

ORDINANCE NO. 01-2021

**AN ORDINANCE DESIGNATING CARROLL COUNTY, MISSOURI, AS A SECOND AMENDMENT SANCTUARY COUNTY AND ESTABLISHING PROHIBITIONS, PENALTIES AND EXCEPTIONS TO THE WITHIN ORDINANCE.**

**KNOW ALL MEN BY THESE PRESENTS:**

**IT IS HEREBY ORDAINED BY THE CARROLL COUNTY MISSOURI COMMISSION AS FOLLOWS:**

**SECTION 1. TITLE**

The title of this Ordinance shall be known as the "Second Amendment Sanctuary Ordinance" or "SASO."

**SECTION 2. FINDINGS**

The people of Carroll County, Missouri find and declare as follows:

- A. Acting through the United States Constitution, the people created government to be their agent in the exercise of a few defined powers, while reserving to the citizens the right to decide on matters which concern their lives, liberty and property in the ordinary course of affairs;
- B. The Second Amendment to the Constitution of the United States of America 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";
- C. The right of the people to keep and bear arms is further protected from infringement by State and Local Governments under the Ninth, Tenth and Fourteenth Amendments to the Constitution of the United States of America;
- D. The Supreme Court of the United States of America in District of Columbia v. Heller recognized the individual's right to keep and bear arms, as protected by the Second Amendment of the Constitution of the United States of America. Justice Antonin Scalia's prevailing opinion in that case stated that the Second Amendment protects an individual's right to possess a firearm unconnected with service in a militia, and the right to use that firearm for traditionally lawful purposes, such as self-defense within the home;
- E. Section 1 of the Fourteenth Amendment to the Constitution of the United States of America states, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws";
- F. The Supreme Court of the United States recognized in McDonald v. City of Chicago that the Second Amendment to the Constitution was incorporated by the Fourteenth Amendment and thereby made applicable to the States;
- G. Justice Thomas M. Cooley in the People v. Hurlbut, 24 Mich. 44, page 108 (1871), states: "The State may mold local institutions according to its views of policy or expediency; but local government is a matter of absolute right; and the state cannot take it away";

- H. The right to be free from the commandeering hand of government has been recognized by the United States Supreme Court in *Printz v. United States*. The Court held: "The Federal Government may neither issue directives requiring the States to address particular problems, nor command the States; officers, or those of their political subdivision, to administer or enforce a federal regulatory program." The anti-commandeering principles recognized by the U.S. Supreme Court in *Printz v. United States* are predicated upon the advice of James Madison, who in *Federalist #46* advised "a refusal to cooperate with officers of the Union" in response to either unconstitutional federal measures or constitutional but unpopular federal measures;
- I. Therefore, the right to keep and bear arms is a fundamental individual right that shall not be infringed; and all local, state and federal acts, laws, orders, rules or regulations regarding firearms, firearm accessories, and ammunition are a violation of the Second Amendment;
- J. Local governments have the legal authority to refuse to cooperate with state and federal firearm laws that violate those rights and to proclaim a Second Amendment Sanctuary for law-abiding citizens in their cities and counties;
- K. Therefore, through the enactment of this Ordinance, Carroll County, Missouri is hereby declared to be a Second Amendment Sanctuary.

### **SECTION 3. PROHIBITIONS**

- A. Notwithstanding any other law, regulation, rule or order to the contrary, no agent, department, employee or official of Carroll County, Missouri, a political subdivision of the State of Missouri, while acting in their official capacity, shall:
  - 1. Knowingly and willingly, participate in any way in the enforcement of any Unlawful Act, as defined herein, regarding personal firearms, firearm accessories or ammunition.
  - 2. Utilize any assets, Carroll County funds or funds allocated by any entity to Carroll 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.

### **SECTION 4. PENALTIES**

- A. An "Unlawful Act" shall consist of any federal or state act, law, order, rule or regulation, which restricts an individual's constitutional right to keep and bear arms, including 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 a fully automatic firearm which is made unlawful by federal law). Any such "Unlawful Act" is invalid in Carroll County, Missouri and shall not be recognized by Carroll County, Missouri, is specifically rejected by the voters of Carroll County, Missouri, and shall be considered null, void and of no effect in Carroll County, Missouri and this includes, but shall not be limited to the following:
  - 1. Any tax, levy fee or stamp imposed on firearms, firearm accessories or ammunition not common to all other goods and services on the purchase or ownership of those items by citizens;
  - 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 of transfer of any type of firearm, firearm accessory or ammunition by citizens of the legal age of eighteen or over, other than pursuant to federal law background check requirements for transfers or purchases through FFL dealers;
  5. Any act ordering the confiscation of firearms, firearm accessories or ammunition from citizens;
  6. Any prohibition, regulation and/or use restriction related to ownership or the constitutionally guaranteed lawful use or carry of non-fully automatic firearms; and
  7. Any prohibition, regulation and/or use restriction limiting hand grips, stocks, flash suppressors, bayonet mounts, magazine capacity, clip capacity, internal capacity, bump stocks (if permitted by federal law), suppressors or types of ammunition available for sale, possession or use by citizens.
- B. Anyone within the jurisdiction of Carroll County, Missouri accused to be in violation of this Ordinance may be sued in the Circuit Court of Carroll County, Missouri for declaratory and injunctive relief, damages and attorney fees. Neither sovereign nor official or qualified immunity shall be an affirmative defense in cases pursuant to this section.
- C. Any peace officer may enforce this Ordinance.
- D. Any violation of this Ordinance is a Class A Misdemeanor and punishable as such.
- E. Exceptions:
1. 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 federal law.
  2. This Ordinance 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 aggregating factor or enhancement to an otherwise independent crime.
  3. This Ordinance does not permit or otherwise allow the possession of firearms in Federal buildings.
  4. This Ordinance does not prohibit individuals in Carroll County, Missouri from voluntarily participating in assisting in 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 law.

#### **SECTION 5. SEVERABILITY**

- A. The provisions of this Ordinance are hereby declared to be severable, and if any provisions of this Ordinance or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 6. EFFECTIVE DATE**

- A. The effective date of this Ordinance, The Second Amendment Sanctuary Ordinance, or SASO, shall be immediately upon approval by the Carroll County Commission.

All ordinances or parts of ordinances in conflict with the within Ordinance are hereby repealed.

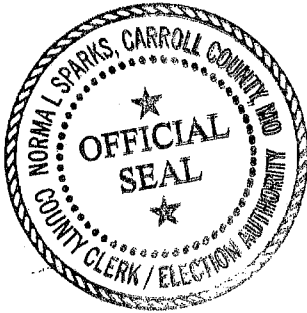
PASSED, APPROVED AND ADOPTED by the Carroll County Commission of Carroll County, Missouri, on the 19th day of March, 2021.

CARROLL COUNTY, MISSOURI

By: Stan Falke  
Stan Falke, Presiding Commissioner

Everett Shields  
Everett Shields, 1<sup>st</sup> District Commissioner

David Martin  
David Martin, 2<sup>nd</sup> District Commissioner



Attest:

Norma Sparks  
Norma L. Sparks, County Clerk

Approved as to Form:

Sheriff Jewell McCoy  
Sheriff Jewell McCoy