

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS
Study Session Worksheet

Presentation Date: 02/10/15 **Start Time:** 2:00 pm **Approx. Length:** 60 minutes
Presentation Title: 2nd Amendment Resolution
Department: Public and Government Affairs
Presenters: Gary Schmidt
Other Invitees: Sheriff Craig Roberts

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

Chair Ludlow has scheduled a discussion item on a 2nd Amendment resolution for the February 19, 2015 Board of Commissioners Business Meeting. Today the Board has the opportunity to provide feedback and comments on the proposed resolution.

EXECUTIVE SUMMARY:

In anticipation of gun control legislation at the state and federal legislatures responding to the 2012 shootings in Newtown, Connecticut and the Clackamas Town Center, several Oregon Counties are adopting resolutions affirming support of the 2nd Amendment to the United States Constitution and Article 1, Section 27 of the Oregon Constitution.

Union County adopted a resolution in April of 2013 “affirming support of the 2nd Amendment to the United States Constitution & Article 1, Section 27 of the Oregon Constitution”. Since then, Lake County, Baker County, and Wallowa County have all passed similar resolutions, each with varying language. Most recently, Klamath County issued a letter of intent to formulate an ordinance to deny “the use of County funds or resources which may support or enforce additional restrictions” pertaining to the use of firearms. Lane County and Yamhill County are considering similar resolutions.

The Association of Oregon Counties is not taking a position on any bill related to firearms.

Conversation surrounding the “role of the county” to enforce these potential laws raise questions about a how far enforcement at the county level can or should go when it comes to guns and gun rights. It also raises questions regarding liability for counties who pass ordinances and/or resolutions positioning to abstain from enforcing potential state laws.

FINANCIAL IMPLICATIONS (current year and ongoing):

N/A

LEGAL/POLICY REQUIREMENTS:

N/A

PUBLIC/GOVERNMENTAL PARTICIPATION:

The proposed resolution will be a discussion item, open for public comment, at the February 19, 2015 Board Business Meeting.

OPTIONS:

1. Forward the 2nd Amendment resolution as currently drafted to the February 19, 2015 Board Business Meeting for discussion and public comment.
2. Offer amendments to the 2nd Amendment resolution as currently drafted before forwarding to the February 19, 2015 Board Business Meeting for discussion and public comment.

RECOMMENDATION:

No staff recommendation.

ATTACHMENTS:

- Draft Resolution
- List of current Oregon bills related to firearms
- Union County Resolution (Adopted within their Consent Agenda)
- Baker County Resolution
- Klamath County "letter of intent"
- Letter by the Canby Rod and Gun Club

SUBMITTED BY:

Division Director/Head Approval _____

Department Director/Head Approval s/Gary Schmidt

County Administrator Approval _____

For information on this issue or copies of attachments, please contact Gary Schmidt @ 503-742-5908
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A Resolution in the Matter
of Supporting Second Amendment
Rights

Resolution No. XXXXX
Page 1 of 2

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 27 of the Oregon Constitution states: “The people shall have the right to bear arms for the defence [sic] of themselves, and the State, but the Military shall be kept in strict subordination to the civil power;” and,

WHEREAS, the Board of Commissioners of Clackamas County feel that public recognition of the Constitutions of the United States of America and Oregon as the documents that protect and preserve our democracy and liberty should be upheld; and,

WHEREAS, the Board of Commissioners of Clackamas County also recognizes that the first and last protectors of the Constitutions of the United States of America and Oregon are the people of the United States and Oregon, and that the ability of the people to fulfill that role rests in large part on the people’s right to bear arms as stated in the Constitutions of the United States of America and Oregon; and,

WHEREAS, the significant majority of all lawfully owned firearms in the United States will not be used in a crime in any given year; and

WHEREAS, state and federal lawmakers continue to propose measures aimed at restricting all firearms and ammunition including bans, taxation, extensive waiting periods, registration, licensing and even confiscation.

NOW THEREFORE, the Clackamas County Board of County Commissioners do hereby resolve as follows:

1. Clackamas County strongly affirms our commitment to the rights and liberties enshrined within the Constitutions of the United States of America and Oregon, especially the right to keep and bear arms; and
2. Clackamas County opposes any state or federal law that abridges or is contrary to the provisions of the Constitutions of the United States of America and the State of Oregon preserving the people’s right to keep and bear arms; and,

3. Clackamas County strongly supports the right of the people to keep and bear arms as stated in the Constitutions of the United States of America, and Oregon as interpreted by the United States Supreme Court and Oregon Supreme Court, and vigorously opposes any state or federal law that unconstitutionally restricts these rights.

