

TOWN OF BURRILLVILLE

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RESOLUTION OF THE TOWN OF BURRILLVILLE OPPOSITION TO RHODE ISLAND 2022 GUN CONTROL LEGISLATION

- WHEREAS, the Town Council of the Town of Burrillville pursuant to Rhode Island statute and the Town of Burrillville Charter, is vested with the authority of administering the affairs of the Town of Burrillville, RI; and
- WHEREAS, the Second Amendment to the United States Constitution, ratified on December 15, 1791 as part of the Bill of Rights, protects the inalienable and individual right of the people to keep and bear arms; 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 and is applicable to 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 I, Section 22 of the Rhode Island Constitution adopted in 1842, provides that **"The right of the people to keep and bear arms shall not be infringed."**; and
- WHEREAS, Article I, Section 6 of the Rhode Island Constitution provides that **"The right of the people to be secure in their persons, papers and possessions, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, but on complaint in writing, upon probable cause, supported by oath or affirmation and describing as nearly as many as may be, the place to be searched and the persons or things to be seized."**; and
- WHEREAS, as a matter of general principle, and in recognition of over 230 years of lawmaking under the guidance of the Constitution for the United States of America having properly established numerous laws regarding criminal use of firearms that are wholly adequate when judiciously enforced such that additional laws are unneeded, any law which upon passage renders a life-long law-abiding citizen a felon through no action of their own, is an unjustified law and should be unconstitutional under multiple amendments in the Bill of Rights; and

WHEREAS, it is the desire of the Town Council of the Town of Burrillville to declare its support of the Second Amendment to the United States Constitution and to the provisions of the Rhode Island Constitution which protect the citizens of the State of Rhode Island's inalienable and individual right to keep and bear arms and

WHEREAS, the Burrillville Town Council members each took an oath to support and defend the United States Constitution, the Rhode Island Constitution, and the laws of the State of Rhode Island which are not deemed unconstitutional by a court of competent jurisdiction, and the Charter of the Town of Burrillville; and

WHEREAS, the Burrillville Town Council members give great weight to and adhere to the belief of James Madison, Jr., the fourth President of these great United States that: "Oppressors can tyrannize only when they achieve a standing army, an enslaved press, and a disarmed populace"; and

WHEREAS, the Burrillville Town Council desires to protect the rights of law abiding citizens, individuals who have committed crimes with firearms should be fully prosecuted with existing laws on the books; and

WHEREAS, many of the bills being considered by the General Assembly would require the confiscation and storage of otherwise lawfully owned firearms, and make the Towns and Cities of Rhode Island, responsible for these costs; and

WHEREAS, the Rhode Island General Assembly, in its 2022 legislative session has pending before it numerous bills regulating and restricting the rights afforded the citizens of the State of Rhode Island through the Second Amendment to the United States' Constitution and the Constitution of the State of Rhode Island, including, but not limited to:

Senate Bill 2704 which repeals the authority of local authorities to issue conceal carry permits to eligible individuals and repeals the right of minors to obtain carry permits; and repeals provisions allowing permits to be issued to law enforcement officers who have retired in good standing after at least twenty (20) years of service;

House Bill 7300 and Senate Bill 2734, which would require all firearms within a home to be kept in a locked container or equipped with a tamper resistant or mechanical lock, and creates a new felony for noncompliance;

House Bill 7457 and Senate Bill 2637, which will illogically raise the age to legally acquire a firearm from 18 to 21 years of age;

House Bill 7764 and Senate Bill 2733, which would create an instant felony for those who are in violation of Rhode Island General Law §11-47-8, including something as simple as transporting a handgun to a friend's house;

House Bill 6616, which would prohibit the sale or transfer of ammunition unless the purchaser successfully undergoes an onerous and unwarranted background check;

House Bill 6614 and Senate Bill 2653 would criminalize previously lawful ownership by making it a felony, without merit, for an individual to possess any semi-automatic firearm magazine that is capable of holding more than ten (10) rounds of ammunition;

House Bill 6615 and Senate Bill 2224, the Rhode Island Assault Weapons Ban Act of 2022, would prohibit the possession of "assault weapons," defined as any shotgun that holds more than six (6) rounds or a rifle that holds more than 10 rounds. In order to be exempt, the weapon must, within twelve (12) months of the bill's passage, be registered, be rendered inoperable, be surrendered to a registered firearm dealer or police department, or be transferred to a person in another jurisdiction where such firearms are allowed. It would also require any heirs of a decedent to surrender or transfer the firearm. If registered, the lawful owner would be required submit fingerprints and pay a fee for registering the firearm.

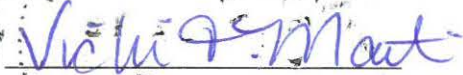
NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Burrillville on April 24, 2019, declared itself a Second Amendment Sanctuary Town, now reaffirms that declaration, and hereby takes the following position on state legislation that potentially abridges our Second Amendment rights. We find and declare that these gun restriction bills, if enacted by the Rhode Island General Assembly, infringe upon the rights of the People of the Town of Burrillville and the People of the State of Rhode Island to keep and bear arms. We are collectively opposed to the infringement of these rights established by our Founding Fathers.

BE IT FURTHER RESOLVED that these bills impose unfunded mandates upon local governments; and the Town Council of the Town of Burrillville will not appropriate funds for capital construction of building space and/or the purchase of storage systems to store weapons seized, pursuant to any requirements set forth in the legislation if enacted by the General Assembly for the purpose of enforcing any law, that unconstitutionally infringes upon the rights of the People of the Town of Burrillville to keep and bear arms.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to every Rhode Island Municipality, State Senators, State Representatives, the Governor and the Lt. Governor respectfully requesting their support.

Passed as a resolution of the Burrillville Town Council this 13th day of April, 2022.

ATTEST:


Vicki Martin, Town Clerk



Donald A. Fox, President
Burrillville Town Council