

The Board of Supervisors (the “Governing Authority”) of DeSoto County, Mississippi (the “County”), took up for consideration the matter of establishing the County as a Second Amendment safe haven county. After a discussion of the subject a motion was made for the adoption of the following resolution:

A RESOLUTION OF THE BOARD OF SUPERVISORS OF DESOTO COUNTY, MISSISSIPPI (THE "COUNTY"), TO ESTABLISH THE COUNTY AS A SECOND AMENDMENT SAFE HAVEN COUNTY.

WHEREAS, the Second Amendment of the United States Constitution 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.” 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 against 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 3, Section 12, of the constitution of Mississippi provides “The right of every citizen to keep and bear arms in defense of his home, person, or property, or in aid of the civil power when thereto legally summoned, shall not be called in question, but the Legislature may regulate or forbid carrying concealed weapons.”, and

WHEREAS, Article 3, section 5, of the constitution of Mississippi reads “That all men are by nature equally free and independent and have certain inherent rights, of which, when they enter into the state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety, and

WHEREAS, Article 3, section 14 of the constitution of Mississippi reads “No person shall be deprived of life, liberty, or property except by due process of law.”, and

WHEREAS, certain legislation that has or may be introduced in the Mississippi Legislature, and certain legislation which has or may be introduced in the United States Congress could have the effect of infringing on the rights of law abiding citizens to keep and bear arms, as guaranteed by the Second Amendment to the United States Constitution and Article 3, Section 12 of the State of Mississippi, and

WHEREAS, the Desoto County Board of Supervisors is concerned about the passage of any bill containing language which could be interpreted as infringing the rights of the citizens of Desoto County to keep and bear arms, and

WHEREAS, the Desoto County Board of Supervisors wishes to express its deep commitment to the rights of all citizens of Desoto County to keep and bear arms, and

WHEREAS, the Desoto County Board of Supervisors wishes to express opposition to any law that would unconstitutionally restrict the rights of the citizens of Desoto County to keep and bear arms, and

WHEREAS, the Desoto County Board of Supervisors wishes to express its intent to stand as a Safe Haven County for Second Amendment rights and to oppose, within the limits of the Constitution of the United States and the State of Mississippi, any efforts to unconstitutionally restrict such rights, and to use such legal means at its disposal to protect the rights of the citizens of Desoto County to keep and bear arms, including through legal action, the power to appropriate public funds, the right to petition for redress of grievances, and the power to direct the law enforcement and employees of Desoto County to not enforce any unconstitutional law.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Desoto County Mississippi:

That the Desoto Board of Supervisors hereby declares Desoto County, Mississippi, as a "Second Amendment Safe Haven", and

That the Desoto Board of Supervisors hereby expresses its intent to uphold the Second Amendment rights of the citizens of Desoto County, Mississippi, and

That the Desoto Board of Supervisors hereby expresses its intent that public funds of the county will not be used to unconstitutionally restrict the Second Amendment rights of the citizens of Desoto County, or to aid federal or state agencies in the unconstitutional restriction of said rights, and

That the Desoto Board of Supervisors hereby declares its intent to oppose, within the limits of the Constitution of the United States and the laws of State of Mississippi, any unconstitutional infringement on the right of law-abiding citizens to keep and bear arms using such legal means as may be expedient, including, without limitation, court action.

RESOLVED, this the 21st day of January 2020, upon motion made by Supervisor Lee Caldwell and seconded by Supervisor Mark Gardner, and approved by the following vote:

Supervisor Jessie Medlin Yes
Supervisor Mark Gardner Yes
Supervisor Ray Denison Yes
Supervisor Lee Caldwell Yes
Supervisor Michael Lee Yes

Jessie Medlin, President
DeSoto County, Board of Supervisors

I, hereby, certify that the foregoing is a true copy of the Resolution adopted in the regular meeting of the DeSoto County Board of Supervisors on the ___ day of _____, 2020.

ATTEST:

Misty Heffner, Clerk