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Title: Oppose Imposition of Penalties on Local Units of Government and/or  
 Officials and Staff for Restricting Guns

Introduced by: Cheryl Farmer, MD, Larry Junck, MD, and Jerry Walden, MD, for the  
 Washtenaw County Delegation

Original Author: Cheryl Farmer, MD, Larry Junck, MD, and Jerry Walden, MD

Referred to: Reference Committee D

House Action: **APPROVE**

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Whereas, gun violence is an important public health problem, and reducing gun violence is a worthy goal for MSMS and for the citizens of Michigan, and

Whereas, though Michigan law supersedes local laws and policies, there is uncertainty regarding the extent to which Michigan law prevents local units of government including but not limited to municipalities, school boards and school facilities, public health agencies and facilities, library boards and facilities, and parks and recreation boards and facilities from restricting guns, and

Whereas, Michigan House Bill 4795 of 2015 prescribes actions and penalties for ordinances or regulations enacted by such units to restrict guns, even when undertaken in good conscience and with attention to the preference of local citizens and the safety of local citizens including schoolchildren, and

Whereas, it could be argued that House Bill 4795 encourages lawsuits in District Court by allowing aggrieved parties to bring action within specified periods of time; stipulating that if there is a violation, the court would issue an injunction against enforcement of the local measure, order the measure to be repealed, and award actual damages, costs, and reasonable attorney fees to the plaintiff(s), and

Whereas, House Bill 4795 would permit the court to fine local officials who knowingly and willingly enacted or enforced a measure found to be in violation of the law up to \$5,000.00, and would prohibit such officials from using public funds to defend or reimburse themselves, and

Whereas, the intended effect of Michigan House Bill 4795 appears to be intimidation of local elected and appointed officials; therefore be it

RESOLVED: That MSMS opposes legislation that prohibits local units of government including but not limited to municipalities, school boards and school facilities, public health agencies and facilities, library boards and facilities, and parks and recreation boards and

47 facilities from imposing restrictions on the ownership, registration, purchase, sale, transfer,  
48 transportation, or possession of guns within their area of jurisdiction; and be it further

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50           RESOLVED: That MSMS opposes legislation that punishes local units of government  
51 including but not limited to municipalities, school boards and school facilities, public health  
52 agencies and facilities, library boards and facilities, and parks and recreation boards and  
53 facilities and/or their elected or appointed officials or staff for imposing restrictions on the  
54 ownership, registration, purchase, sale, transfer, transportation, or possession of guns for  
55 implementing restrictions on the ownership, registration, purchase, sale, transfer,  
56 transportation, or possession of guns within their area of jurisdiction.

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59 WAYS AND MEANS COMMITTEE FISCAL NOTE: NONE