

Rep. Opsommer offered the following concurrent resolution:

House Concurrent Resolution No. 9.

A concurrent resolution to reaffirm the right to bear arms under the Michigan Constitution, the supremacy of the Second Amendment over the Commerce Clause, and the intent of the Michigan Legislature to not recognize or enforce unconstitutional firearm restrictions placed upon its citizens.

Whereas, Article I, Section 6 of the Michigan Constitution, clearly affirms a right to bear arms. This provision prescribes that the primary purpose of the right to bear arms is not related solely to hunting but clearly allows Michigan citizen's to be able to protect one's self, family, and possessions from the private lawlessness of other persons or potential tyranny of governments; and

Whereas, There are also federalism provisions under the United States Constitution that prohibit the federal government from interfering with the right to bear arms within Michigan. The Tenth Amendment guarantees to the states and their people all powers not granted to the federal government elsewhere in the United States Constitution; and

Whereas, Article I, Section 8 of the United States Constitution provides the federal government with the power to regulate commerce. However, this provision only empowers the government to regulate commerce between states and cannot be used to impose regulations onto firearms beyond this scope or that are at cross-purposes with the Second Amendment; and

Whereas, Several new federal laws have been proposed that would overstep the bounds of both the Second Amendment, Michigan's sovereign constitution, and its firearm laws; and

Whereas, It is not the intent of the Michigan Legislature to pass laws that would mandate the use of "coded," "serialized," or "chipped" ammunition, to create databases of such ammunition, or to outlaw the ability of people to hand load otherwise lawful ammunition. Furthermore, it is not the intent of the Michigan Legislature to pass laws that would mandate the use of so called "smart gun" technology that wirelessly or otherwise authenticates and enables a firearm to be used by only one person. Furthermore, it is not the intent of the Michigan Legislature to allow for licensing schemes for the purchase of firearms that would mandate facial recognition, iris scans, fingerprinting, or other advanced biometric technology. Furthermore, it is not the intent of the Michigan Legislature to regulate the private transfer or sale of firearms beyond what is currently required by law. Furthermore, it is not the intent of the Michigan Legislature to pass laws that would make firearm ownership or use dependent upon the purchase of personal insurance policies or other similar risk instruments. Furthermore, it is not the intent of the Michigan Legislature to prohibit firearm ownership to individuals based upon their reporting of the past use of pain killers or other medications for surgical recovery, dental procedures, and other legitimate medical purposes. Furthermore, it is not the intent of the Michigan Legislature to pass laws that would infringe upon the ability of firearm owners to keep such weapons loaded and readily accessible within their homes, or that would allow for officials to inspect firearms within their homes without first obtaining a valid search warrant issued in conjunction with a lawful criminal investigation. It is however the intent of the Michigan Legislature to ensure that such firearm schemes are not imposed upon the citizens of Michigan by either the federal government or itself, and would view such infringements as violations of both the Second Amendment and the Michigan Constitution; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we reaffirm the right to bear arms under the Michigan Constitution, the supremacy of the Second Amendment over the Commerce Clause, and the intent of the Michigan Legislature to not recognize or enforce unconstitutional firearm restrictions placed upon its citizens.

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, members of the Michigan congressional delegation, and the head of the Bureau of Alcohol, Tobacco, and Firearms.