

**RESOLUTION NO. 2013-72**

**RESOLUTION IN SUPPORT OF LITIGATION TO OVERTURN  
VAGUE AND UNENFORCEABLE FIREARMS LAWS**

**WHEREAS**, Colorado lawmakers during the first regular session of the 69<sup>th</sup> General Assembly adopted several bills which severely restrict citizen's rights to own, manufacture, sell or transfer firearms and firearms accessories; and

**WHEREAS**, Fifty-five of Colorado's 62 elected County Sheriffs, including Moffat County Sheriff Tim Jantz, have determined that two of these bills, specifically known as House Bill 1224 and House Bill 1229, are vague, overreaching, unenforceable and unreasonably restrict the constitutionally guaranteed rights of law abiding citizens as outlined in the Second and Fourteenth Amendments of the United States Constitution; and

**WHEREAS**, House Bill 1224 imposes a ban on the ownership, sale or transfer of ammunition magazines manufactured after June 1, 2013 which hold or were designed to be adaptable to hold more than 15 rounds of ammunition, although there is no way to determine either the date of manufacture of the manufacturer's intent with regards to adaptability at the time of design; and

**WHEREAS**, House Bill 1229 requires private buyers and sellers of firearms to complete all transactions through a Federal Firearms Licensed Agent (FFLA) and extends the mandatory background check process beyond ordinary sales to include all temporary transfers beyond 72 hours, including the requirement that non-immediate family members who store and care for firearms belonging to deployed military personnel go through the background check process every 30 days; and

**WHEREAS**, House Bill 1229 also places an unreasonable burden on the owners of farms and ranches which operate as corporations and maintain corporate ownership of firearms, to complete the background check process on each of their employees every 30 days; and

**WHEREAS**, House Bill 1229 requires Federal Licensed Firearms Agents participating in private sales transactions to complete and file all required background check forms and also holds such licensed agents responsible for the accuracy of all information provided on such forms while capping the fee they can charge for this service to \$10.00, thereby increasing the risk that law abiding citizens will be unable to find Federal Licensed Agents willing to provide this service; and

**WHEREAS**, There is no empirical evidence to support the assertion that these laws will prevent violent crime while there is clear evidence that they represent a great infringement on the rights and security of law abiding citizens as guaranteed in both the Second and Fourteenth Amendments to the United States Constitution; and

**WHEREAS**, Fifty-five County Sheriffs of Colorado have filed a lawsuit seeking temporary and permanent injunctions against these vague, overreaching, unenforceable and dangerous laws and have been joined in their lawsuit by citizens with disabilities, licensed firearms dealers, firearms manufacturers, farmers and ranchers, retired law enforcement personnel and the National Sports

Shooting Foundation; and

**WHEREAS**, The Board of County Commissioners has long been on record in vigorous support of law abiding Moffat County citizens' rights guaranteed under the Second Amendment to the United States Constitution, most recently restated and affirmed by official resolution in January of this year;

**WHEREAS**, The Board of County Commissioners supports common sense, limited government policies, and the protection of individual liberties and has previously voiced its opposition to these aforementioned ill-conceived and ineffective measures which will diminish the ability of law abiding Moffat County citizens to protect themselves, as specifically defined in the Constitution, in direct conflict with the Board's responsibility to protect the health, safety and welfare of citizens they were elected to serve.

**NOW, THEREFORE, BE IT RESOLVED** that the Moffat County Board of County Commissioners hereby endorses and supports the efforts of the aforementioned County Sheriffs and others in the filing of a lawsuit seeking temporary and permanent injunctions against these two vague, overreaching and unenforceable laws which impose unconstitutional restrictions on citizens' rights and unworkable, unfunded and expensive mandates on County Sheriffs; and

Adopted and signed this \_\_\_\_ day of June, 2013.

COMMISSIONERS  
COLORADO

THE BOARD OF COUNTY  
COUNTY OF MOFFAT, STATE OF

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**Charles G. Grobe, Chair**

I, Lila Herod, County Clerk and Recorder in and for the County of Moffat, State of Colorado, do hereby certify that the foregoing Resolution was adopted by the Board of County Commissioners of the County of Moffat and State of Colorado, in regular session on the \_\_\_\_ day of June, 2013.

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County Clerk and Recorder