TOWN OF FOSTER
RHODE ISLAND

RESOLUTION 2019-06

RESOLUTION OF THE FOSTER TOWN COUNCIL

SUBJECT: SECOND AMENDMENT SANCTUARY TOWN
RESOLUTION.

That the Town of Foster ("Town") adopts a "Second Amendment Sanctuary Town" Resolution as follows:

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

WHEREAS, the Second Amendment to the United States Constitution, adopted in 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 provides that "[t]he 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 "[t]he 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, Rhode Island law requires in-state residency, background checks, an eight-day waiting period and a Rhode Island Department of Environmental Management Pistol/Revolver Certification "Blue Card" for handgun purchases; and

WHEREAS, Rhode Island law prohibits all gun purchases (1) on behalf of another person, or (2) for anyone under indictment or convicted of a felony or any crime for which said person could be imprisoned for more than one year, or (3) for anyone who is a fugitive from justice, or (4) for any unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug or any controlled substance regardless of whether it has been legalized or decriminalized for medical or recreational purposes, or (5) for anyone adjudicated as a mental defective or has ever been committed to a mental institution, or (6) for anyone who has been discharged from the Armed Forces under dishonorable conditions, or (7) for anyone who is subject to a court order restraining said person from harassing, stalking, or threatening their child or intimate partner or child of such partner, or (8) for anyone who has been convicted in any court of a misdemeanor crime of domestic violence, or (9) for anyone who has renounced their United States citizenship, or (10) for anyone who is an alien illegally or unlawfully in the United States; and

WHEREAS, it is the desire of the Foster Town Council 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 Town's citizens' inalienable and individual right to keep and bear arms; and

WHEREAS, the Foster 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 Foster,

NOW, THEREFORE, IT IS RESOLVED by the Foster Town Council that the Town of Foster be, and hereby is, declared to be a "Second Amendment Sanctuary Town;"

BE IT FURTHER RESOLVED that the Foster Town council affirms its support for the Foster Police Department to exercise sound discretion when enforcing laws impacting the right of citizens under the Second Amendment;

BE IT FURTHER RESOLVED that the Foster Town Council will not appropriate funds for capital construction of building space or purchase of storage systems to store weapons seized pursuant to the requirements set forth in any legislation if such bill is enacted by the Rhode Island General Assembly and/or for the purposes of enforcing any other law that unconstitutionally infringes upon the right of the People of the Town of Foster to keep and bear arms.
Adopted this 9th day of May, 2019.

WHEREunto the following bear witness:

Signed:

Susan M. Dillon
Town Clerk

Foster Town Council
Denise L. Difranco
President