



Guns and the Library

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Disclaimer

- This presentation highlights specific areas of law. This communication is not legal advice. The reader should consult an attorney to determine how the information applies to any specific situation. The original air date of this webinar was March 19, 2013 and the law is subject to change after that date.



Overview of Michigan Laws

United States Constitution

Second Amendment

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.



Overview of Michigan Laws

Michigan Constitution

Article 1, Section 6

Every Person has the right to keep and bear arms for the defense of himself and the state.



Overview of Michigan Laws

Concealed Weapons



Michigan Laws: License Required

- General Law: Except as otherwise provided in this act, a person shall not purchase, carry, possess, or transport a pistol in this state without first having obtained a license for the pistol as prescribed in this section. MCL 28.422(1).
 - “Pistol” is a loaded or unloaded firearm that is 26 inches or less in length, or a loaded or unloaded firearm that by its construction and appearance conceals it as a firearm.
 - “Firearm” means a weapon from which a dangerous projectile may be propelled by an explosive, or by gas or air. (Definition does not include rifles or handguns for BBs not exceeding .177 caliber).



Michigan Laws: Concealed Weapons

- To carry a concealed pistol, an individual must obtain a concealed weapons permit from the County Concealed Weapons Board. MCL 28.425b(1).
- The names of individuals who have been issued licenses is confidential and exempt from disclosure under the FOIA. MCL 28.425e. So, there is no way for the Library to know what patrons have concealed weapons permits.



Michigan Laws: Concealed Weapons

- A person with a concealed pistol permit is required to show a peace officer the permit upon request.
- No similar requirement that we could locate that specifically authorized other municipal or local government employees.
 - Likely no ability to verify if the person is a valid Concealed Weapons Permit holder.
 - This is an issue that the Library should consult with its local police department.



Michigan Laws: Concealed Weapons

- Employers:
 - May not prevent an employee from applying for a concealed weapons permit; or
 - Carrying a concealed weapon (with caveat below).
- But, “This subdivision does not prevent an employer from prohibiting an employee from carrying a concealed weapon *in the course of his or her employment with that employer.*”



Michigan Laws: Concealed Weapons

- What does this mean for Libraries as employers:
 - With respect to concealed weapons, the Library can have different policies for employees and patrons.
 - Regardless of other laws, Michigan employers can prohibit an employee from carrying a concealed weapon to work.
 - Does statute not distinguish between public and private employers.
 - Practice Point: Are you the “employer” of your employees? So, be careful if you lease or use employees from a different entity. This is especially true for 1877 PA 164 libraries and County Libraries.



Michigan Laws: Concealed Weapons

- You can't carry a concealed weapon everywhere.
- The statute lists places where a concealed weapon is not permitted:
 - A school or school property except that a parent or legal guardian of a student of the school is not precluded from carrying a concealed pistol while in a vehicle on school property, if he or she is dropping the student off at the school or picking up the child from the school. As used in this section, "school" and "school property" mean those terms as defined in section 237a of the Michigan penal code, 1931 PA 328, MCL 750.237a.



Michigan Laws: Concealed Weapons

- You can't carry a concealed weapon (cont'd)
 - A public or private child care center or day care center, public or private child caring institution, or public or private child placing agency.
 - A sports arena or stadium.
 - A bar or tavern licensed under the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, where the primary source of income of the business is the sale of alcoholic liquor by the glass and consumed on the premises.



Michigan Laws: Concealed Weapons

- You can't carry a concealed weapon (cont'd)
 - Any property or facility owned or operated by a church, synagogue, mosque, temple, or other place of worship, unless the presiding official or officials of the church, synagogue, mosque, temple, or other place of worship permit the carrying of concealed pistol on that property or facility.
 - An entertainment facility with a seating capacity of 2,500 or more individuals that the individual knows or should know has a seating capacity of 2,500 or more individuals or that has a sign above each public entrance stating in letters not less than 1-inch high a seating capacity of 2,500 or more individuals.



Michigan Laws: Concealed Weapons

- You can't carry a concealed weapon (cont'd)
 - A hospital.
 - A dormitory or classroom of a community college, college, or university.
- But, does not include “parking areas.” So for libraries that share parking lots with schools, this provision can not be used to prevent concealed pistols in your parking lot.



