

Rep. Shirkey offered the following resolution:

House Resolution No. 18.

A resolution to reaffirm the right to keep and bear arms under the Michigan Constitution, the supremacy of the Second Amendment over the Commerce Clause, the limitations of the Office of the President to ban firearms by use of executive order, and the intent of the Michigan Legislature to not recognize or enforce unconstitutional or otherwise unlawful firearm restrictions placed upon its citizens.

Whereas, Article I, Section 6 of the Michigan Constitution, clearly affirms a right to keep and bear arms. This provision prescribes that the primary purpose of the right to keep and bear arms is not related solely to hunting, but clearly allows Michigan citizen's to be able to protect one's self and family 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 contradicting those portions of Michigan's firearms law that are clearly under direct state control. 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, The President of the United States may not issue executive orders that would violate the separation-of-powers doctrine by inserting the executive branch into areas that are beyond presidential authority, within the arena of Congressional legislation, or otherwise incompatible with the express or implied will of Congress; and

Whereas, Several new federal laws or executive actions 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 prohibit, ban, or limit the sales of semi-automatic firearms, especially when based upon mere cosmetic reasons or misclassifications. Furthermore, it is not the intent of the Michigan Legislature to pass laws that would prohibit, ban, or limit the use of otherwise lawful ammunition, to mandate the use of "coded," "serialized," or "chipped" ammunition, to otherwise 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 regulate the family or private transfer or sale of firearms beyond what is currently required under law; and

Whereas, 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 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; and

Whereas, It is not the intent of the Michigan Legislature to direct health care professionals to make routine patient inquiries into firearm ownership, to disseminate such information to outside parties, or 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 make firearm ownership or use dependent upon the purchase of personal insurance policies or other similar risk instruments; and

Whereas, 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, That we reaffirm the right to keep and bear arms under the Michigan Constitution, the supremacy of the Second Amendment over the Commerce Clause, the limitations of the Office of the President to ban firearms by use of executive order, and the intent of the Michigan Legislature to not recognize or enforce unconstitutional firearm restrictions placed upon its citizens; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, 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.