DATED this XXth day of MONTH, 2015

Clackamas County Board of County Commissioners

Chair

Recording Secretary

HB 2348: no sponsor

Relating to retired law enforcement officers.

Provides honorably retired law enforcement officers with protections provided to Oregon concealed handgun license holders. Declares emergency, effective on passage.

HB 2357: No Sponsor

Relating to firearms.

Modifies certain law enforcement defenses applicable to certain firearms-related crimes. Declares emergency, effective on passage.

HB2424: Introduced pursuant to House Rule 12.00

Relating to the possession of certain weapons by authorized staff.

Authorizes employees of Department of Corrections, State Board of Parole and Post-Prison Supervision and Oregon Corrections Enterprises who work in department building to store personal handgun and ammunition in vehicle. Directs department to adopt policies or rules for possession and storage of personal handguns and ammunition. Provides that department, board and Oregon Corrections Enterprises do not have duty to inspect or secure vehicles or parking areas. Declares emergency, effective on passage.

HB2429: Introduced pursuant to House Rule 12.00

Relating to relief from firearm prohibitions.

Repeals sunset on provisions related to relief from prohibition on possessing and purchasing firearms. Authorizes Psychiatric Security Review Board to conduct relief hearings for persons found guilty except for insanity of certain misdemeanors. Authorizes board to conduct hearings with members from adult panel, juvenile panel or both. Declares emergency, effective on passage.

HB2527: Representative Witt

Relating to law enforcement officers.

Provides that active and honorably retired law enforcement officers may possess firearms or other dangerous weapons in public buildings.

HB 2529: Sponsored by Representative Witt

Relating to concealed handgun licenses.

Exempts certain transferors of firearms from requesting criminal history record check if purchaser or recipient has concealed handgun license. Requires county sheriff to request that Department of State Police perform criminal records check with National Instant Criminal Background Check System. Requires sheriff to obtain certain information from noncitizen applicants before issuing concealed handgun license.

HB2533: Sponsored by Representative Witt

Relating to criminal history record check exemption for concealed handgun licensees.

Exempts certain transferors of firearms from requesting criminal history record check if purchaser or recipient has concealed handgun license. Requires county sheriff to request that Department of State Police perform criminal records check with National Instant Criminal Background Check System. Requires sheriff to obtain certain information from noncitizen applicants before issuing concealed handgun license.

SB 86: No sponsor

Relating to firearms training facilities.

Authorizes establishment of firearms training facility on lot or parcel that is in exclusive farm zone, forest zone or mixed farm and forest zone, and that is not within city or urban growth boundary.

SB106: Sponsored by Senator Thatcher

Relating to handgun safety instructors.

Directs Department of Public Safety Standards and Training to establish handgun safety instructor program. Directs department to adopt rules to administer handgun safety instructor program. Becomes operative January 1, 2016. Includes completion of handgun safety course taught by handgun safety instructor as acceptable demonstration of competence with handgun for issuance of concealed handgun license. Declares emergency, effective on passage.

SB115: Sponsored by Senator Thatcher

Relating to concealed handgun licenses.

Removes six-month county residence requirement for legal resident applicant for concealed handgun license. Authorizes county sheriff to waive residency requirement for concealed handgun license if applicant resides in another state. Provides that license holders may renew license electronically or by mail. Provides that if sheriff waives residence requirement for license applicant, sheriff shall consider application as renewal if person has valid license issued in another county.

SB170: Sponsored by Senator Boquist

Relating to firearm safety education.

Requires school districts to provide firearm safety courses. Takes effect July 1, 2016

SB173: Sponsored by Senator Boquist

Relating to firearms in public buildings.

Authorizes person licensed to carry concealed handgun to present valid license instead of providing firearm to peace officer for examination when possessing firearm in public building.

SB 299: Sponsored by Senator Ferrioli

Relating to long guns obtained from other states.

Changes states in which residents of Oregon may lawfully obtain long guns for transport into Oregon from contiguous states to all other states.