Michigan Laws: Concealed Weapons

- But, the concealed weapons free area does not apply to everyone. Certain individuals, who are all licensed to carry concealed weapons, are not prohibited from carrying concealed weapons in “concealed pistol free zones” as follows:
 - A retired police officer or retired law enforcement officer.



Michigan Laws: Concealed Weapons

- Individuals (cont'd)
 - An individual who is employed or contracted by an entity described in the “concealed pistol free zone” to provide security services and is required by his or her employer or the terms of a contract to carry a concealed firearm on the premises of the employing or contracting entity.
 - An individual who is licensed as a private investigator or private detective under the professional investigator licensure act, 1965 PA 285, MCL 338.821 to 338.851.



Michigan Laws: Concealed Weapons

○ Individuals (cont'd)

- An individual who is a corrections officer of a county sheriff's department.
- An individual who is a motor carrier officer or capitol security officer of the department of state police.
- An individual who is a member of a sheriff's posse.
- An individual who is an auxiliary officer or reserve officer of a police or sheriff's department.
- An individual who is a parole or probation officer of the department of corrections.



Michigan Laws: Concealed Weapons

- Individuals (cont'd)
 - A state court judge or state court retired judge who is licensed under this act.
 - An individual who is a court officer.



Michigan Laws: Concealed Weapons

- Further, certain individuals may carry a concealed pistol without a permit, including but not limited to:
 - Police officers (“peace officers”); Michigan Attorney General Opinion, No. 7113 (2002) states that a police officer or a reserve police officer is exempt from the requirements of the Concealed Pistol Licensing Act, including the prohibition against carrying a concealed weapon in a gun free zone.
 - Person regularly employed by the Department of Corrections.



Michigan Laws: Concealed Weapons

New Legislation Proposed!

- New Legislation: HB 4104 of 2013
- Would add libraries to the list of places concealed weapons are not permitted: “A public library as defined in section 2 of the State Aid to Public Libraries Act, 1977 PA 89, MCL 397.552.”
- So, the proposed bill is seeking to make Libraries a “concealed weapons free zone.”



Michigan Laws: Concealed Weapons

New Legislation Proposed!

- But, there is another provision added to HB 4104 to “close the loophole” on the “open carry” issue. The following prohibition would include libraries if HB 4104 passes:

(6) An individual shall not intentionally display or openly carry a pistol on the premises listed in subsection (1)(a) to (i) unless the individual owns the premises described in subsection (1) or is employed or contracted by the owner or other person with control over the premises described in subsection (1), the possession of the pistol is to provide security services for the premises or is otherwise in the scope of the individual's official duties, or the individual is acting with the express written consent of the owner of the premises or an agent of the owner of the premises. This subsection applies beginning May 1, 2013.



Michigan Laws: Open Carry of Weapons

“Open Carry” Regulations



Michigan Laws: Open Carry of Weapons

- In Michigan, there is no special license required to openly carry a firearm in Michigan (similar to a concealed weapons permit).
- There is no law in Michigan that specifically states that weapons can be openly carried – there is just no law that prevents it.
- MCL 750.234d lists the places where a person cannot openly carry a weapon.



Michigan Laws: Open Carry of Weapons

- Places where a person can not openly carry a weapon.
 - *Except as provided in subsection (2), a person shall not possess a firearm on the premises of any of the following:*
 - A depository financial institution or a subsidiary or affiliate of a depository financial institution.
 - A church or other house of religious worship.
 - A court.
 - A theatre.



Michigan Laws: Open Carry of Weapons

- Places where a person can not openly carry a weapon (continued).
 - A sports arena.
 - A day care center.
 - A hospital.
 - An establishment licensed under the Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being sections 436.1 to 436.58 of the Michigan Compiled Laws.



Michigan Laws: Open Carry of Weapons

- As you can see, Libraries are not included on this list at this time.
- HB 4105 of 2013 proposes to add libraries to that list.
- Add “a public library as defined in Section 2 of 1977 PA 89, MCL 397.552.” (State Aid to Public Libraries Act.)



Michigan Laws: Open Carry of Weapons

- Remember the language “*except as provided in subsection (2)?*” Subsection 2 provides that the prohibition against the open carrying of weapons does not apply to any of the following:
 - A person who owns, or is employed by or contracted by, an entity described in subsection (1) if the possession of that firearm is to provide security services for that entity.
 - A peace officer.



