



TOWN OF LINCOLN

RESOLUTION 2025-6

OPPOSITION TO RHODE ISLAND 2025 GUN CONTROL LEGISLATION

WHEREAS, the Town Council of the Town of Lincoln pursuant to Rhode Island statute and the Town of Lincoln Charter, is vested with the authority of administering the affairs of the Town of Lincoln, 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 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 Lincoln 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 individual right to keep and bear arms; and

WHEREAS, the Lincoln 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 Lincoln; and

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

WHEREAS, bills that have been passed and are 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, R.I. Gen. Laws § 11-47-41. Government firearm registration prohibited specifically says, “No government agency of this state or its political subdivisions shall keep or cause to be kept any list or register of privately owned firearms or any list or register of the owners of those firearms; provided, that the provisions of this section shall not apply to firearms which have been used in committing any crime of violence, nor to any person who has been convicted of a crime of violence.”; and

WHEREAS, Rhode Island firearm purchase requirements already include a background check, an seven day waiting period, and a “Blue Card” for the purchase of handguns; and additionally, a lengthy process for obtaining a concealed carry permit - all evidence of some of the most restrictive gun purchase/ownership laws in the country; and

WHEREAS, Johns Hopkins Bloomberg School of Public Health Center for Gun Violence Solutions report that “Rhode Island had the lowest overall gun death rate and gun suicide rate in the country in 2022.” – is further evidence of the effectiveness of laws already in existence in Rhode Island; and

WHEREAS, the limited gun violence that does exist is not from law abiding citizens who own firearms, but from criminals who pay no attention to any existing or proposed laws, so it naturally follows that any bills restricting the rights of firearm owners will have NO impact on the criminal element responsible for gun violence; and

WHEREAS, the so-called “assault weapons” targeted in proposed legislation is sweepingly broad and includes many semi automatic rifles, shotguns, and handguns in common competition and hunting usage - none of which have been part of the so-called “gun problem.”; and

WHEREAS, these bills not only penalize law abiding citizens from exercising their Constitutional right for owning a firearm, but they also damage federally licensed firearms dealers, who are Rhode Island business owners. They would most certainly restrict their sales and livelihood; and

WHEREAS, the Rhode Island General Assembly, in its 2025 legislative session has pending before it 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, most notably including, but not limited to: House Bill 5436 and Senate Bill 359, the Rhode Island Assault Weapons Ban Act of 2025, would prohibit the possession of “assault weapons,” defined very broadly to include a wide range of semi automatic firearms making these bills more accurately the Rhode Island Semi Automatic Firearms Ban of 2025. In order to be exempt, the weapon must, within twelve (12) months of the bill’s passage, be registered seemingly in violation of R.I. Gen. Laws § 11-47-41, 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;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Lincoln takes

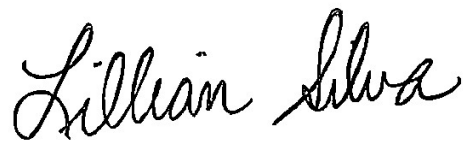
the following position on state legislation that potentially abridges our Second Amendment rights. We find and declare that these gun restriction bills, if enacted by the Rhode Island General Assembly, infringe upon the rights of the People of the Town of Lincoln and the People of the State of Rhode Island to keep and bear arms. We are collectively opposed to the infringement of these rights established by our Founding Fathers.

BE IT FURTHER RESOLVED that these bills impose unfunded mandates upon local governments; and the Town Council of the Town of Lincoln 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 Lincoln 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.

Date Adopted: March 18, 2025

A True Copy, ATTEST:

A handwritten signature in black ink that reads "Lillian Silva". The script is cursive and fluid, with the first name "Lillian" and last name "Silva" clearly distinguishable.

Lillian Silva, Town Clerk