

AN ORDINANCE

AN ORDINANCE DECLARING GREENVILLE COUNTY AS A RIGHT TO KEEP AND BEAR ARMS JURISDICTION FOR SECOND AMENDMENT RIGHTS.

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. 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 the 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
- F. Article 1, 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
- G. Certain legislation that has or may be introduced in the South Carolina General Assembly, and 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

H. Local governments have the legal authority to object to state and 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

I. 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

J. 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 or state 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.

B. 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. Effective Date. This Ordinance shall take effect on the date of its adoption.

DONE IN REGULAR MEETING THIS _____ DAY OF _____, 2021.

Regina McCaskill
Clerk to Council

Willis H. Meadows, Chairman
Greenville County Council

Joseph M. Kernell
County Administrator