

**A JOINT STATEMENT OF THE BOARD OF MORGAN COUNTY COMMISSIONERS
AND SHERIFF OF MORGAN COUNTY, COLORADO, OPPOSING HB19-1177**

Counties have the authority through C.R.S. §§ 30-11-101 to 103, to adopt and enforce ordinances and resolutions regarding health, safety, and welfare issues in the county and that the powers of a county as a body politic and corporate shall be exercised by the board of county commissioners.

The Morgan County Board of County Commissioners and Morgan County Sheriff oppose Colorado HB19-1177 commonly known as the Red Flag bill. As written we believe this bill violates several federal and state constitutional rights.

Those rights include, but are not limited to, 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.

Article II, Section 3 of the Constitution of Colorado provides that all “persons have certain inalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties; of acquiring, possessing and protecting property; and of seeking and obtaining their safety and happiness”.

Article II, Section 13 of the Constitution of Colorado provides that the “right of no person to keep and bear arms in defense of his home, person and property, or in aid of the civil power when thereto legally summoned, shall be called in question”.

Article II, Section 7 of the Constitution of Colorado provides that the “people shall be secure in their persons, papers, homes and effects, from unreasonable searches and seizures”.

Article II, Section 15 of the Constitution of Colorado provides that “Private property shall not be taken or damaged, for public or private use, without just compensation,” which the Colorado Supreme Court has indicated includes a legal interference with the physical use, possession, disposition, or enjoyment of the property, including temporarily.

House Bill 19-1177 infringes upon the inalienable rights of the citizens of Morgan County by allowing for family or household members and law enforcement officers to petition for the temporary removal of weapons, *ex parte* and with a minimal burden of proof, and without advance notice to lawful gun owners, contemplating search warrants that order peace officers to forcibly enter premises and seize a citizen’s property with no evidence of a crime having been committed, and further shifting the burden of proof to gun owners accused under this law to thereafter prove that they are not a significant risk of causing personal injury to themselves or others, all while being held to a higher standard of proof by clear and convincing evidence.

House Bill 19-1177 is off target in that it fails to address the heart of the mental health crisis in our communities, to wit: the failure of communities to fund and provide services to the people in need, instead of penalizing them and criminalizing otherwise lawful conduct.

Every elected official takes an oath to support and defend the United States Constitution, the Constitution of the State of Colorado and the laws of the State of Colorado and by implication question the constitutionality of legislation that infringes upon constitutional rights.

It is because of that Oath that the Morgan County Commissioners in coordination with the Morgan County Sheriff, commit to actively resist the bill, including joining other county and city governments of like mind to challenge this legislation should it pass, to protect our citizen's constitutional rights.

The Board would also encourage the state legislature to cease in further actions restricting the Second Amendment rights of citizens and instead address the real and fundamental challenges of mental illness in our state.

Board of County Commissioners


Jim Zwetzig, Chair


Mark Arndt, Commissioner


Jon Becker, Commissioner

Morgan County Sheriff


David Martin

