

Borough of Sussex
State of New Jersey
Resolution 2019-201R

A resolution of the Borough of Sussex Declaring Borough of Sussex a Second Amendment Borough.

***WHEREAS**, the Constitution of the United States of America is the supreme law of our nation, and*

***WHEREAS**, the Second Amendment to the Constitution states, “A well-regulated militia necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.”*

***WHEREAS**, the U.S. Supreme Court in the District of Columbia v. Heller, 554 U.S. 570 (2008) affirmed that the Second Amendment right to keep and bear arms is not connected in any way to the service of the militia; and*

***WHEREAS**, the U.S. Supreme court in United States v. Miller, 307 U.S. 174 (1939) stated firearms that are part of ordinary military use (Weapons of common use) that can contribute to the common defense and are protected by the Second Amendment; and*

***WHEREAS**, there are an estimated 12 million Americans who lawfully carry concealed firearms; and*

***WHEREAS**, abridging the rights of lawful gun owners does not reduce the criminal use of firearms by violent offenders; and*

***WHEREAS**, New Jersey Second Amendment Society and Mark Cheeseman v. Christopher S Porrino U.S District court 3rd, stated “The Second Amendment extends, prima facie to all instruments that constitute bearable arms, even those not in existence at the time of the founding”*

***WHEREAS**, New Jersey Attorney General Burton Sills, who “close[ly] participated[ed] in the drafting and presentation of the [1966] Gun Control Law,” and whose views the New Jersey has relied upon to decide close interpretive questions concerning that legislation. See Service Armament Co. v. Hyland, 362 A.2d 13, 18, 70 N.J. 550, 560 (1976). In the lead-up to the 1966 Gun Control Law, Attorney General Sills had publicly explained that there was presently “no law against walking down the street with a weapon in your hand or on your body so long as it isn’t concealed,” and that individuals without concealed-carry permits were free to carry guns “in plain view”.*

WHEREAS, In the A-165 Debates of 1966, Attorney General Sills explained that under the new law, "standards are set forth to determine if the issuance of a permit to ... carry a pistol or revolver would be in the interest of public health safety, or welfare," and "(f)or those who wish to carry a pistol or revolver, permits will be required as they are under present New Jersey law: and

WHEREAS, violations of existing laws, statutes and regulations are already criminal offenses, many being felonies; and

WHEREAS, gun control laws, including a plethora of current proposed legislation, are not evidence-based; and

WHEREAS, New Jersey's Gun Control Law is highly purposed and conscientiously designed toward preventing criminal and other unfit elements from acquiring firearms while enabling the fit elements of society to obtain them with minimal burdens and inconveniences." [Burton v Sills 53 N.J. 86 (1968) 248 A.2d 521 at 105.

WHEREAS, A law abiding citizen of the State of New Jersey who possess a N.J. Firearms Purchaser Identification card has met the burden of proof to be a law-abiding citizen. And is immune from further legislation and laws that are in violation of the constitution of the United States of America.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sussex, State of New Jersey, as follows:

The Mayor and Council declares the Borough of Sussex to be a 2nd Amendment/ Lawful Gun Owner municipality as defined herein:

a. The Borough of Sussex supports the rights of lawful gun owners to lawfully use firearms; to defend themselves, their loved ones and other innocents; to lawfully hunt to provide sustenance for their families; and to lawfully participate in shooting sports up to and including Olympic sports.

b. The Borough of Sussex opposes further interference with, or abridging of, the rights of lawful gun owners.

c. The Borough of Sussex opposes gun control, "gun safety" legislation, or "red flag laws", State, Federal, or local. Agenda No. XI 26 Page 2 of 2

d. The Borough of Sussex espouses holding accountable the violent criminal offenders, rather than irrational and/or disproven attempts to control lawful tools of self-defense, hunting and sport.

The Borough of Sussex Recognizes said Borough is not immune from past present or future laws and or legislation passed by the N.J. legislature regarding state and local firearms laws or statutes. Therefore all residents of the Borough of Sussex can be prosecuted for ignoring or breaking present state laws in force.

Antoinette Smith
RMC