

AN ORDINANCE

AN ORDINANCE UPDATING GREENVILLE COUNTY'S DECLARATION AS A RIGHT TO KEEP AND BEAR ARMS JURISDICTION FOR SECOND AMENDMENT RIGHTS; AND TO REPEAL ORDINANCE NO. 5335.

BE IT ORDAINED by the County Council of Greenville County, South Carolina:

Section 1. Findings. The Greenville County Council hereby finds the following:

A. Acting through the United States Constitution, the people created government to be their agent in the exercise of a few defined powers, while reserving to the citizens the right to decide on matters which concern their lives, liberty, and property in the ordinary course of affairs; and

B. The Second Amendment to the United States Constitution 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

C. The United States Supreme Court in *District of Columbia v. Heller* 554 U.S. 570 (2008) recognized an individual's right to keep and bear arms, as protected by the Second Amendment of the United States Constitution, with Justice Antonin Scalia's majority opinion in that case stating that the Second Amendment protects an individual's right to possess a firearm unconnected with service in a militia, and the right to use that firearm for traditionally lawful purposes, such as self-defense within the home; and

D. The United States Supreme Court in *Printz v. United States*, 521 U.S. 898 (1997) recognized 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

E. Article I, Section 20 of the Constitution of South Carolina reads "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

F. Certain legislation which has or may be introduced in the United States Congress that has the effect of infringing on the rights of law abiding citizens to keep and bear arms, as guaranteed by the Second Amendment to the United States Constitution and Article I, Section 20 of the Constitution of South Carolina; and

G. Local governments have the legal authority to object to federal laws regarding firearms, firearm accessories, and ammunition which are interpreted to violate federal and state constitutional rights and to proclaim a Right to Keep and Bear Arms for law-abiding citizens in their cities and counties; and

H. Greenville County Council wishes to express its commitment to the rights of all citizens of Greenville County to keep and bear arms and oppose, within the limits of the Constitution of the

United States and the State of South Carolina, any efforts to unconstitutionally restrict such rights; and

I. Greenville County Council wishes to establish Greenville County as a Right to Keep and Bear Arms jurisdiction for Second Amendment rights.

Section 2. County Policy and Prohibitions.

A. The Greenville County Council hereby declares the following:

- (i) Greenville County, South Carolina, is a "Right to Keep and Bear Arms" jurisdiction.
- (ii) It is the intent of Greenville County Council to uphold the Right to Keep and Bear Arms for the Second Amendment rights of the citizens of Greenville County.
- (iii) The policy of Greenville County is that public funds of the County not be used to knowingly and willfully participate in actions that unlawfully restrict the Second Amendment rights of the citizens of Greenville County, or to aid federal agencies to knowingly and willingly engage in the unlawful restriction of said rights.
- (iv) Greenville County Council opposes any unlawful infringement on the right of law-abiding citizens to keep and bear arms using such legal means as may be expedient, including court action.
- (v) An unlawful infringement shall consist of any federal act ordering the confiscation of firearms, firearms accessories, or ammunition from citizens; any registration or tracking of firearms, firearm accessories, or ammunition; any registration or tracking of the owners of firearms, firearm accessories, or ammunition; any prohibition, regulation, and/or use restriction related to ownership or the constitutionally guaranteed lawful use or carry of non-fully automatic firearms.
- (vi) No employee of Greenville County, while acting in their official capacity, shall knowingly and willingly aid, assist, or accompany any federal agent or officer in the enforcement of any of these prohibited acts, as defined herein.

B. Penalty:

Upon conviction for violation of this ordinance, a person must be imprisoned for up to 30 days, or fined up to \$500.00.

C. Exceptions:

- (i) The protections provided to citizens by this ordinance do not apply to persons who have been convicted of felony crimes or who are prohibited from possessing firearms under federal law.
- (ii) This ordinance is not intended to prohibit or affect in any way the prosecution of any crime for which the use of, or possession of, a firearm is an aggravating factor or enhancement to an otherwise independent crime.
- (iii) This ordinance does not permit or otherwise allow possession of firearms in federal

buildings.

- (iv) This ordinance does not prohibit individuals in Greenville County from voluntarily participating in, assisting in permitting, licensing, registration or other processing of applications for concealed carry permits, or other firearm, firearm accessory, or ammunition licensing or registration processes that may be required by law.

Section 3. **Severability.** Should any section, paragraph, clause, phrase, or provision of this Ordinance be adjudged invalid or held unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

Section 4. **Repeal.** Ordinance No. 5335 is hereby repealed.

Section 5. **Effective Date.** This Ordinance shall take effect on the date of its adoption.

DONE IN REGULAR MEETING THIS ____ DAY OF _____, 2022.

Willis Meadows, Chairman
Greenville County Council

ATTEST:

Regina McCaskill
Clerk to Council

Joseph M. Kernell
County Administrator