

## SENATE RESOLUTION NO.118

Senators Polehanki, Bayer, Wojno, McMorrow, Alexander, Santana, McCann, Brinks, Ananich and Moss offered the following resolution:

1           A resolution to urge the Michigan State Capitol Commission to  
2 prohibit firearms and other dangerous weapons in public areas of the  
3 state Capitol building and the Capitol grounds, and to install  
4 security screening checkpoints.

5           Whereas, The Michigan State Capitol Commission, pursuant to  
6 the Michigan State Capitol Historic Site Act, 2013 PA 240,  
7 exercises control over the public areas of the state Capitol  
8 building and its grounds, including the rotunda and its galleries,  
9 the main corridors, the grand staircases, the ground floor  
10 entrances, and outdoor staircases; and

11           Whereas, The state Capitol building is a working government  
12 building. It houses the Senate and House chambers, Appropriations  
13 Committee rooms, and several legislative offices. Michigan  
14 legislators and staff regularly undertake the business of the state

1 in the state Capitol building; and

2       Whereas, The state Capitol building is also the people's  
3 building. The state Capitol is open to school groups and  
4 individuals who explore the history of Michigan and its government  
5 and appreciate the structure itself. Hundreds of individuals may  
6 access the state Capitol building on any given day. Open access to  
7 the state Capitol allows Michigan citizens to learn our history,  
8 observe the legislative process, voice their opinions, and directly  
9 meet government representatives to address personal and  
10 professional needs; and

11       Whereas, It is important that legislators, staff, and the  
12 public are safe in the state Capitol building. Allowing individuals  
13 to carry firearms in the state Capitol building exposes state  
14 employees and citizens to unnecessary risk. The presence of  
15 firearms is meant to intimidate legislators, interrupt the  
16 democratic process, and block the ability of legislators to  
17 properly represent their constituents; and

18       Whereas, The Michigan State Capitol Commission has authority  
19 to restrict the carry of firearms in the state Capitol building.  
20 Michigan Attorney General Dana Nessel issued Opinion No. 7311 on  
21 May 11, 2020, stating that "restrictions on locations where  
22 firearms may be possessed do not need to be statutory." The  
23 Attorney General opined that the Michigan State Capitol Commission  
24 has been statutorily vested with "exclusive, broad authority to  
25 'operate and manage' the Capitol site" and is "not prohibited from  
26 placing restrictions on carrying firearms at facilities under its  
27 control."; and

28       Whereas, Allowing citizens to carry firearms into the Michigan  
29 state Capitol building is not a constitutional right. The Supreme

1 Court of the United States has affirmed, "Like most rights, the  
2 right secured by the Second Amendment is not unlimited." In the  
3 Court's opinion in *District of Columbia v. Heller*, Justice Antonin  
4 Scalia wrote, "Although we do not undertake an exhaustive  
5 historical analysis today of the full scope of the Second  
6 Amendment, nothing in our opinion should be taken to cast doubt on  
7 longstanding prohibitions on the possession of firearms by felons  
8 and the mentally ill, or laws forbidding the carrying of firearms  
9 in sensitive places such as schools and government buildings, or  
10 laws imposing conditions and qualifications on the commercial sale  
11 of arms."; and

12 Whereas, Eight midwestern states ban firearms in their state  
13 capitols. Only three, including Michigan allow firearms. However,  
14 Minnesota and Wisconsin require permits or restrict possession to  
15 certain areas. Only Michigan has no constraint on possession in the  
16 state Capitol building; and

17 Whereas, Prohibiting firearms possession on the grounds of and  
18 in the state Capitol building and installing security screening  
19 checkpoints for individuals and their personal property to enforce  
20 the prohibition will ensure legislators, staff, and Michigan  
21 residents remain safe while using the state Capitol building; now,  
22 therefore, be it

23 Resolved by the Senate, That we urge the Michigan State  
24 Capitol Commission to prohibit firearms and other dangerous weapons  
25 in public areas of the state Capitol building and on Capitol  
26 grounds while exempting Capitol police and law enforcement  
27 officers; and be it further

28 Resolved, That we urge the Michigan State Capitol Commission  
29 to install security screening checkpoints to screen individuals and

1 their personal property at entrances of the building and other  
2 locations as necessary, while exempting Capitol police and law  
3 enforcement officers; and be it further

4       Resolved, That copies of this resolution be transmitted to the  
5 members of the Michigan State Capitol Commission.