

ORDINANCE NO. ____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS
OF _____ COUNTY, _____, ESTABLISHING _____ COUNTY
AS A BILL OF RIGHTS SANCTUARY COUNTY

WHEREAS the _____ County Board of County Commissioners has growing concerns over the federal government’s increasing encroachment on the rights and privileges of its citizens; and,

WHEREAS of particular concern are those edicts being promulgated by the federal government in the form of executive orders, which circumvent the legislative process and arguably violate the fundamental American doctrine of separation of powers; and,

WHEREAS the Tenth Amendment to the Constitution of the United States of America states, “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”; and,

WHEREAS “... federalism protects the liberty of the individual from arbitrary power...[and a]n individual has a direct interest in objecting to laws that upset the constitutional balance between the National Government and the States when the enforcement of those laws causes injury that is concrete, particular, and redressable. Fidelity to principles of federalism is not for the States alone to vindicate.” *Bond v. United States*, 564 U.S. 211, 222, 131 S. Ct. 2355, 2364-65 (2011); and,

WHEREAS “[t]he structural principles secured by the separation of powers protect the individual as well.” *Id.*; and,

WHEREAS neither the United States Congress nor the Executive Branch of the federal government has the authority to commandeer the states to act (see, e.g., *Murphy v. National Collegiate Athletic Ass’n*, 138 S. Ct. 1461 [2018]); and,

WHEREAS the anti-commandeering principle is absolute and categorical. See *Printz v. United States*, 521 U.S. 898, 935 (1997) (“It matters not whether policymaking is involved, and no case-by-case weighing of the burdens or benefits is necessary; such commands are fundamentally incompatible with our constitutional system of dual sovereignty.”); and,

WHEREAS “[w]here Congress exceeds its authority relative to the States, therefore, the departure from the constitutional plan cannot be ratified by the "consent" of state officials” *New York v. United States*, 505 U.S. 144, 182, 112 S. Ct. 2408, 2431 (1992); and,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY

COMMISSIONERS OF _____ COUNTY, _____, that:

SECTION ONE: Title

This ordinance shall be known and cited as the “Bill of Rights Sanctuary County Ordinance”.

SECTION TWO: Findings

In addition to the foregoing whereas clauses, the Board of County Commissioners of _____ County, _____, hereby finds and declares:

In order to secure the rights of the citizens of _____ County as enumerated, in part, by the United States Constitution including the first ten amendments thereto, which are commonly referred to as the Bill of Rights of that Constitution, and reads as follows:

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment II

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.

Amendment III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner; nor in time of war, but in a manner to be prescribed by law.

Amendment IV

The right of the people to secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and persons or things to be seized.

Amendment V

No person shall be held to answer for a capital, or infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in a militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed; which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

Amendment VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of common law.

Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

_____ County has the right to be free from the commanding hand of the federal government and has the right to refuse to cooperate with federal government officials in response to unconstitutional federal government measures, and to proclaim a Bill of Rights Sanctuary for law-abiding citizens in its cities and County;

THEREFORE, through the enactment of this Ordinance, _____ County, _____ is hereby declared to be a Bill of Rights Sanctuary County.

SECTION THREE: Definitions

- A. An “Unlawful Act” shall consist of:
 1. Any federal act, law, order, rule, or regulation, which violates or unreasonably restricts, impedes, or impinges upon an individual’s Constitutional rights including, but not limited to, those enumerated in Amendments 1 through 10 to the United States Constitution.
 2. Any such “Unlawful Act” is invalid in _____ County and shall not be recognized by _____ County, and shall be considered null, void and of no effect in _____ County, _____.

SECTION FOUR: Prohibitions

A. Notwithstanding any other law, regulation, rule or order to the contrary, no agent, department, employee or official of _____ County, a political subdivision of the State of _____, while acting in their official capacity, shall:

1. Intentionally participate in any way in the enforcement of any Unlawful Act; or,
2. Utilize any _____ County assets, funds, or funds allocated by any entity to _____ County, in whole or in part, to engage in any activity that aids in the enforcement or investigation relating to an Unlawful Act.

SECTION FIVE: Penalties

- A. Anyone within the jurisdiction of _____ County, _____ accused of being in violation of this ordinance may be sued in Circuit Court for declaratory and injunctive relief, damages and attorneys’ fees.
- B. In addition to the civil liability provided for by Section A above, violation of this Ordinance shall be punishable in accordance with the General Penalty Section of the County Code of Ordinances.

SECTION FIVE: Conflict and Severability

In the event this Ordinance conflicts with any other ordinance of _____ County or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION SIX: Inclusion in the Code of Laws and Ordinances

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of _____ County, _____. The sections of the Ordinance may be renumbered or relettered to accomplish such, and the word “ordinance” may be changed to “section” or “article” or any other appropriate word.

SECTION SEVEN: Effective Date

This Ordinance shall become effective upon filing with the _____ Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of _____ County, _____ this ____ day of _____, 202__.