
Openly Carried Weapons Allowed in District Library

By Kenneth P. Lane / Nov 05, 2012

The Michigan Court of Appeals has reversed an Ingham County Circuit Court ruling that barred firearms from being openly carried into branches of the Capital Area District Library (the "CADL"). The case, *Capital Area District Library v Michigan Open Carry* (2012 Mich App LEXIS 2169, No. 304582), stemmed from several instances of Michigan Open Carry members bringing exposed firearms (pistols and a shotgun) into the library's downtown Lansing branch. The CADL's weapons policy banned the possession of firearms on library property. The circuit court had upheld the CADL's policy and granted the library a permanent injunction that prohibited carrying firearms into any CADL facility.

The court of appeals recognized that, with limited exception, Section 2 of Michigan's Firearms and Ammunition Act (1990 PA 319, as amended, MCL 123.1102) ("Act 319") prohibits a local unit of government from regulating the possession, licensing or transportation of pistols or other firearms. "Possession" includes open and concealed carrying. In light of Act 319, the court of appeals determined that state law completely occupies the field of firearm regulation to the exclusion of local units of government. Although Act 319 does not expressly include a district library in its definition of a "local unit of government," the court of appeals recognized that its jurisprudence has held that a district library is a "quasi-municipal corporation" subject to the constitution and the laws of the state.

Therefore, due to field preemption, the court of appeals reversed the circuit court's ruling upholding and enforcing the CADL's weapons policy to the extent it regulates the possession of firearms.

If you have any questions regarding any of the above information please contact your Clark Hill municipal attorney.