

RESOLUTION 23-39

RESOLUTION DESIGNATING ST CLAIR COUNTY MICHIGAN
A SECOND AMENDMENT SANCTUARY

Commissioner DAVID RUSHING having moved passage of the following resolution.

WHEREAS, the Board of Commissioners met in Regular Session this 7th day of
December 2023; and

WHEREAS, Second Amendment sanctuary policies are policies, agreements and/or laws
at the local and state level not to strictly enforce gun laws in any manner that infringes upon a
citizen's rights to bear arms guaranteed by our federal and state constitutions, as such Second
Amendment sanctuary is a subject of considerable interest to the St. Clair County Board of
Commissioners, pro-Second Amendment advocates, anti-gun groups, politicians and local, state
& federal legislators.

WHEREAS, there currently exists a significant movement by citizens throughout
Michigan and the United States for their respective local elected boards and commissions to
resolve to have their counties designated as Second Amendment sanctuaries. Many states within
these United States have a majority of their counties presently so designated as Second
Amendment sanctuaries. These states include: Colorado, Florida, Illinois, Kentucky, Maryland,
Michigan, Nevada, New Mexico, North Carolina, Oregon, Virginia and Washington. Many
counties within our own great State of Michigan have preceded St Clair County in adopting this
designation by formal resolution prompting the adoption of this Resolution expressing agreement
with those principles and showing solidarity with the citizens of other counties within this State
and Country.

WHEREAS, The Constitution of the United States is the supreme law of our nation and
likewise the State of Michigan Constitution is the supreme law of the great State of Michigan; and

WHEREAS, Article I, Section 6 of the Constitution of the State of Michigan provides that
"Every person has a right to keep and bear arms for the defense of himself and the state."; and

WHEREAS, each member of this Board has taken an oath to support and defend the
Constitution of the United States and the Constitution and Laws of the State of Michigan, and

WHEREAS, the 10th amendment to the United States Constitution states that "The powers
not delegated to the United States by the Constitution, nor prohibited by it to the States, are
reserved to the States respectively, or to the people." Under the Tenth Amendment to the United
States Constitution local elected officials can lawfully decide not to enforce state and federal laws
in order to protect the citizens against government overreach infringing upon a citizens Second
Amendment rights.

WHEREAS, Article I, Section 1 of the Constitution of the State of Michigan provides that "All political power is inherent in the people. Government is instituted for their equal benefit, security and protection,"; and

WHEREAS Legislation implementing red flag laws, stricter background checks and safe storage requirements were all signed into law by the Governor of this State earlier this year with most recently the addition of amendments to the State Penal Code prohibiting individuals convicted of a misdemeanor related to domestic violence from possessing firearms for at least an eight-year-period without regard to underlying facts of the case or the actual possession or use of a weapon at the time, all of which affect the gun rights of citizens of St. Clair County, Michigan.

WHEREAS, the St. Clair County Board of Commissioners having adopted Resolution 22-03 formerly expressing its deep commitment to the rights of all citizens of St. Clair County Michigan to keep and bear arms, by the adoption of this resolution desires to further express continued opposition to any law, administrative rule or policy that would unconstitutionally restrict the rights of the citizens of St. Clair County to keep and bear arms, and

WHEREAS, County Prosecuting attorneys are vested by law with the duty to prosecute violations of the criminal law, both felonies and misdemeanors. RS 1846, Chapter 14, Sec. 53, MCLA 49.153; MSA 5.751. However, the duty to prosecute is not absolute but rests in the sound discretion of a prosecuting attorney. Any action taken or not taken by the prosecuting attorney in response to the report of a violation is in the discretion of the prosecuting attorney; and

WHEREAS it is well established law in the State of Michigan that in exercising the duties of the Constitutional Office of County Prosecuting Attorney that "He is expected to be impartial in abstaining from prosecuting as well as in prosecuting, and to guard the real interests of public justice in favor of all concerned." see Engle v Chipman, 51 Mich 524, 526, 16 NW 886, 887 (1883) A Prosecuting Attorney is vested by law with the right to exercise sound discretion in determining whether to prosecute individual cases, Mi Attorney General Opinion #5336.

WHEREAS, the Michigan Constitution establishes the office of County Sherrif in four different articles, Art I Section 1, Article VII Section 7 , Article VII Section 5, Article VII section 6, providing that the states duty of law enforcement for the protection of it's citizens has been constitutionally delegated to the county in the person of a locally elected sheriff . (see Union of Police Officers v Board of Commissioners Wayne County, 1979)

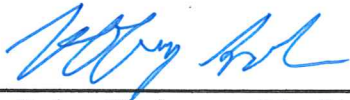
NOW, THEREFORE, BE IT RESOLVED that the St. Clair County Board of Commissioners, by the authority granted by the laws of the State of Michigan and the people of St. Clair County, Michigan do hereby restate and reaffirm the commitment of this Board to hold inviolate and support and defend the rights and liberties of the citizens of St. Clair County as guaranteed by the Constitution of the United States and the Constitution of the State of Michigan; and

BE IT FURTHER RESOLVED that the St. Clair County Board of Commissioners encourages locally elected law enforcement officials to perform the duties of their office in a manner that does not infringe upon the citizens' rights the keep and bear arms and hereby commit to support and defend the right of such office holders to exercise the discretion vested in them by our state and federal constitution in a manner that protects and preserves the citizens rights to bear arms as envisioned by our founding fathers.

BE IT FURTHER RESOLVED that the St. Clair County Board of Commissioners hereby declares its intent that public funds of the county not be used directly or indirectly to diminish, restrict or otherwise infringe upon our citizen's Second Amendment rights of the citizens of St. Clair County to keep and bear arms; nor shall this Board appropriate any funds for any enforcement of unconstitutional laws against the people of St. Clair County. ; and

BE IT LASTLY RESOLVED the People of St. Clair County Michigan hereby declare The County of St. Clair to be a Second Amendment Sanctuary.

IN WITNESS THEREOF, Jeffery Bohm Chairman of the Board, on behalf of the St. Clair County Board of Commissioners , sets his hand and causes the seal of the county of St. Clair , Stet of Michigan , to be affixed on the 7th day of December 2023.



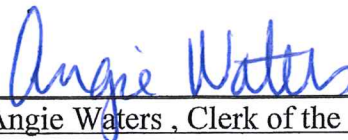
Jeffery Bohm Chairman of the St. Clair
County Board of Commissioners

STATE OF MICHIGAN _____)

County of St. Clair _____)

I, Angie Waters, Clerk of the County of St. Clair and of the County Board of Commissioners, do hereby certify that the foregoing is a true and complete copy of the resolution adopted by the Board at its regular meeting on Dec. 7, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County of St. Clair this 7th day of Dec, 2023 at Port Huron, Michigan.



Angie Waters , Clerk of the County of St. Clair