

# ENFORCE PREEMPTION – MICHIGAN OPEN CARRY, INC.



Michigan Open Carry, Inc. is seeking to add “teeth” to enforce Michigan’s firearm preemption laws.

In 1990, the Michigan Legislature sought to occupy the field of firearm regulation in Michigan by enacting Public Act 319 of 1990<sup>[1]</sup> which was signed by then Governor Blanchard (D). This act limited the power of local governments to make their own firearm laws, thereby creating a single statewide set of rules for everyone to follow. The intent is to *protect citizens* and make it easier for those who wish to exercise a constitutionally protected right as a means of protecting themselves and their families, to do so with confidence. Today, almost all states have enacted some sort of “firearm preemption” laws.<sup>[2]</sup>

Despite the nationwide acceptance and understanding of such laws, there are still some officials and municipalities that do not understand the very nature of a criminal, and still believe new laws will curtail already criminalized activity. Unable to gain traction for their agendas at a higher level, these officials and municipalities, at times, are so set in their ways that they will willfully disregard state law to enact or preserve their illegal ordinances or regulations. *In ironic fashion, they break the law in hopes of curtailing other potential law breakers.*

*“Hip, hip, hooray if someone doesn’t carry a gun into a City Commission meeting because they are confused about their rights. I’m okay with that.” — Mayor of Grand Rapids, Jan 2013*

Obviously, such actions are detrimental to the rights and abilities of law-abiding gun carriers, as well as illegal, and are easily and quickly punished, right? WRONG! While Michigan’s preemption statute makes it illegal for local units of government to enact or enforce any rules or regulations stricter than state law, it does not provide for any punishment should a violation occur. *Think of speed limits without tickets.*

This is why the Michigan Legislature must back up what it once said and provide for punishments for municipalities that continue to violate preemption. Furthermore, when the violations of a local official are knowing and willful, that official must additionally be held accountable without further punishing the people the local official was supposed to serve.

If the average citizen is subject to repercussions for breaking our laws, why should we treat those who have been elected or appointed to carry out these laws any differently?

In order to address this issue, Michigan Open Carry, Inc. is working with Representative Lee Chatfield (R- 107<sup>th</sup> District) to follow in the path of other states like Ohio, Florida, Pennsylvania and Nevada. By focusing on the following three areas, it is our intent to finally reach the preemption the Michigan Legislature originally set out to achieve 25 years ago.

- 1) Provide a means of recouping costs for successful challenges** – Local units of government will often respond to requests to correct unlawful ordinances by literally saying “sue us.” Failure to comply should come at a cost and that cost should not be paid by the citizen whom the law was designed to protect.
- 2) Provide for punishments for individuals that knowingly and willfully violate preemption.** – It is one thing to make a mistake. It is entirely something different to openly disregard a law designed to protect citizens.
- 3) Ensure standing to groups** – Fighting a municipality can be a very daunting and expensive task. Often times individuals are unable to come up with the initial investment necessary to ensure corrections are made.

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<sup>[1]</sup> Michigan Public Act 319 of 1990 (MCL 123.1101 - 123.1105)

<sup>[2]</sup> NRA-ILA - Firearms Preemption Laws