

**JOINT RESOLUTION AFFIRMING THE LEGISLATURE'S
COMMITMENT TO THE SECOND AMENDMENT**

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Douglas V. Sagers

Senate Sponsor: _____

LONG TITLE

General Description:

This resolution affirms the importance of protecting the rights guaranteed by the Second Amendment to the United States Constitution.

Highlighted Provisions:

This bill:

- ▶ affirms the sovereignty of the state in matters dealing with powers not granted to the federal government;
- ▶ affirms the right to keep and bear arms as a fundamental right protected by the Bill of Rights and the Utah State Constitution; and
- ▶ affirms the importance of protecting the rights guaranteed by the Second Amendment to the United States Constitution.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Be it resolved by the Legislature of the state of Utah:

WHEREAS, the Ninth and Tenth Amendments of the Constitution of the United States of America reserve to the states and the people powers not granted to the federal government



28 elsewhere in the constitution;

29 WHEREAS, because of this, the state of Utah affirms its state sovereignty and fully and
30 unconditionally reserves and asserts all rights and powers, directly and indirectly related to
31 those rights and powers;

32 WHEREAS, the Second Amendment to the United States Constitution reserves to the
33 people the right to keep and bear arms as that right was understood at the time that Utah was
34 admitted to statehood, and the guarantee of the right is a matter of contract between the state,
35 the people of Utah, and the United States as of the time of statehood;

36 WHEREAS, the Supreme Court of the United States has ruled that the Second
37 Amendment to the United States Constitution protects an individual's right to keep and bear
38 arms unconnected with service in a militia;

39 WHEREAS, the Supreme Court of the United States has also ruled that the Second
40 Amendment to the United States Constitution protects an individual's right to use arms for
41 traditionally lawful purposes;

42 WHEREAS, Article I, Section 6, of the Constitution of the State of Utah also declares
43 that "the individual right of the people to keep and bear arms shall not be infringed";

44 WHEREAS, these rights remain enshrined in the Constitution of the United States of
45 America and the Constitution of the State of Utah, protected from the whims of public
46 sentiment or shifting political priorities;

47 WHEREAS, former Associate Justice of the United States Supreme Court, Robert H.
48 Jackson, articulated this truth when he wrote that the fundamental rights protected under the
49 Constitution of the United States "may not be submitted to vote; they depend on the outcome of
50 no elections";

51 WHEREAS, laws prohibiting the possession, ownership, use, or transfer of a firearm,
52 firearm accessory, or ammunition by law abiding citizens violate the fundamental right to keep
53 and bear arms; and

54 WHEREAS, the right of the people of Utah to keep and bear arms is a matter of public
55 health and safety, subject to the exclusive police power of the state, and interference with this
56 right by the federal government is expressly prohibited by the Second Amendment to the
57 United States Constitution:

58 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah

59 affirms its commitment to protecting the rights guaranteed by the Second Amendment to the
60 United States Constitution.

61 BE IT FURTHER RESOLVED that the Legislature also recognizes the Utah
62 Constitution clearly secures the right of individual Utah citizens to keep and bear arms and
63 prohibits government interference with that right.