**2018 Columbia County State of Oregon**

**Second Amendment Sanctuary Ordinance**

**SECTION 1. TITLE**

The title of this ordinance shall be known and may be cited as the "Second Amendment Sanctuary Ordinance,” or “SASO.”

**SECTION 2. FINDINGS**

The people of Columbia County Oregon finds and declares:

1. Acting through the United States Constitution, the people created government to be their agent in the exercise of a few defined powers, while reserving the citizen’s right to decide on matters, which concern their lives, liberties, and properties in the ordinary course of affairs;
2. 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”;*
3. The rights of the people to keep and bear arms are further protected from infringement by State and Local Governments under the Ninth and Tenth Amendments to the Constitution of the United States of America as well as Article 1 of the Constitution of the Great State of Oregon;
4. Article 1, Section 27 of the Constitution of the Great State of Oregon states, *“The people shall have the right to bear arms for the defense of themselves, and the State, but the Military shall be kept in strict subordination to the civil power”*;
5. Article 1, Section 33 of the Constitution of the Great State of Oregon states, *“This enumeration of rights and privileges shall not be construed to impair or deny others* *retained by the people”*;
6. The Supreme Court of the United States of America in *District of Columbia v. Heller* upheld the individual’s right to bear arms as protected by the Second Amendment of the Constitution of the United States of America. Justice Scalia’s opinion stated that the Second Amendment protects an individual’s right to possess a firearm unconnected with service in a militia, and to use that firearm for traditionally lawful purposes, such as self-defense within the home;

1. Justice Thomas M. Cooley in the People v. Hurlbut 24 Mich. 44, page 108 (1871) he surmises: *“The State may mould local institutions according to its views of policy or expediency: but local government is matter of absolute right; and the state cannot take it away”;*
2. The Fourteenth Amendment to the Constitution of the United States of America Section 1 it states, *“No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws”;*
3. There is a right to be free from the commandeering hand of government that has been most notably recognized by the United States Supreme Court in *Printz v. United States.* The Court held: ‘The Federal Government may neither issue directives requiring the States to address particular problems, nor command the States’ officers, or those of their political subdivisions, to administer or enforce a federal regulatory program; and that the anticommandeering principles recognized by the U.S. Supreme Court in *Printz v. United States* are predicated upon the advice of James Madison, who in *Federalist #46* advised “a refusal to cooperate with officers of the Union” in response to either unconstitutional federal measures or constitutional but unpopular federal measures;
4. It should be self-evident from the compounding evidence that the right to keep and bear arms is a fundamental individual right that shall not be infringed and all local, state, and federal acts, laws, orders, rules or regulations regarding firearms, firearms accessories, and ammunition are a violation of the Second Amendment;
5. Local governments have the legal authority to refuse to cooperate with state and federal firearm laws that violate those rights and to proclaim a Second Amendment Sanctuary for law-abiding citizens in their cities and counties;
6. Therefore, through the enactment of this document Columbia County Oregon is hereby a Second Amendment Sanctuary County;

**SECTION 3. PROHIBITIONS**

1. Other than compliance with an order of the court, notwithstanding any law, regulation, rule or order to the contrary, no agency of the Columbia County Government, political subdivision of this county, or employee of an agency or political subdivision of this county acting in his or her official capacity shall:
2. Knowingly and willingly, participate in any way in the enforcement of any act, law, order, rule, or regulation issued regarding a personal firearm, firearm accessory, or ammunition.
3. Utilize any assets, county funds, or funds allocated by the state to the county, in whole or in part, to engage in any activity that aids any agency, agent, or corporation providing services to the state or federal government in the enforcement or any investigation pursuant to the enforcement of any act, law, order, rule, or regulation issued regarding a personal firearm, firearm accessory, or ammunition.

**SECTION 4. PENALTIES**

1. All local, state and federal acts, laws, orders, rules, and regulations, whether past, present, or future, which infringe on the people's right to keep and bear arms as guaranteed by the Second Amendment to the United States Constitution and Article 1, Section 27 of the Constitution of the State of Oregon shall be invalid in this county, shall not be recognized by this county, are specifically rejected by this county, and shall be considered null and void and of no effect in Columbia County Oregon, and this includes, but shall not be limited to the following:
2. Any tax, levy, fee, or stamp imposed on firearms, firearm accessories, or ammunition not common to all other goods and services which could have a chilling effect on the purchase or ownership of those items by law-abiding citizens; and
3. Any registering or tracking of firearms, firearm accessories, or ammunition which could have a chilling effect on the purchase or ownership of those items by law-abiding citizens; and
4. Any registering or tracking of the owners of firearms, firearm accessories, or ammunition, which could have a chilling effect on the purchase or ownership of those items by law-abiding citizens; and
5. Any registration and background check requirements on firearms, firearm accessories, or ammunition for law-abiding citizens; and
6. Any act forbidding the possession, ownership, or use or transfer of any type of firearm, firearm accessory, or ammunition by law-abiding citizens; and
7. Any act ordering the confiscation of firearms, firearm accessories, or ammunition from law-abiding citizens; and
8. Any prohibitions, regulations, and/or use restrictions related to ownership of non-fully automatic firearms, including but not limited to semi-automatic firearms; including semiautomatic firearms that have the appearance or features similar to fully automatic firearms and/or military "assault-style" firearms by law-abiding citizens; and
9. Any prohibition, regulations, and/or use restrictions limiting hand grips, stock, flash suppressors, bayonet mounts, magazine capacity, clip capacity, internal capacity, or types of ammunition available for sale, possession or use by law-abiding citizens; and
10. Any restrictions prohibiting the possession of open carry or concealed carry, or the transport of lawfully acquired firearms or ammunition by law-abiding adult citizens or minors supervised by adults.
11. Anyone within the jurisdiction of Columbia County Oregon found in violation of this ordinance shall be made a defendant in a civil proceeding by the county seeking redress of the violation, per ORS 203.065.
12. Fines recovered under ORS 203.030 - 203.075 shall be paid to the clerk of the court in which recovery is had. After first deducting court costs in the proceedings, the clerk shall pay the remainder to the treasurer of the county for the general fund of the county, per ORS 203.065.
13. A civil offense against this ordinance is a Class A violation, per ORS 203.065, with a maximum fine of $2,000 for an individual, and $4,000 for a corporation, per ORS 153.018.
14. Any peace officer, as defined by ORS 161.015, may enforce this ordinance, adopted under ORS 203.035.
15. Any official, agent, or employee of the Columbia County Government who enforces or attempts to enforce any of the infringements on the right to keep and bear arms included in this Section is guilty of a class A misdemeanor.

**Section 5. PRIVATE CAUSE OF ACTION**

1. Any entity, person, official, agent, or employee of the Columbia County Government who knowingly violates, or otherwise knowingly deprives a citizen of Columbia County the rights or privileges ensured by the Second Amendment of the United States Constitution or Article 1, Section 27 of the Oregon State Constitution, while acting under the color of any state or federal law, shall be liable to the injured party in an action at law, suit in equity, or other proper proceeding for redress.
2. In such actions, the court may award the prevailing party, other than the government of Columbia County Oregon or any political subdivision of the county, reasonable attorney's fees and costs.
3. Neither sovereign nor official or qualified immunity shall be an affirmative defense in such cases.

**SECTION 6. SEVERABILITY**

1. The provisions of this act are hereby declared to be severable, and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

**SECTION 7. EFFECTIVE DATE**

1. The effective date of this ordinance, The Second Amendment Sanctuary Ordinance or SASO shall be effective immediately upon certification of approval by the voters of Columbia County.