

**RESOLUTION R-2021-77
LUZERNE COUNTY COUNCIL**

***A Resolution of the Luzerne County Council Declaring Luzerne County
a Second Amendment County***

WHEREAS, the Constitution of the United States is the supreme law of our nation; and

WHEREAS, the Second Amendment to the 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, the U.S. Supreme Court, in the *District of Columbia v. Heller*, 554 U.S. 570 (2008), affirmed that the Second Amendment right to keep and bear arms is not connected in any way to service in a militia; and

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

WHEREAS, the Fourteenth Amendment to the Constitution 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 laws;” and

WHEREAS, Article I, Section 21, of the Pennsylvania State Constitution states that, “The right of the citizens to bear arms in defense of themselves and the State shall not be questioned;” and

WHEREAS, Article I, Section 25, of the Pennsylvania State Constitution states that, “To guard against the transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government and shall forever remain inviolate;” and

WHEREAS, the Luzerne County Council wishes to express opposition to any law or regulation, be it federal or state, that unconstitutionally restricts the rights under the Second Amendment of the U.S. Constitution or Article I, Section 21 of the Pennsylvania Constitution to keep and bear arms; and

WHEREAS, the Luzerne County Council wishes to express its intent to stand for Second Amendment Rights and to oppose any effort to unconstitutionally restrict such rights of its citizens to keep and bear arms.

NOW, THEREFORE, BE IT RESOLVED THAT:

Section 1. The above recitals are true and correct and incorporated in this Resolution.

Section 2. The Luzerne County Council hereby declares Luzerne County as a Second Amendment County and as such shall celebrate, promote, and preserve for the People of, on, and in Luzerne County, their right to bear arms as guaranteed by the Constitution of the United States of America and the Constitution of the Commonwealth of Pennsylvania.

Section 3. We, the People of Luzerne County, Pennsylvania, through this resolution hereby declare our rights, our freedom, and our liberty as guaranteed by the Constitution of the United States of America and the Constitution of the Commonwealth of Pennsylvania.

Section 4. The Luzerne County Council expects the sheriff's office to honor the Second Amendment in its enforcement capacity. We encourage all county municipalities with police departments to do likewise in the best interests of all citizens within our borders.

BE IT FURTHER RESOLVED THAT: The Luzerne County Council petitions the Pennsylvania General Assembly and Governor to likewise declare Pennsylvania a Second Amendment Sanctuary Commonwealth.

This Resolution shall become effective six days after adoption.

ADOPTED at a meeting of Luzerne County Council held on May 25, 2021.

ROLL CALL VOTE (7-3)

YES: Griffith, Haas, McDermott, Perry, Radle, Schnee and SJ Urban

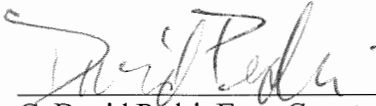
NO: McGinley, Saidman and Vough

Attest: 
Sharon Lawrence, Clerk of Council

LUZERNE COUNTY COUNCIL

By: 
Tim McGinley, Chair

LUZERNE COUNTY MANAGER


C. David Pedri, Esq., County Manager