

**HAINES BOROUGH
RESOLUTION No. 21-04-911S**

Adopted

A Resolution of the Haines Borough Upholding Individual Rights Protected by the Second Amendment of the Constitution of the United States.

WHEREAS, the Second Amendment to the Constitution of the United States of America 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, Article 1, Section 19 of the Constitution of the State of Alaska 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. The individual's right to keep and bear arms shall not be denied or infringed by the State or a political subdivision of the State"; and

WHEREAS, in addition to state constitutional protections, the right of the people to keep and bear arms is further protected from infringement by state and local governments under the Ninth, Tenth, and Fourteenth Amendments to the Constitution of the United States of America; and

WHEREAS, the United States Supreme Court in *McDonald v. City of Chicago* concluded that the Second Amendment to the U.S. Constitution applies to the states through the Due Process Clause of the Fourteenth Amendment of the U.S. Constitution; and

WHEREAS, the residents of the Haines Borough derive economic benefit from all safe forms of firearms recreation, hunting, and shooting conducted within the borough using all types of firearms allowable under the U.S. and Alaska Constitutions; and

WHEREAS, Haines Borough residents have a long history of a subsistence life style including the traditional use of firearms for personal safety and procurement of food; and

WHEREAS, all citizens are encouraged to engage in firearm safety training to responsibly enjoy their second amendment rights; and

WHEREAS, AS 44.99.040 prohibits the use of local funds to implement or aide in the implementation of federal laws that infringe upon a person's right to keep and bear arms or deny a person's due process rights; and

WHEREAS, while recognizing that pursuant to AS 29.35.145, the borough has no authority to regulate the possession, ownership, sale, transfer, use, carrying, transportation, licensing, taxation or registration of firearms, except as specifically provided by state statute, the assembly wishes to express its opposition to any effort that would unconstitutionally restrict the rights of the citizens of the Haines Borough to keep and bear arms under the Second Amendment of the U.S. Constitution and under the Alaska Constitution; and

WHEREAS, the Borough expresses its intent to uphold Second Amendment rights within the Haines Borough, and to oppose, within the scope of the Borough's legal authority, and the limits of the Constitutions of the United States and the State of Alaska, any efforts to unconstitutionally restrict such rights, and to use such legal means at its disposal to protect the rights of the citizens to keep and bear arms;

NOW, THEREFORE BE IT RESOLVED that the Haines Borough Assembly, by this resolution, hereby:

SECTION 1. Opposes the enactment of any legislation that would infringe upon the right of its law-abiding citizens to keep and bear arms.

SECTION 2. Resolves that the borough shall not enforce, aid, or assist in the enforcement of any laws, orders, rules, or regulations past, present or future, which unlawfully infringe upon the people's right to keep and bear arms.

SECTION 3. Expresses its intent to uphold the Second Amendment rights of the law-abiding citizens of the Haines Borough and that the borough's public funds, resources, employees, buildings, and offices shall not be used to unlawfully restrict Second Amendment rights or to aid or assist in the enforcement of the unnecessary and unconstitutional restriction of the rights under the Second Amendment of the citizens to keep and bear arms.

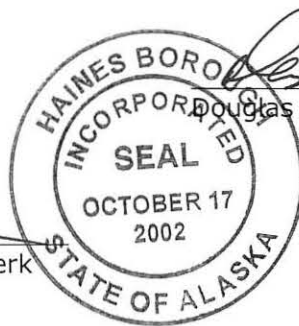
a. Law-abiding citizen means any person NOT PROHIBITED by Alaska statute or court order from the possession and/or use of a firearm.

SECTION 4. This Resolution shall become effective immediately upon its enactment.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this 11th day of May, 2021.

Attest:


Alekka Fullerton, CMC, Borough Clerk




Douglas Olerud, Mayor