

Taos County Commission postpones action on ‘Second Amendment Sanctuary’

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Several Taos County residents at the Tuesday (Feb. 19) Taos County Commission meeting emphasized the importance of defending their homes in rural areas, with some citing firsthand accounts of breakins that have occurred while they were inside their residences. Others argued that gun control bills introduced this year in the New Mexico House of Representatives would reduce gun violence without violating basic rights.

County residents filled the Taos County Commission Chambers on Tuesday morning (Feb. 19) to respond to a proposed “Second Amendment Sanctuary” resolution drafted by Taos County Sheriff Jerry Hogrefe.

Hogrefe is one of more than 30 county sheriffs throughout the state who believes certain bills introduced in this year’s New Mexico Legislature would impose unreasonable restrictions on gun owners and violate constitutional rights.

While Hogrefe discussed a “sample draft” of the resolution at the Taos Democratic Party Headquarters on Monday evening (Feb. 18), Commissioner Jim Fambro said the sheriff would need first to present the draft in a “more advertised” fashion and work on a final version.

The tentative resolution Hogrefe presented on Monday was modeled after what several other counties have now approved. It cites relevant constitutional rights that Hogrefe and many others at the New Mexico Sheriff’s Association believe may be violated if the bills are made into law.

If that happens, the sheriff’s association has stated they plan to file suit against the state.

As of press time Wednesday, Quay, Curry, Union, Socorro, San Juan, Lincoln and Eddy counties had all passed similar resolutions which essentially bestow sheriffs in their respective counties with the power to determine which laws infringe upon constitutional rights and are deemed to unduly punish law-abiding citizens.

Hogrefe was invited to speak at the public comment session of the meeting, along with a packed house of Democrats and Republicans who came out to voice their own opinions.

“I want to send the message that I don’t want our civil liberties to be infringed,” Hogrefe said.

Christy Holden said she shared some of the sheriff’s concerns, but believes the resolution could not supersede a state law. She cited a 2002 New Mexico Supreme Court decision that affirmed that, “No municipality or county shall regulate an incident to keep and bear arms,” she cited, adding, “In other words, that is reserved to the state.”

But the sheriff, who says he was in favor of the recent federal ban on bump stocks and supports other forms of gun reform, argued that imposing laws that violate U.S. constitutional rights was a direct abuse of state power and a threat to law-abiding citizens.

Hogrefe also told the commission that he favors several gun bills put forth this year in New Mexico.

House bills 105 and 87, which further restrict criminals from owning firearms, are among those he backs. He also agrees with House Bill 40, which limits the ability of third parties to purchase firearms and House Bill 8, which mandates gun dealers to conduct comprehensive background checks before selling a weapon.

House bills 83 and 130 and Senate Bill 201, however, he and others see as problematic. SB 201, Hogrefe said, would “go too far” by extending the requirement to conduct a background check to the broader population, for example, requiring two people at a gun range to undergo a lengthy background check process prior to sharing weapons.

HB 83, which allows courts to order an “extreme risk protection order,” would force an individual to relinquish their firearms without a hearing in, for example, a domestic violence situation. Hogrefe said such a law violates an individual’s constitutional right to due process, wherein basic probable cause must be established, rather than the court ruling based on a claim made by one party alone.

In spite of the bill’s controversy, HB 83 was approved in the house on Feb. 13, timed to coincide with the anniversary of the deadly shooting at Stoneman Douglas High School in Parkland, Florida, where 17 students were killed.

HB 130, Hogrefe said, reduces penalties for not securing a weapon in a home where children live from a possible felony offense to a misdemeanor. Hogrefe called this a “step backward.”

He noted that both Democrats and Republicans in Taos County had showed their support for the resolution at Monday’s party meeting.

To a large degree, Tuesday's commission meeting reflected the crossover on a subject that often tends to deepen party divisions.

"It is not about left wing or right wing," Hogrefe said.

But not everyone was in favor of the resolution.

Bea Balsamo, a former health care professional, disagreed entirely with the resolution. She said HB 83 created important protections for women, who can find themselves in potentially deadly domestic violence situations where firearms are accessible to an abuser. She also questioned whether the passage of a resolution would even be legal.

She was in the minority at the meeting, however, with most of the people who spoke pressing the commissioners to take action on the resolution.

Commissioner Tom Blankenhorn said he felt the commission did not have the power to approve the resolution. "The board may agree or disagree, but this is a judicial function," he said. "And it's an important judicial function."

Commissioner Jim Fambro said that recent gun reform laws, while to some an apparent effort to chip away gradually at Second Amendment rights, could never supersede the U.S. Constitution due to the Supremacy Clause.

Following the forum, Hogrefe said he would be working with the community to revise the resolution to fit the specific needs of the county.

He's hopeful the commission will consider approving it at a later date.