Michigan Laws: Open Carry of Weapons

- (Continued) Subsection 2 provides that the prohibition against the open carrying of weapons does not apply to any of the following:
 - A person licensed by this state or another state to carry a concealed weapon.
 - A person who possesses a firearm on the premises of an entity described in subsection (1) if that possession is with the permission of the owner or an agent of the owner of that entity.



Michigan Laws: Open Carry of Weapons

- So, even if Libraries were added to the places where you can not openly carry weapons, certain people would still be allowed to carry, namely
 - Police officers
 - Individuals with a CPL.
- Just because someone is a CPL holder, does not mean they are required to carry the weapon concealed. They may also openly carry the weapon.



Michigan Laws: Schools

Weapons Free School Zones



Michigan Laws: Weapons Free School Zone

- In review, schools are “gun free” under the Concealed Weapons Laws, but not under the “Open Carry” statutory authority.
- There is another statute dealing specifically with schools.
- This may affect public school libraries, depending on location. If you are a school library, seek counsel from the School District’s attorney with respect to a school public library that may be housed on school property.



Michigan Laws: Weapons Free School Zone

- MCL 750.237a(4) provides as follows: “Except as provided in subsection (5), an individual who possesses a weapon in a weapon free school zone is guilty of a misdemeanor.”
- “Weapon free school zone” means school property and a vehicle used by a school to transport students to or from school property.



Michigan Laws: Weapons Free School Zone

- “School” means a public, private, denominational, or parochial school offering developmental kindergarten, kindergarten, or any grade from 1 through 12.
- “School property” means a building, playing field, or property used for school purposes to impart instruction to children or used for functions and events sponsored by a school, except a building used primarily for adult education or college extension courses.



Michigan Laws: Weapons Free School Zone

- Section 5 contains the exceptions (i.e. allow weapons in school zones) as follows:
 - An individual employed by or contracted by a school if the possession of that weapon is to provide security services for the school.
 - A peace officer.
 - An individual licensed by this state or another state to carry a concealed weapon.



Michigan Laws: Weapons Free School Zone

- Section 5 exceptions continued:
 - An individual who possesses a weapon provided by a school or a school's instructor on school property for purposes of providing or receiving instruction in the use of that weapon.
 - An individual who possesses a firearm on school property if that possession is with the permission of the school's principal or an agent of the school designated by the school's principal or the school board.



Michigan Laws: Weapons Free School Zone

- Section 5 exceptions continued:

- An individual who is 18 years of age or older who is not a student at the school and who possesses a firearm on school property while transporting a student to or from the school if any of the following apply:
 - The individual is carrying an antique firearm, completely unloaded, in a wrapper or container in the trunk of a vehicle while en route to or from a hunting or target shooting area or function involving the exhibition, demonstration or sale of antique firearms.
 - The individual is carrying a firearm unloaded in a wrapper or container in the trunk of the person's vehicle, while in possession of a valid Michigan hunting license or proof of valid membership in an organization having shooting range facilities, and while en route to or from a hunting or target shooting area.



Michigan Laws: Weapons Free School Zone

- Continued:

- The person is carrying a firearm unloaded in a wrapper or container in the trunk of the person's vehicle from the place of purchase to his or her home or place of business or to a place of repair or back to his or her home or place of business, or in moving goods from one place of abode or business to another place of abode or business.
- The person is carrying an unloaded firearm in the passenger compartment of a vehicle that does not have a trunk, if the person is otherwise complying with the requirements of subparagraph (ii) or (iii) and the wrapper or container is not readily accessible to the occupants of the vehicle.



Michigan Laws: Brandishing

Brandishing a Firearm



Michigan Laws: Brandishing

- Except as provided below, a person shall not knowingly “brandish” a firearm in public. It is a misdemeanor.
- The above does not apply to any of the following:
 - A peace officer lawfully performing his or her duties as a peace officer.
 - A person lawfully engaged in hunting.
 - A person lawfully engaged in target practice.
 - A person lawfully engaged in the sale, purchase, repair, or transfer of that firearm.



