

# Mesa County Sheriff's Office

Sheriff Stan Hilkey



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March 27, 2013

To Whom It May Concern:

In reference to assertions by other Colorado sheriffs that they will not enforce new state laws concerning limitations on gun sales and ammunition magazine capacity, I have been asked to assert my position regarding enforcement of these laws. My stance in support of the Second Amendment is clear and on record. My opinion still remains that these laws are not useful in keeping guns out of the hands of violent criminals nor will they prevent the kind of mass murder events that have emotionally driven us to this result.

I have been elected in my county to be a chief law enforcement officer, a member of the Executive Branch of Government and a county officer, (which is a political subdivision of the state). The State Constitution makes it clear that the Judiciary Branch has the final say regarding the interpretation and constitutionality of statutes, and ultimately our country's Supreme Court has the final official say on what is constitutional or not constitutional in our nation. Plainly, our State and U.S. Constitutions, by way of the separations of powers, do not leave these decisions up to sheriffs. As such, I will not attempt to subvert the legislative process by deciding which laws I do not like and therefore completely ignore their existence. (For instance, I do not like doing evictions, but my office is required by law to do them).

However, I clearly possess full legal authority to decide how to use the resources of this Office and what to prioritize as far as enforcement and work activity of the men and women of the Sheriff's Office. To be clear, I have no interest in giving any priority to enforcement of these measures, and in fact because of the widely discussed difficulties in enforcing these laws, I find it to be a poor use of public resources based on other much more important priorities. Simply put, we will not be proactively looking into gun transfers or magazine possession issues, and it will be our stance that transfers and possession of high capacity magazines are proper and legal, unless there is clear and convincing evidence otherwise or someone is openly, blatantly defying state law.

I also believe that it would be irresponsible to not also say that if either of these two new Colorado laws would assist in the intervention of an act of violence or remove a weapon from the hands of a violent criminal, then I would not hesitate to use our criminal justice system, complete with judicial review, for that purpose. After all, providing "public safety" is a statutory requirement of the Office of Sheriff.

A handwritten signature in blue ink that reads "Stan Hilkey".

Stan Hilkey