

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-EIGHTH LEGISLATURE**

**S.F. No. 339**

(SENATE AUTHORS: NIENOW, Benson and Ruud)

DATE	D-PG	OFFICIAL STATUS
02/07/2013	173	Introduction and first reading Referred to Judiciary
02/21/2013	363	Motion did not prevail To withdraw and place on General Orders

1.1 A resolution

1.2 memorializing the President of the United States and Congress to respect and not  
 1.3 violate the second amendment to the United States Constitution.

1.4 WHEREAS, the second amendment to the United States Constitution guarantees the rights  
 1.5 of Americans to keep and bear arms and shall not be infringed; and

1.6 WHEREAS, the second amendment protects the rights of self-defense, defense of others  
 1.7 and defense of the nation, and assumes the rights to hunting and sport shooting; and

1.8 WHEREAS, it being "necessary to the security of a free State" meant that the right of the  
 1.9 people to bear arms was, and remains, the ultimate barrier to government tyranny; and

1.10 WHEREAS, the lawful possession and use of firearms is a long-standing and time honored  
 1.11 tradition in Minnesota and in the United States; and

1.12 WHEREAS, in 2008 the United States Supreme Court, in *District of Columbia v. Heller*,  
 1.13 affirmed the constitutional rights of individual Americans to keep and bear arms; and

1.14 WHEREAS, in 2010 the United States Supreme Court, in *McDonald v. City of Chicago*,  
 1.15 further affirmed that the second amendment right of an individual to keep and bear arms is  
 1.16 incorporated by the Due Process Clause of the fourteenth amendment and applies to the states; and

1.17 WHEREAS, the federal government is a government of limited and delineated powers and  
 1.18 is constrained in its actions by the United States Constitution; and

1.19 WHEREAS, many gun control laws implicitly assume the guilt of lawful and responsible  
 1.20 firearms owners with little effect on the ability of criminals to obtain firearms to use them  
 1.21 unlawfully; and

2.1 WHEREAS, gun control only ensures that law-abiding citizens are powerless in the face of  
2.2 criminal threat; NOW, THEREFORE,

2.3 BE IT RESOLVED that the legislature of the state of Minnesota will act in conformity with  
2.4 its sworn duties as duly elected officials charged with its citizens' trust, will uphold the second  
2.5 amendment of the United States Constitution, and will abide by the decisions of the United  
2.6 States Supreme Court.

2.7 BE IT FURTHER RESOLVED that the legislature strongly urges the President of  
2.8 the United States and the Congress to respect the second amendment to the United States  
2.9 Constitution, to recognize the multitudes of existing laws related to the manufacture, sale, and  
2.10 possession of firearms, to reject international treaties that will infringe on American citizens' right  
2.11 to bear arms, to not violate the rights of law-abiding citizens while deliberating and acting on  
2.12 any proposed legislation or executive actions concerning firearms, and to acknowledge that in  
2.13 order to combat gun violence, the country must enforce existing laws and effectively punish  
2.14 and deter those who commit violent crimes.

2.15 BE IT FURTHER RESOLVED that the Secretary of State of the State of Minnesota is  
2.16 directed to prepare copies of this memorial and transmit them to the President of the United States,  
2.17 the Speaker and the Clerk of the United States House of Representatives, the President and the  
2.18 Secretary of the United States Senate, and Minnesota's Senators and Representatives in Congress.