

# Open Carry in Schools - Guide



## Overview

This document is meant to assist parents and other permitted visitors, as well as school administrators who seek to comply with the legal requirements regarding lawfully openly carried firearms in Michigan schools. Our goal is to see policies and agreements that are both respectful and responsible. We firmly believe that complying with this area of Michigan law does not make those two things mutually exclusive.

Michigan Open Carry, Inc. believes that, with a little give from each side, a reasonable middle ground can be reached. Specifically, one that maintains a friendly and safe atmosphere while avoiding unnecessary escalation. The following are some things to remember and steps we believe each side can take to reach that middle ground.

Please send any questions or inquiries for advice pertaining to your specific situation to [board@miopencarry.org](mailto:board@miopencarry.org)

## Advice for Parents and Visitors

What can you as a parent or permitted visitor do to present yourself as a lawful, responsible open carrier?

1. First and foremost, it is important that you remember throughout this process that you are a law-abiding citizen. Emotion based reactions or outbursts from someone else will not change that fact. While such instances are rare, you should be prepared to maintain your professional integrity regardless of how others act, even if those actions are disrespectful or unlawful. While holstered pistols openly carried by CPL holders are clearly lawful under Michigan law, and have been for some time, many schools are scrambling as they find they are ill prepared to properly and legally handle the matter, and thus may not react correctly in the beginning. Remain confident, polite, and patient.
2. Understand that although the law is in your side, that does not mean you should be dismissive or disrespectful to school officials or law enforcement. It also does not mean you can walk onto school grounds any time you wish. Your attitude while open carrying can go a long way toward creating an open dialogue, even if the initial meeting does not go well. Further, the lack of an adult demeanor or a valid reason for your presence can result in your lawful removal.
3. Although not required by law, consider showing your CPL to school administrators or law enforcement. In fact, MOC encourages you to offer your CPL to those whom you first make contact with while carrying in a school. Consider saying something like, "Michigan law requires I have a CPL to lawfully openly carry here at the school, I'm happy to show you my CPL." Remember that you are not required to allow the school to make a copy of your license, whether you do or not is up to you. Also consider calling ahead for the first few visits. If you do this, remember that you are providing a courtesy to the school and not asking for permission.

## Advice for School Administrators

What can you as an administrator do to keep your school safe while respecting the rights of law-abiding citizens?

1. The first thing we always tell school administrators is to not solely focus on visible firearms. It is far easier for someone with bad intent to illegally conceal a firearm into a school than it is to lawfully carry one openly due to the attention the latter may receive. Just because you do not see a firearm does not mean that person does not have a weapon. Regardless of whether or not someone has an exposed firearm, the demeanor of the visitor should always be examined.
2. While keeping the prior item in mind, it should then be your goal to treat everyone the same as much as possible regardless of whether or not they are carrying an exposed firearm. If you wish to limit a visitor to a vestibule or office, we then suggest you do that for everyone. Treating someone differently in a negative way because they have a lawfully possessed firearm is likely an unlawful regulation on firearm possession.
3. Consider asking to see the visitor's CPL. While state law does not require them to present their license, this gesture can go a long way toward calming nerves and establishing a respectful middle ground. If your school is new to this then also consider asking the visitor if it's possible for them to call ahead the first few times. Ask them to provide a simple description of themselves and provide the future visitor directions on where to go if needed. This will help prevent unnecessary alarm and accidental wandering from visitors. If someone does call, we strongly recommend against asking them to not carry. We see the gesture of calling ahead as one of good will that should be returned in kind.

# Open Carry in Schools - Law



## Federal Law

Possession of firearms by unauthorized individuals first became unlawful under federal law in 1990 after the Gun-Free School Zones Act (GFSZA) was passed and signed into law. The GFSZA was written and proposed by then Delaware Senator Joseph Biden.

The pertinent part of the Act is [18 U.S. Code § 922 \(g\)\(2\)\(A\)](#) which states:

- (A) *It shall be unlawful for any individual knowingly to possess a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the individual knows, or has reasonable cause to believe, is a school zone.*

However, there is a very important exception listed in [18 U.S. Code § 922 \(g\)\(2\)\(B\)](#):

- (B) *Subparagraph (A) does not apply to the possession of a firearm—*  
[...]  
*(ii) if the individual possessing the firearm is licensed to do so by the State in which the school zone is located [...]*

### In summary:

- It is **lawful** under federal law for an individual who is licensed to possess a firearm on school grounds.
- This has been the law for **over two decades**.

## State Law

Possession of firearms by unauthorized individuals first became unlawful under Michigan law in 1994 when Michigan Public Act 158 of 1994 went into effect in August of that year.

The pertinent part of the Act is [MCL 750.237a \(4\)](#):

- (4) *Except as provided in subsection (5), an individual who possesses a weapon in a weapon free school zone is guilty of a misdemeanor [...]*

However, similar to the federal law, there are very important exceptions listed in [MCL 750.237a \(5\)](#):

- (5) Subsection (4) **does not apply to any of the following**:  
[...]  
(c) An individual **licensed by this state or another state to carry a concealed weapon**.  
(e) An individual who possesses a firearm on school property if that possession is **with the permission** of the school's principal or an agent of the school designated by the school's principal or the school board.

Lastly, Michigan law [MCL 28.425o](#), passed in 2000, prohibits CPL holders from carrying a pistol concealed at a school:

- (1) *Subject to subsection (5), an individual licensed under this act to carry a concealed pistol, [...], shall not carry a concealed pistol on the premises of any of the following:*  
(a) *A school or school property except that a parent or legal guardian of a student of the school is not precluded from carrying a concealed pistol while in a vehicle on school property, if he or she is dropping the student off at the school or picking up the child from the school. [...]*

### In summary:

- It is **lawful** under Michigan law for an individual with permission or who is licensed to carry a concealed pistol, to possess an **unconcealed** firearm on school grounds.
- The first law has been around for **over two decades** and the second law has been around for about a **decade and a half**.

## Local Law

At least 46 states, including Michigan, have preempted local jurisdictions from enacting or enforcing their own laws. Michigan did this in 1990 with Michigan Public Act 319 of 1990 ([MCL 123.1101 – 123.1105](#)).

This law has been upheld by Michigan courts on multiple occasions including [Michigan Coalition for Responsible Gun Owners v. City of Ferndale](#) - 256 Mich. App. 401, 662 N.W.2d 864 (2003) and [Capital Area District Library v. Michigan Open Carry, Inc.](#) - 298 Mich. App. 220, 826 N.W.2d 736 (2012).

### In summary:

- It is **unlawful** for any local unit of government (which includes public schools) in Michigan to enact or enforce **any** firearm regulation that is more strict than state or federal law.
- Local regulations have been **preempted for two and a half decades**.

\*\*\* The above is a summary of federal, state and local law. It is not to be construed as legal advice. \*\*\*