

By: Representative Eubanks

To: Rules

HOUSE CONCURRENT RESOLUTION NO. 19

1 A CONCURRENT RESOLUTION TO DECLARE THE STATE OF MISSISSIPPI  
2 AS A "SECOND AMENDMENT SANCTUARY" STATE.

3 WHEREAS, the Second Amendment of the United States  
4 Constitution reads "A well regulated Militia, being necessary to  
5 the security of a free State, the right of the people to keep and  
6 bear Arms, shall not be infringed."; and

7 WHEREAS, the United States Supreme Court in *District of*  
8 *Columbia v. Heller*, 554 U.S. 570 (2008), affirmed an individual's  
9 right to possess firearms, unconnected with service in a militia,  
10 for traditionally lawful purposes, such as self-defense within the  
11 home; and

12 WHEREAS, the United States Supreme Court in *McDonald v.*  
13 *Chicago*, 561 U.S. 742 (2010), affirmed that the right of an  
14 individual to "keep and bear arms," as protected under the Second  
15 Amendment, is incorporated by the Due Process Clause of the  
16 Fourteenth Amendment against the states; and

17 WHEREAS, the United States Supreme Court in *United States v.*  
18 *Miller*, 307 U.S. 174 (1939), opined that firearms that are part of



19 ordinary military equipment, or with use that could contribute to  
20 the common defense are protected by the Second Amendment; and

21 WHEREAS, Article 3, Section 12, of the Constitution of the  
22 State of Mississippi provides "The right of every citizen to keep  
23 and bear arms in defense of his home, person, or property, or in  
24 aid of the civil power when thereto legally summoned, shall not be  
25 called in question, but the Legislature may regulate or forbid  
26 carrying concealed weapons."; and

27 WHEREAS, Article 3, Section 5, of the Constitution of the  
28 State of Mississippi reads "That all men are by nature equally  
29 free and independent and have certain inherent rights, of which,  
30 when they enter into the state of society, they cannot, by any  
31 compact, deprive or divest their posterity; namely, the enjoyment  
32 of life and liberty, with the means of acquiring and possessing  
33 property, and pursuing and obtaining happiness and safety."; and

34 WHEREAS, Article 3, Section 14 of the Constitution of the  
35 State of Mississippi reads "No person shall be deprived of life,  
36 liberty, or property except by due process of law."; and

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



43           WHEREAS, the Legislature is concerned about the passage of  
44 any bill containing language which could be interpreted as  
45 infringing the rights of the citizens of the State of Mississippi  
46 to keep and bear arms; and

47           WHEREAS, the Legislature wishes to express its deep  
48 commitment to the rights of all citizens of Mississippi to keep  
49 and bear arms; and

50           WHEREAS, the Legislature wishes to express opposition to any  
51 law that would unconstitutionally restrict the rights of the  
52 citizens of Mississippi to keep and bear arms; and

53           WHEREAS, the Legislature wishes to express its intent to  
54 stand as a Sanctuary State for Second Amendment rights and to  
55 oppose, within the limits of the Constitution of the United States  
56 and the Constitution of the State of Mississippi, any efforts to  
57 unconstitutionally restrict such rights, and to use such legal  
58 means at its disposal to protect the rights of the citizens of  
59 Mississippi to keep and bear arms, including through legal action,  
60 the power to appropriate public funds, the right to petition for  
61 redress of grievances, and the power to direct the law enforcement  
62 and employees of the State of Mississippi to not enforce any  
63 unconstitutional law:

64           NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF  
65 REPRESENTATIVES OF THE STATE OF MISSISSIPPI, THE SENATE CONCURRING  
66 THEREIN, That we do hereby declare the State of Mississippi, as a  
67 "Second Amendment Sanctuary" state.



68           BE IT FURTHER RESOLVED, That the Legislature hereby expresses  
69 its intent to uphold the Second Amendment rights of the citizens  
70 of Mississippi.

71           BE IT FURTHER RESOLVED, That the Legislature hereby expresses  
72 its intent that public funds of the state not be used to restrict  
73 the Second Amendment rights of the citizens of Mississippi, or to  
74 aid federal agencies in the restriction of those rights.

75           BE IT FURTHER RESOLVED, That the Legislature hereby declares  
76 its intent to oppose any infringement on the right of law-abiding  
77 citizens to keep and bear arms using such legal means as may be  
78 expedient, including, without limitation, court action.

79           BE IT FURTHER RESOLVED, That copies of this resolution be  
80 furnished to the members of the Capitol Press Corps.

