance with the full breadth of the Second Amendment and Article I, Section 13 of the Constitution of Virginia; and
- (4) Other such future provisions as the Board may deem necessary or appropriate for the purposes stated above.



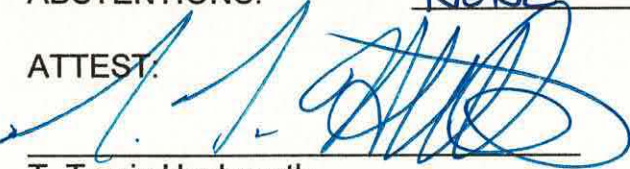
Be it **FURTHER RESOLVED** that the Board hereby declares its intent to oppose unconstitutional restrictions on the Second Amendment and Article I, Section 13 of the Constitution of Virginia through such legal means as may be expedient, including without limitation legal process.

It is so **RESOLVED** this 3rd day of December, 2019.

**RECORDED VOTE:**

MEMBERS PRESENT:	<u>Adams, Hackworth, Hynes, Lester, Stacy</u>
MEMBERS ABSENT:	<u>NONE</u>
AYES:	<u>Adams, Hackworth, Hynes, Lester, Stacy</u>
NAYS:	<u>NONE</u>
ABSTENTIONS:	<u>NONE</u>

ATTEST:

  
T. Travis Hackworth  
Chairman – Board of Supervisors

  
C. Eric Young  
Tazewell County Administrator

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**VIRGINIA: AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF TAZEWELL COUNTY, VIRGINIA HELD AT THE COUNTY ADMINISTRATION BUILDING IN THE TOWN OF TAZEWELL, VIRGINIA, LOCATED AT 197 MAIN STREET, TAZEWELL, VIRGINIA 24651, ON THE 3RD DAY OF DECEMBER, 2019, THE FOLLOWING RESOLUTION WAS ADOPTED, FOLLOWING A MOTION AND SECOND:**

Resolution No.:

19-009

Date: December 3, 2019

## **SECOND AMENDMENT SANCTUARY RESOLUTION**

**WHEREAS**, the Declaration of Independence, adopted by the Continental Congress on July 4, 1776, set forth and established a self-evident truth, that all people are endowed by their creator with certain inalienable rights;

**WHEREAS**, a statement of a number of these inalienable rights are set forth in the Bill of Rights adopted as part of the Constitution of the United States and the Constitution of the Commonwealth of Virginia;

**WHEREAS**, the Second Amendment to the Constitution of the United States, which is a part of the Bill of Rights, 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.";

**WHEREAS**, the Bill of Rights in the Constitution of Virginia, being Article I, Section 13, states: "That a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state, therefore, the right of the people to keep and bear arms shall not be infringed.";

**WHEREAS**, all Constitutional Officers in Virginia, before assuming the duties of the office to which they are elected, do solemnly swear or affirm to support the Constitution of the United States and the Constitution of Virginia;

**WHEREAS**, certain legislation introduced before the 2020 session of the Virginia General Assembly could have the effect of infringing upon the inalienable rights of law abiding citizens to keep and bear arms, as aforesaid; and

**WHEREAS**, the members of the Tazewell County Board of Supervisors, in the performance of their oaths of office, feel compelled in the exercise of the duties of their office to make and declare the following *Resolution*;

**NOW THEREFORE**, be it **RESOLVED** as follows:

- (1) That the inalienable right to keep and bear arms is a fundamental individual right that shall not be infringed, and any future enactment of laws by the Virginia General Assembly or any other governmental body that infringes upon such right are violations of the Constitution of the United States and the Constitution of Virginia.
- (2) That notwithstanding any other law, regulation, rule, or order to the contrary, no agent, department, employee, or official of Tazewell County, being a political subdivision of the Commonwealth of Virginia, while acting in his/her official capacity, shall:



