

**PROPOSED ORDINANCE NO. 2021-BILL OF RIGHTS SANCTUARY FOR CLEBURNE CO**

**BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF CLEBURNE, STATE OF ARKANSAS; AN ORDINANCE ENTITLED: "BILL OF RIGHTS SANCTUARY FOR CLEBURNE COUNTY".**

**Section 1.** The Quorum Court of Cleburne County hereby Finds and declares:

**Section 2.**

A. In order to ensure the rights of the citizens of Cleburne County which are protected by the United States Constitution, and the Bill of Rights of that Constitution, which reserves the right of the citizens to decide on matters which concern their lives, liberty, and property in the ordinary course of affairs.

**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.

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### **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.

B. The Quorum Court further finds that section 1 of the Fourteenth Amendment to the Constitution of the United States, all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. (Passed by Congress June 13, 1866, Ratified July 9, 1868.)

C. The right of the people is further protected from infringement by State, Federal and local governments under the ninth, tenth, and fourteenth amendment of the Constitution of the United States.

D. Cleburne County has the right to be free from the commanding hand of the State and Federal government and has the right to refuse to cooperate with state and federal government officials in response to unconstitutional state and federal government measures, and to proclaim a Bill of Rights Sanctuary for law-abiding citizens in their cities and county.

E. Therefore, through the enactment of this document, Cleburne County Arkansas is hereby declared to be a BILL of Rights Sanctuary County.

### **Section 3.**

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

B. Knowingly and willingly, participate in any way in the enforcement of any unlawful or unconstitutional act, as defined herein, regarding Freedom of religion, Freedom of speech, Freedom of the people to peaceably assemble, Freedom of the press, Freedom to petition the government for a redress of grievances, the right of the people to keep and bear arms, will not be infringed and Amendment 1-27 of the Bill of Rights.

### **Section 4.**

A. An "Unlawful Act" shall consist of any federal, state or local act, law, order, rule, or regulation, which restricts an individual's Constitutional rights. Any such "unlawful act" is invalid in Cleburne County and shall not be recognized by Cleburne County, and shall be considered null and void and of no effect in Cleburne County, Arkansas, and this shall include, but shall not be limited to the following:

1. Any tax, levy, fee, or stamp imposed on firearms, firearm accessories, or ammunition not common to all other goods and services on the purchase or ownership of those items by citizens;
2. Any registration or tracking of firearms, firearm accessories, or ammunition;
3. Any registration or tracking of the owners of firearms, firearm accessories, or ammunition;
4. Any act forbidding the possession, manner of carry, ownership, or use or transfer of any type of firearm, firearm accessory, or ammunition by citizens of the legal age;
5. Any act ordering the confiscation of firearms, firearm accessories, or ammunition from citizens;
6. Any prohibition, regulation, and or use restriction related to ownership or the constitutionally guaranteed lawful use or carry of firearms;
7. Any use of County funds or funds given to the County by any entity, to participate in a "gun buyback" program or event is hereby illegal;

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8. Any use of County Funds, or funds given to the county by any entity to any other government official or entity that violates or has violated any individual's rights as outlined in the Bill of Rights;
9. This Ordinance upon passage will be attached to the Counties Personnel Policy. Once passed all new and renewed County employees will read and sign that they understand this ordinance;
10. Any employee who refuses to adhere to this ordinance after passage is subject to termination; and
11. Any official, Department head, or employee who is in violation of this ordinance shall be subject to a fine of up to \$500.00 and or termination.

**B. Exceptions:**

1. The right to bear arms protection as provided to citizens by this ordinance does not apply to persons who have been, or may be in the future, convicted of felony crimes.
2. 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, unless such crimes have been expunged by order of a court of competent jurisdiction.

**Section 5. SEVERABILITY**

The provisions of this act are hereby declared to be severable, and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this ordinance.

**Section 6. EMERGENCY CLAUSE**

It is found by the Quorum Court of Cleburne County that the citizens of Cleburne County, Arkansas have taken notice and voiced concerns for their rights under the U.S. Constitution and Bill of Rights. Therefore, an emergency is declared to exist and this ordinance known as the Bill of Rights Sanctuary Ordinance shall be in full force and effect from the date of passage and approval.

**PASSED AND ADOPTED** this \_\_\_\_<sup>th</sup> day of \_\_\_\_\_ 2021.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Rachelle Evans, Cleburne County Clerk

\_\_\_\_\_  
Jerry Holmes, Cleburne County Judge

Recorded: Book \_\_\_\_ Page(s) \_\_\_\_\_