

HOUSE BILL NO. 6338

July 20, 2022, Introduced by Reps. Carra, Berman, Clements, Bellino, Maddock, Mekoski, Bezotte and LaFave and referred to the Committee on Military, Veterans and Homeland Security.

A bill to prohibit the enforcement of certain federal laws in this state; and to provide for damages and remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "second amendment
2 preservation act".

3 Sec. 2. As used in this act:

4 (a) "Law-abiding citizen" means an individual who is not
5 otherwise prohibited from possessing a firearm under state law.
6 Law-abiding citizen does not include an individual who is not
7 legally present in the United States.

1 (b) "Material aid and support" means voluntarily giving or
2 allowing others to make use of any of the following:

3 (i) Lodging.

4 (ii) Communications equipment or services, including social
5 media accounts.

6 (iii) Facilities.

7 (iv) Weapons.

8 (v) Personnel.

9 (vi) Transportation.

10 (vii) Clothing.

11 (viii) Any other physical assets.

12 (c) Material aid and support does not include giving or
13 allowing the use of medicine or other materials necessary to treat
14 physical injuries, or any assistance provided to help individuals
15 escape a serious risk of life-threatening injury.

16 (d) "Person" means an individual, partnership, corporation,
17 association, governmental entity, or other legal entity.

18 Sec. 3. (1) Any federal law, rule, regulation, executive
19 order, or administrative order is unenforceable in this state if
20 the law, rule, regulation, executive order, or administrative order
21 does any of the following:

22 (a) Imposes a tax, levy, fee, or stamp on firearms, firearm
23 accessories, or ammunition not common to all other goods and
24 services and that might reasonably be expected to create a chilling
25 effect on the purchase or ownership of those items by law-abiding
26 citizens.

27 (b) Requires the registration or tracking of firearms, firearm
28 accessories, or ammunition.

29 (c) Requires the registration or tracking of the owners of

1 firearms, firearm accessories, or ammunition.

2 (d) Prohibits the possession, ownership, use, or transfer of a
3 firearm, firearm accessory, or ammunition by law-abiding citizens.

4 (e) Orders the confiscation of firearms, firearm accessories,
5 or ammunition from law-abiding citizens.

6 (2) A person shall not enforce or attempt to enforce any
7 federal law, rule, regulation, executive order, or administrative
8 order described in subsection (1) within this state.

9 (3) A person that knowingly enforces or attempts to enforce
10 any federal law, rule, regulation, executive order, or
11 administrative order described in subsection (1) within this state
12 is liable for actual damages or \$50,000.00, whichever is greater.

13 (4) In addition to an action for damages or other relief, any
14 person injured under this section or residing or conducting
15 business in this state who believes that this act has been violated
16 may bring an action for damages or injunctive relief in the circuit
17 court of the county in which the action allegedly occurred or in
18 the Ingham County circuit court. The court shall hold a hearing not
19 later than 30 days after service of the petition. In an action
20 brought under this subsection, the court may award the prevailing
21 party, except for this state or any political subdivision of this
22 state, reasonable attorney fees and court costs.

23 (5) A person may provide material aid to federal officials for
24 any of the following:

25 (a) Federal officials who are in pursuit of a suspect when
26 there is a demonstrable criminal nexus with another state or
27 country and the suspect is not a citizen of this state or is not
28 lawfully present in this state.

29 (b) For federal prosecution of felony crimes against a person

1 if the prosecution includes weapons violations substantially
2 similar to those found in chapter 37 of the Michigan penal code,
3 1931 PA 328, MCL 750.222 to 750.239a, and the weapons violations
4 are merely ancillary to the prosecution.

5 (c) For federal prosecution for felony violations
6 substantially similar to those found in part 74 of the public
7 health code, 1978 PA 368, MCL 333.7401 to 333.7461, if the
8 prosecution includes weapons violations substantially similar to
9 those found in chapter 37 of the Michigan penal code, 1931 PA 328,
10 MCL 750.222 to 750.239a, and the weapons violations are merely
11 ancillary to the prosecution

12 (6) Sovereign immunity is not an affirmative defense in any
13 action under this act.

14 (7) This act does not prohibit officials in this state from
15 accepting aid from federal officials in an effort to enforce the
16 laws of this state.

17 Enacting section 1. This act takes effect 90 days after the
18 date it is enacted into law.