

RESOLUTION OF THE TOWN OF WESTERLY IN  
OPPOSITION TO RHODE ISLAND 2023 GUN CONTROL LEGISLATION

WHEREAS, The Town Council of the Town of Westerly pursuant to Rhode Island statute and the Town of Westerly Charter, is vested with the authority of administering the affairs of the Town of Westerly, Rhode Island; and

WHEREAS, the Second Amendment to the United States Constitution, ratified on December 15, 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 and is applicable to 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, Article I, Section 22 of the Rhode Island Constitution adopted in 1842, provides that **"The right of the people to keep and bear arms shall not be infringed."**; and

WHEREAS, Article I, Section 6 of the Rhode Island Constitution provides that **"The right of the people to be secure in their persons, papers and possessions, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, but on complaint in writing, upon probable cause, supported by oath or affirmation and describing as nearly as many as may be, the place to be searched and the persons or things to be seized."**; and

WHEREAS, as a matter of general principle, and in recognition of over 230 years of lawmaking under the guidance of the Constitution for the United States of America having properly established numerous laws regarding criminal use of firearms that are wholly adequate when judiciously enforced such that additional laws are unneeded, any law which upon passage renders a life-long law-abiding citizen a felon through no action of their own, is an unjustified law and should be unconstitutional under multiple amendments in the Bill of Rights; and

WHEREAS, it is the desire of the Town Council of the Town of Westerly to declare its support of the Second Amendment to the United States Constitution and to the provisions of the Rhode Island Constitution which protect the citizens of the State of Rhode Island's inalienable and individual right to keep and bear arms; and

WHEREAS, the Westerly Town Council members each took an oath to support and defend the United States Constitution, the Rhode Island Constitution, and the laws of the State of Rhode Island which are not deemed unconstitutional by a court of competent jurisdiction, and the Charter of the Town of Westerly; and

WHEREAS, the Westerly Town Council members give great weight to and adhere to the belief of James Madison, Jr., the fourth President of these great United States that: "Oppressors can tyrannize only when they achieve a standing army, an enslaved press, and a disarmed populace"; and

WHEREAS, the Westerly Town Council desires to protect the rights of law abiding citizens, individuals who have committed crimes with firearms should be fully prosecuted with existing laws on the books; and

WHEREAS, many of the bills being considered by the General Assembly would require the confiscation and storage of otherwise lawfully owned firearms, and make the Towns and Cities of Rhode Island, responsible for these costs; and

WHEREAS, the Rhode Island General Assembly, in its 2023 legislative session has pending before it numerous bills regulating and restricting the rights afforded the citizens of the State of Rhode Island through the Second Amendment to the United States' Constitution and the Constitution of the State of Rhode Island, including, but not limited to:

House Bill 5300 and Senate Bill 0379, the Rhode Island Assault Weapons Ban Act of 2023, would prohibit the possession of "assault weapons," defined as any shotgun that holds more than six (6) rounds or a rifle that holds more than 10 rounds. In order to be exempt, the weapon must, within twelve (12) months of the bill's passage, be registered, be rendered inoperable, be surrendered to a registered firearm dealer or police department or be transferred to a person in another jurisdiction where such firearms are allowed. It would also require any heirs of a decedent to surrender or transfer the firearm. If registered, the lawful owner would be required to submit fingerprints and pay a fee for registering the firearm;

House Bill 5893 and Senate Bill 0645, notwithstanding the purchaser's background check and eight day waiting period, this act would prohibit the purchase of more than one firearm in a 30-day period. This act not only penalizes law abiding citizens from exercising their Constitutional right for owning a firearm, but it also damages federally licensed firearms dealers, who are Rhode Island business owners. The act would artificially restrict their sales and livelihood;

House Bill 5434 and Senate Bill 0321, which would require all firearms within a home to be kept in a locked container or equipped with a tamper resistant or mechanical lock, and creates a new felony for noncompliance;

House Bill 5892 and Senate Bill 0325, which would require trigger guards be issued for rifles and shotguns at time of purchase, further increasing the cost of doing business for federally licensed firearm dealers;

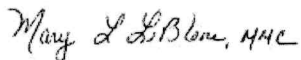
NOW, THEREFORE, BE IT RESOLVED that we urge the General Assembly to repeal 2022 House Bill 6614 and Senate Bill 2653 which criminalized previously lawful ownership by making it a felony, without merit, for an individual to possess any semi-automatic firearm magazine capable of holding more than ten (10) rounds of ammunition. This law has created hardship, uncertainty, and fear amongst law-abiding gun owners, while arguably doing nothing in the past year to reduce gun-related criminal activity in Rhode Island.

BE IT FURTHER RESOLVED that we urge the General Assembly to repeal Rhode Island General Law §11-47-60 *Possession of firearms on school grounds*.

BE IT FURTHER RESOLVED that these bills impose unfunded mandates upon local governments; and the Town Council of the Town of Westerly will not appropriate funds for capital construction of building space and/or the purchase of storage systems to store weapons seized, pursuant to any requirements set forth in the legislation if enacted by the General Assembly for the purpose of enforcing any law, that unconstitutionally infringes upon the rights of the People of the Town of Westerly to keep and bear arms.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to every Rhode Island Municipality, State Senators, State Representatives, the Governor and the Lt. Governor respectfully requesting their support.

ADOPTED: April 17, 2023

ATTEST: 

Mary L. LeBlanc, MMC  
Council Clerk