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Staff Report

ITEM 5

To: Lemoore City Council
From: Judy Holwell, Project Manager
Date: January 23, 2013
**Subject: Resolution Acknowledging Support for the Second Amendment
and Opposition to Any Action Infringing on Such Rights**

Discussion

During the December 18, 2012 Council Meeting, Council Member Rodarmel requested that an item be placed on a future agenda to consider a resolution in support of the Second Amendment to the United States Constitution. The Second Amendment was adopted on December 15, 1791 as part of the Bill of Rights and the original hand-written document, which is on display at the National Archives in Washington D.C., reads as follows:

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 purpose of the Second Amendment is to protect the right of the people to possess and carry firearms. This interpretation was established by two landmark Supreme Court decisions. In 2008, *District of Columbia v. Heller*, the Court ruled that the Second Amendment protects an individual's right to possess a firearm, unconnected to service in a militia, and to use that arm for traditionally lawful purposes, such as self-defense within the home. However, the ruling was silent as to whether the law pertains to the States. In 2010, *McDonald v. Chicago*, the Court ruled that the Second Amendment applies equally to the States and Federal Government. The following link provides commentary on the background leading to the Second Amendment, the Court cases, definitions, etc. http://en.wikipedia.org/wiki/Second_Amendment_to_the_United_States_Constitution.

Attached for Council's consideration, is Resolution No. 2013-01, which supports the Second Amendment and the rights of our citizens to keep and bear firearms for the defense of life, liberty, and property as intended by the Founding Fathers of the United States of America, and which opposes any action that infringes upon the rights listed. For many, the ownership of firearms also provides for the personal enjoyment of target practice, competitions, hunting, and collecting of guns.

Also attached is a letter written by U.S. Marine Joshua Boston to Senator Dianne Feinstein opposing gun control, and news reports and a letter from Fresno County Sheriff, Margaret Mims, to the White House expressing her opposition to “useless gun control legislation.”

Budget Impact

None.

Recommendation

Council discretion.