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## MEMORANDUM

TO: Second Amendment Committee--Kendall Crittenden, Marilyn Crittenden, Mark Nelson, Ryan Hobbs, Sandy Hughes, Scott Lewis

FROM: Jared Rigby, Wasatch County Sheriff

DATE: March 29, 2021

RE: Second Amendment Sanctuary County Draft Ordinance

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I am in favor of an ordinance declaring Wasatch County as a Second Amendment Sanctuary County, but am not supportive of a draft that does not incorporate the principles and standards stated below.

I am sure the language can probably be refined and improved with further discussion and thought, and there may be further details to add in order to be most thorough and to pass legal scrutiny. The ideas below are merely meant to be a brief summary of my thoughts on the issue of a draft ordinance in this area.

1. **Unalienable Rights**—There are truths so universal and fundamental that they exist independent of government and culture; these include life, liberty and the pursuit of happiness. The Declaration of Independence calls these rights, including the truth that all men are created equal, to be “self-evident” and “endowed by the Creator”. I propose we use an ordinance to address citizen’s concerns and/or fears of potential government overreach by renewing our common understanding of the critical import of unalienable rights.
2. **The Constitution is Paramount.** Some of our citizens need to be reassured as to government’s acknowledgement and understanding that The Constitution of the United States is the supreme law of the land and that all statute, case law, administrative rules and executive orders (federal or state) are subservient and must conform to it.
3. **Oaths of Office.** Oaths of office are a major piece to building the citizen’s confidence in elected officials. County officials who serve in the three branches of government have taken oaths of office to uphold the Constitution of the United States of America and the Constitution of the State of Utah. In this way, the actions and decisions of Wasatch County officials must strictly adhere to the requirements of both Constitutions. To do otherwise renders government action illegal, null, void, and unenforceable. Therefore, we ought to use an ordinance to acknowledge the importance of oaths of office by stating that any statute, administrative ruling or executive order that violates the U.S. Constitution or state Constitution is illegal and will not be enforced.
4. **Local Law Enforcement Will Not Enforce Federal Gun Laws.** Wasatch County recognizes its local law enforcement officers possess state enforcement authority and have no duty or authority to enforce federal statute or executive orders. In addition, there are limited circumstances when federal enforcement authority is extended to local law enforcement officers, if they choose to use it. In those limited circumstances, Wasatch County law enforcement officers will NOT enforce federal statute or executive orders.

5. **Unlawful Searches and Seizures.** The Sheriff will not allow any government, group, or individual to unlawfully search or seize another person's property, including but not limited to firearms or ammunition.
6. **Local law enforcement accountable using state and federal law.** Wasatch County acknowledges that local law enforcement officers have state enforcement authority and that they are held accountable by state law. Officers who violate civil rights may also be prosecuted under federal statute.
  - a. My concerns here are with those who enforce county code and where the alleged ordinance violation will be heard. First, county employees who are not law enforcement officers or officers of the court and who have authority to enforce county ordinances would be permitted to allege criminal conduct against law enforcement officers and prosecutors. In addition, state law allows non-law-trained individuals to be justice court judges. Given these two concerns, a non-law-trained justice court judge could hear and decide an allegation of police misconduct made by another county employee permitted to enforce the county ordinance. I do not think our community supports such a system and would be an unintended consequence of enacting a criminal penalty in this type of ordinance. I completely support the requirement that rogue law enforcement officers should be held accountable should accountable in the state and federal systems.
7. **Proposed Ordinances Cannot Create New Defenses.** Wasatch County recognizes local law enforcement regularly arrests individuals for state firearms offenses such as illegal possession of a firearm by a restricted person, possession of a dangerous weapon during an argument, or violation of a protective order. Arrests and prosecutions for these types of State law violations are necessary to keep the community safe. Therefore, this ordinance must not create legal defenses for individuals who violate current state gun restrictions.
8. **Current Firearm Laws Acknowledged as Valid and Enforceable.** Wasatch County recognizes that the United States Government maintains firearm laws governing background checks and firearm registration, and the State of Utah maintains laws that restrict the possession of firearms by felons, sex offenders, drug dealers, and those perpetuating domestic violence. Accordingly, the proposed ordinance must not seek new restrictions in these areas, nor alter or impact any current federal or state firearm restrictions.