



CITY OF OXFORD, KANSAS
RESOLUTION NO. 411



BOOK 1084 PAGE 0045
State of Kansas, Sumner County SS:
Filed for record on the 21st Day of March 2017 A.D. at 1:30
o'clock P.M. and recorded in photo
Book 1084 at page 75
fees \$
Jessica D. Anderson

A RESOLUTION TO DECLARE OXFORD, KANSAS
TO BE A "SECOND AMENDMENT SANCTUARY CITY"

WHEREAS, the governing body of the City of Oxford, Kansas, pursuant to Kansas Statute and the Oxford Kansas Home Rule Authority provided by the Kansas State Constitution Article 12, Section 5, is vested with the authority of administering the affairs of Oxford, Kansas, and

WHEREAS, the Second Amendment to the United States Constitution, adopted in 1791 as part of the Bill of Rights, protects the inalienable and individual right of the people to keep and bear arms, and

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

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

WHEREAS, the United States Supreme Court in United States v. Miller, 307 U.S. 174(1939), opined that firearms that are part of ordinary military equipment, or with use that could contribute to the common defense are protected by the Second Amendment, and

WHEREAS, the Second Amendment to the Constitution of the United States reserves to the people, individually, the right to keep and bear arms as that right was understood at the time that Kansas was admitted to statehood in 1861, and the guaranty of that right is a matter of contract between the state and people of Kansas and the United States as of the time that the compact with the United States was agreed upon and adopted by Kansas in 1859 and the United States in 1861.

WHEREAS, Section 1 of the Kansas Bill of Rights provides that " all men are possessed of equal and inalienable natural rights, among which are life, liberty, and the pursuit of happiness" and,

WHEREAS, Section 4 of the Kansas Bill of Rights of the Constitution of the State of Kansas clearly secures to Kansas citizens, and prohibits government interference with, the right of individual Kansas citizens to keep and bear arms. This constitutional protection is unchanged from the constitution of the State of Kansas, which was approved by congress and the people of Kansas, and the right exists as it was understood at the time that the compact with the United States was agreed upon and adopted by Kansas in 1859 and the United States in 1861, and

WHEREAS, K.S.A. 50-1206. Provides certain federal laws made inapplicable; prohibition against enforcement.

a) Any act, law, treaty, order, rule or regulation of the government of the United States which violates the second amendment to the constitution of the United States is null, void and unenforceable in the state of Kansas.

(b) No official, agent or employee of the state of Kansas, or any political subdivision thereof, shall enforce or attempt to enforce any act, law, treaty, order, rule or regulation of the government of the United States regarding any personal firearm, firearm accessory or ammunition that is manufactured commercially or privately and owned in the state of Kansas and that remains within the borders of Kansas.

WHEREAS, K.S.A. 50-1207 - Criminal penalty; certain actions of federal officials. States, "It is unlawful for any official, agent or employee of the government of the United States, or employee of a corporation providing services to the government of the United States to enforce or attempt to enforce any act, law, treaty, order, rule or regulation of the government of the United States regarding a firearm, a firearm accessory, or ammunition that is manufactured commercially or privately and owned in the state of Kansas and that remains within the borders of Kansas."

Of which violation of this section is a severity level 10 nonperson felony. Any criminal prosecution for a violation of this section shall be commenced by service of complaint and summons upon such official, agent or employee. Such official, agent or employee shall not be arrested or otherwise detained prior to, or during the pendency of, any trial for a violation of this section.

WHEREAS, K.S.A. 50-1208, Kansas prosecutors; injunctive relief. States, "A county or district attorney, or the attorney general, may seek injunctive relief in any court of competent jurisdiction to enjoin any official, agent or employee of the government of the United States or employee of a corporation providing services to the government of the United States from enforcing any act, law, treaty, order, rule or regulation of the government of the United States regarding a firearm, a firearm accessory, or ammunition that is manufactured commercially or privately and owned in the state of Kansas and that remains within the borders of Kansas."

WHEREAS, K.S.A. 50-1210. Application of act. K.S.A. 2020 Supp. 50-1201 through 50-1211, and amendments thereto, apply to firearms, firearms accessories and ammunition that are manufactured, as defined in K.S.A. 2020 Supp. 50-1203, and amendments thereto, owned and remain within the borders of Kansas on and after October 1, 2009.

it is the desire of the Oxford City Council to declare its support of the Second Amendment to the United States Constitution and to the provisions of the Kansas Constitution which protect Oxford, Kansas Citizens' inalienable and individual right to keep and bear arms, and

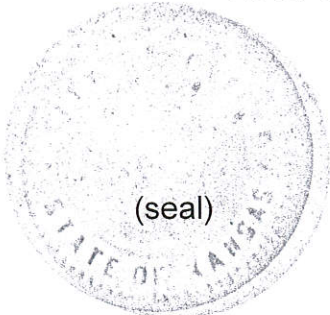
WHEREAS, the Council members each took an oath to support and defend the United States Constitution, the Kansas Constitution, and the laws of the State of Kansas which are not deemed unconstitutional by a court of competent jurisdiction.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Oxford, Kansas, be and hereby is, declared to be a "Second Amendment Sanctuary City."

BE IT FURTHER RESOLVED that the City Council affirms its support for the Oxford, Kansas Chief of Police, in the exercise of his sound discretion, to not enforce against any citizen any unconstitutional firearms law.

BE IT FURTHER RESOLVED that the City Council will not appropriate funds for capital construction of building space and purchase of storage systems to store weapons seized pursuant to the authority and requirements set forth in H.B. 19-1177, if such bill is enacted by the Kansas General Assembly, and/or for the purpose of enforcing any other law that unconstitutionally infringes upon the right of the People of Oxford, Kansas to keep and bear arms. The above and foregoing Resolution was, on motion duly made and seconded, adopted by the following vote on the 2nd day of March, A.D., 2021.

ADOPTED by the Council this 2nd day of March, 2021.



(seal)

Signed: David Olmsted
David Olmsted, Mayor

ATTEST:

Tresa Tong
Tresa Tong, City Clerk