SB 300: Sponsored by Senator Ferrioli

Relating to removing Department of State Police as designated state point of contact for gun dealer criminal background checks.

Removes Department of State Police as designated state point of contact for purposes of National Instant Criminal Background Check System. Requires gun dealer to obtain authorization to transfer firearm directly from system.

SB315: No Sponsor

Relating to transfers of used firearms.

Provides that used firearm transfer register may be electronic or manual. Requires register approval by Department of State Police. Requires person using electronic register to provide hard copy of transaction information to federal law enforcement agency within specified time upon request.

SB385: No Sponsor

Relating to possession of weapons in courts.

Adds justice court and municipal court to definition of “court facility”; in which firearms and other weapons are prohibited except in specified circumstances. Expands definition of "weapon" to include certain kinds of pocketknives. Authorizes judges of justice courts and municipal courts to establish procedures permitting or prohibiting possession of firearms and other weapons in court facilities.

SB525: Sponsored by Senator Monnes Anderson

Relating to possession of firearms by certain persons.

Prohibits possession of firearm or ammunition by person who is subject to restraining order issued by court under Family Abuse Prevention Act or who has been convicted of certain misdemeanor crimes involving domestic violence. Punishes unlawful possession of firearm by prohibited person by maximum of one year's imprisonment, \$6,250 fine, or both. Provides for procedure for relief from prohibition.

SB 528: Sponsored by Senator Girod

Relating to firearms.

Provides persons licensed to carry concealed handgun in another state with protections provided to persons with Oregon concealed handgun license.

Consent Agenda

The March 14 and 21 claims journals; and the March 14 Public Works claims journals; were approved as presented on the consent agenda.

2nd Amendment Support Resolution

Resolution 2013-03, In the Matter of a Resolution Affirming Support of the 2nd Amendment to the United States Constitution & Article 1, Section 27 of the Oregon Constitution, was presented for consideration. Shelley Burgess, Administrative Officer, explained that this is the Resolution that the Commissioners had discussed at a previous meeting when citizens asked the Commissioners to show support and uphold the 2nd Amendment to the Constitution. **Commissioner McClure moved approval of Resolution 2013-03 as presented. Commissioner Rosholt seconded. Motion carried unanimously.**

Appointment to Union County Fair Association Board of Directors

Court Order 2013-19, In the Matter of Appointment to the Union County Fair Association Board of Directors, was presented for consideration. Shelley Burgess explained that this Court Order would re-appoint Stephanie Myers to the Board. **Commissioner Rosholt moved approval of Court Order 2013-19 as presented. Commissioner McClure seconded. Motion carried unanimously.**

Appointment to the 4-H and Extension District Advisory Committee

Court Order 2013-20, In the Matter of Appointment to the 4-H & Extension District Advisory Committee, was presented for consideration. Shelley Burgess explained that this Court Order would re-appoint Donna Heffernan, Bill White, Ken Patterson and Don Sands. It would also appoint a new member, Robin Gerber, to the Committee. **Commissioner McClure moved approval of Court Order 2013-20 as presented. Commissioner Rosholt seconded. Motion carried unanimously.**

Vacation of a Portion of Airport Lane – Union County

Commissioner McClure moved to postpone this hearing until 10:30 a.m. on May 1st. Commissioner Rosholt seconded. Motion carried unanimously.

Adjournment

The meeting was adjourned at 10:02 a.m.

Respectfully Submitted,

Ashley Wilhelm
Sr. Dept. Specialist II

**IN THE BOARD OF COUNTY COMMISSIONERS OF THE STATE OF OREGON
FOR THE COUNTY OF BAKER**

IN THE MATTER OF

SUPPORTING THE SECOND
AMENDMENT OF THE UNITED STATES
CONSTITUTION

)
) RESOLUTION NO. 2013-1035
)
)
)

WHEREAS, The Baker County Board of Commissioners are sworn to uphold the constitution and all amendments of the United States and the State of Oregon; and

WHEREAS, the Second Amendment to the constitution of the United States clearly 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, hunting firearms have long been utilized by our citizens and should not be classified as "assault weapons"; and

WHEREAS, the significant majority of all lawfully owned firearms in America will not be used in crime in any given year; and

WHEREAS, the criminal misuse of firearms by those in the criminal element is not a reason to deny the Constitutional right to keep and bear arms by law-abiding citizens; and

