

Kenai Peninsula Borough Assembly

MEMORANDUM

TO: Members, Kenai Peninsula Borough Assembly
FROM: Kelly Cooper, Assembly President (K.C.)
DATE: June 25, 2020
RE: Amendments to Ordinance 2020-29, Opposing Passage of Legislation that Would Restrict Individual Rights Protected by the Second Amendment of the United States Constitution and Declaring the Borough a Second Amendment Sanctuary (Mayor, Bjorkman, Blakeley, Carpenter)

While I strongly support the second amendment rights to keep and bear arms, I propose some amendments to this ordinance to clarify the scope of this ordinance. For example, the borough does not have criminal law enforcement powers. This means it would not be in a position to prevent law enforcement officials from enforcing criminal laws relating to firearms. My amendments would also clarify that the public assets referenced in section 3 are only borough-owned assets as the borough lacks authority to use other public assets without consent of the owner.

Additionally, I propose that this resolution would apply in the areas of the borough outside of the cities so the cities can choose whether or not to adopt a similar ordinance or resolution within their borders.

I have heard a number of comments regarding this ordinance that show people are not familiar with the limited scope of the borough 's authority in this arena and intend that these amendments at least clarify some of those limitations.

(Please note the bold underlined language is new and the bold strikeout language is to be deleted.)

- Insert a new whereas clause after the 5th whereas clause as follows:

WHEREAS, all citizens are encouraged to engage in firearm safety training to responsibly enjoy their second amendment rights; and

- Amend the 8th, 9th, and 10th Whereas clauses as follows:

WHEREAS, while recognizing that pursuant to AS 29.35.145 the borough has no authority to regulate the possession, ownership, sale, transfer, use, carrying, transportation, licensing, taxation or registration of firearms, except as specifically provided by statute, the assembly wishes to express its opposition to any law that would unconstitutionally restrict the rights under the Second Amendment of the U.S. Constitution and under the Alaska Constitution of the citizens of Kenai Peninsula Borough to keep and bear arms; and

WHEREAS, the assembly wishes to express its deep commitment to the rights of citizens of the Kenai Peninsula Borough to keep and bear arms **while acknowledging that the Kenai Peninsula Borough has no criminal law enforcement powers;** and

WHEREAS, the assembly wishes to express its intent to stand as a sanctuary for Second Amendment rights **in the area of the borough outside of the cities,** and to oppose, within the **scope** of the **borough's restricted legal authority, and the limits of the** Constitutions of the United States and the State of Alaska, any efforts to unconstitutionally restrict such rights, and to use such legal means at its disposal to protect the rights of the citizens to keep and bear arms;

➤ Amend Section 2 as follows:

SECTION 2. That the assembly opposes the enactment of any legislation that would infringe upon the right of its law-abiding citizens to keep and bear arms ~~and considers such laws to be unconstitutional.~~

➤ Amend Section 3 as follows:

SECTION 3. That the assembly hereby expresses its intent to uphold the Second Amendment rights of the law-abiding citizens of the Kenai Peninsula Borough and that the borough's public funds, resources, employees, buildings or offices not be used to unlawfully restrict Second Amendment rights or to aid or assist in the enforcement of the unnecessary and unconstitutional restriction of the rights under the Second Amendment of the citizens of the Kenai Peninsula Borough to keep and bear arms.

➤ Amend Section 4 as follows:

SECTION 4. That the assembly hereby declares the Kenai Peninsula Borough a "Second Amendment Sanctuary" in the manner and to the extent described in this ordinance.

Your consideration is appreciated.