- (a) Knowingly and willingly participate in any way in the enforcement of any Unlawful Act, as defined herein, regarding personal firearms, firearm accessories, or ammunition.
- (b) Utilize any Tazewell County funds/assets, or funds/assets allocated by any entity to Tazewell County, in whole or in part, to engage in any activity that aids in the enforcement or investigation relating to an unlawful act in connection with personal firearms, firearm accessories, or ammunition.
- (c) For purposes of this Resolution, an "Unlawful Act" shall be defined as "any federal or state act, law, order, rule, or regulation which bans or effectively bans, registers or effectively registers, or limits the lawful use of firearms, firearm accessories, or ammunition (other than that which is already in place as of the date of adoption of this *Resolution*). Any such "Unlawful Act" is invalid in Tazewell County; shall not be recognized in Tazewell County; is specifically rejected by the voters of Tazewell County; and shall be considered null, void, and of no effect in Tazewell County, which includes, but shall not be limited, to the following:
  - (1) Any new tax, fee, levy, or stamp imposed on firearms, firearm accessories, or ammunition;
  - (2) Any registration or tracking of firearms, firearm accessories, or ammunition;
  - (3) Any registration or tracking of the owners of firearms, firearm accessories, or ammunition;

- (4) Any act forbidding the possession, ownership, or use or transfer of any type of firearm, firearm accessory, or ammunition by citizens of the legal age of eighteen (18) and over, other than pursuant to federal law, background check requirements, or transfers or purchases through Federal Firearms License (FFL) dealers;
- (5) Any act ordering the confiscation of firearms, firearm accessories, or ammunition from citizens except as currently provided by law for persons who have been convicted of a felony and persons who have been adjudicated to be mentally incompetent;
- (6) Any prohibition, regulation, and/or use restriction related to ownership or the constitutionally guaranteed lawful use or carry of non-fully automatic firearms;
- (7) Any restriction upon the lawful right of a parent to decide whether and/or when to train his/her children in the safe use of a firearm; to allow a child so trained to hunt alone; or have access to firearms and ammunition for home defense when such parents are away;  
and

(8) Any prohibition, regulation, and/or use restriction limiting hand grips, stocks, flash suppressors, muzzle brakes, muzzle compensators, threaded barrels, bayonet mounts, magazine capacity, clip capacity, internal capacity, bump stocks, or types of ammunition available for sale, possession, or use by citizens and any other prohibition declaring a firearm or firearm accessory lawfully owned by law abiding citizens on the date of adoption of this *Resolution* to be illegal or subject to confiscation, or the owner thereof to be subjected to criminal prosecution.

(3) **EXCEPTIONS:** The protections provided to citizens by this *Resolution* do not apply to persons who have been convicted of felony crimes; have been adjudicated to be incompetent; are the subjects of a state or federal protective order; or who are otherwise prohibited from possessing firearms under state or federal law existing as of the date of adoption of this *Resolution*.



- (4) This *Resolution* is not intended to prohibit or affect in any way the prosecution of any crime for which the use of, or possession of a firearm is an aggravating factor or enhancement to an otherwise independent crime. This *Resolution* does not permit or otherwise allow the possession of firearms in federal or other public buildings (such as the Tazewell County Courthouse) where such possession or use is currently prohibited. This *Resolution* shall not affect the otherwise lawful permitting, licensing, registration, or other processing of applications for concealed carry permits or other firearm, firearm accessory, or ammunition licensing or registration processes that may be required by laws existing on the date hereof. This *Resolution* shall not in any way affect the enforceability of any other current federal or state firearm law in existence as of the date of adoption hereof.

It is so **RESOLVED** this 3rd day of December, 2019.

**RECORDED VOTE:**

MEMBERS PRESENT:	<u>Asbury, Hackworth, Hynes, Lester, Stacy</u>
MEMBERS ABSENT:	<u>NONE</u>
AYES:	<u>Asbury, Hackworth, Hynes, Lester, Stacy</u>
NAYS:	<u>NONE</u>
ABSTENTIONS:	<u>NONE</u>

ATTEST:

  
T. Travis Hackworth  
Chairperson – Board of Supervisors

  
C. Eric Young  
Tazewell County Administrator