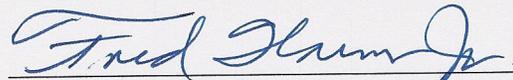
WHEREAS, state and federal lawmakers continue to propose measures aimed at restricting all firearms and ammunition including bans, taxation, extensive waiting periods, registration, licensing and even confiscation; and

WHEREAS, such proposed laws assume the guilt of all firearm owners without addressing those who have mental issues and/or criminally abuse firearms, contrary to the current state and federal laws; and

NOW, THEREFORE, be it resolved, the Baker County Board of Commissioners goes on record as opposing further gun laws which would infringe on Baker County citizens rights to bear arms.

Done and Dated this 4th day of December, 2013.

BAKER COUNTY BOARD OF COMMISSIONERS



Fred Warner Jr., Commission Chair

Tim L. Kerns, Commissioner



Mark E. Bennett, Commissioner



Klamath County Commissioners

Tom Mallams, Commissioner
Position One

Dennis Linthicum, Commissioner
Position Two

Jim Bellet, Commissioner
Position Three

December 22, 2014

To: All Oregon State Representatives & Senators
From: Klamath County Commissioners

Throughout the State of Oregon a long history exists supporting the rights held within the 2nd and other Constitutional Amendments pertaining to the use of firearms. The legal use of firearms in Klamath County for hunting, target shooting and self-defense continues to be held in the highest regard by its citizens.

The recent direction of our State Legislatures attempts to create additional restrictive laws' pertaining to these Constitutional Amendments is extremely alarming.

To this end, the intent of the Klamath County Board of Commissioners is to formulate an ordinance, denying the use of County funds or resources, which may support or enforce additional restrictions.

We encourage you, as representative of the citizens of Oregon, to oppose any additional restrictive laws infringing on our Constitutional Rights.

Sincerely,


James Bellet, Chair


Tom Mallams, Commissioner


Dennis Linthicum, Commissioner





BOARD OF COMMISSIONERS

KDS
NOV 24 2014

20 November 2014

Commissioner Jim Bernard † BCC
Public Services Building
2051 Kaen Road
Oregon City, Oregon 97045

Dear Commissioner Bernard:

On behalf of the Canby Rod and Gun Club I am writing to request your commitment to oppose any effort by the State of Oregon to outlaw the private transfer of firearms.

For over 100 years the Canby Rod & Gun Club has provided a place for people to learn and practice the safe handling of firearms. We offer firearms safety training and facilities to the public, and to governmental organizations. Our clubhouse and ranges have played host to countless local events and organizations, enabling participants to enjoy the shooting sports.

We are deeply troubled that our members may be put at risk by either legislation or a ballot measure that would criminalize practices that our members, and all Oregonians, have enjoyed for generations. It makes no sense that our members, some of whom have known each other for their entire lives, will have to ask the state for permission to trade guns to each other or even simply let each other use firearms at our ranges. We are concerned that our safety classes will no longer allow us to loan firearms to students unless we conduct "background checks" which sometimes are not completed for weeks or months.

As a federally licensed firearms dealer we know the problems the current background system causes for dealer transfers. We strongly oppose extending this system to temporary or permanent exchanges between friends and family members.

We are well aware that a few population centers have the votes to force background check/firearms registration legislation, or a similar ballot measure, however we believe that a strong response now, by county commissioners and county sheriffs, would have a powerful effect on the outcome of such efforts. If county commissioners and sheriffs send a clear message that they will not support or enforce dangerous and intrusive anti-rights laws, legislators and voters in the cities who control the outcome of many votes will be forced to reassess the wisdom of passing laws that are opposed by the voters in most counties.

P.O. Box 311
Canby, Oregon 97013

Canby Rod & Gun Club

503-266-2453
crgc@canby.com
<https://www.canbyrodandgun.org/>

Please let me know if we can inform our members that you will commit to publicly oppose any legislation or ballot measure that requires background checks for private transfers, that you will oppose the expenditure of any county funds to assist in the enforcement of any such law, and that you will do everything in your power to ensure that the County Sheriff protects the rights of gun owners by refusing to assist in any enforcement of such a law.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Dula". The signature is written in a cursive style with a large, sweeping initial "J".

Joe Dula
President