Michigan Laws: Brandishing

- What is “brandishing” – no statutory definition
- Michigan Attorney General Opinion, 2002, No. 7101
 - In the absence of any reported Michigan appellate court decisions defining “brandishing,” it is appropriate to rely upon dictionary definitions. *People v Denio*, 454 Mich 691, 699; 564 NW2d 13 (1997).
 - According to *The American Heritage Dictionary, Second College Edition* (1982), at p 204, the term brandishing is defined as: “1. To wave or flourish menacingly, as a weapon. 2. To display ostentatiously. n. A menacing or defiant wave or flourish.”



Michigan Laws: Brandishing

- Michigan Attorney General Opinion, 2002, No. 7101
 - This definition comports with the meaning ascribed to this term by courts of other jurisdictions.
 - For example, in *United States v Moerman*, 233 F3d 379, 380 (CA 6, 2000), the court recognized that in federal sentencing guidelines, “brandishing” a weapon is defined to mean “that the weapon was pointed or waved about, or displayed in a threatening manner.”
- So, the AG concluded that a reserve officer was not “brandishing” a weapon by carrying it openly in a holster.



Michigan Laws: Other gun laws of interest

Other Statutory Gun Regulations



Michigan Laws: Other gun laws of interest

- Michigan law prohibits (with certain exceptions) the following:
 - Possession of a machine gun or firearm that shoots or is designed to shoot automatically more than one shot without manual reloading, by a single function of the trigger. MCL 750.224.
 - Possession of a short barreled shotgun or short-barreled rifle. MCL 750.224b.
 - Possession of a firearm by a felon. MCL 750.224f.
 - The carrying of a firearm with the intent to use it illegally against another person. MCL 750.226.



Michigan Laws: Other gun laws of interest

- Michigan law prohibits (with certain exceptions) the following:
 - The carrying of a concealed weapon without a license. MCL 750.227.
 - Intentionally aiming or pointing a firearm at another person. MCL 750.233.
 - Knowingly brandishing a firearm in public. MCL 750.234e.
 - A minor's possession of a firearm in public. MCL 750.234f. FYI, the prohibition is not too limiting: “[A]n individual less than 18 years of age shall not possess a firearm in public except under the direct supervision of an individual 18 years of age or older.”
 - Possessing firearm while under the influence of alcohol or a controlled substance. MCL 750.237(1).



Michigan Laws: Laws Affecting Local Regulation of Guns

Statutes Affecting Local Regulation



Michigan Laws: Laws Affecting Local Regulation of Guns

- Local Regulation: MCL 123.1102.

A **local unit of government** shall not impose special taxation on, enact or enforce any ordinance or regulation pertaining to, or regulate in any other manner the ownership, registration, purchase, sale, transfer, transportation, or possession of pistols or other firearms, ammunition for pistols or other firearms, or components of pistols or other firearms, except as otherwise provided by federal law or a law of this state.



Michigan Laws: Laws Affecting Local Regulation of Guns

- Local Regulation: MCL 123.1101(a).
 - “Local unit of government” means a city, village, township, or county.
 - District Libraries and other authorities are not specifically included on this list.



Michigan Laws: Laws Affecting Local Regulation of Guns

- MCL 123.1103 specifically allows the following:
 - This act does not prohibit a local unit of government from doing either of the following:
 - Prohibiting or regulating conduct with a pistol or other firearm that is a criminal offense under state law.
 - Prohibiting or regulating the transportation, carrying, or possession of pistols and other firearms by employees of that local unit of government in the course of their employment with that local unit of government.



Michigan Laws: Laws Affecting Local Regulation of Guns

- Put another way, a “local unit of government” can
 - Regulate illegal gun use.
 - Prevent its own employees from openly carrying while at work.



Case Law: CADL v. MOC, Inc.

Important Case Law



Case Law: CADL v. MOC, Inc.

Capital Area District Library v. Michigan Open Carry, Inc.

“This is a case about whether district libraries are subject to the same restrictions regarding firearm regulation that apply to other local public libraries established by local units of government.”



Case Law: CADL v. MOC, Inc.

(Beckering, J., majority opinion)

“Our job is not to weigh in on who has the better moral argument regarding when and where it is appropriate to carry guns. Instead, we are obligated to interpret and apply the law, regardless of whether we personally like the outcome.”



Case Law: CADL v. MOC, Inc.

Basic Facts

- Capital Area District Library
 - CADL is a district library; formed by two local units over government.
 - District libraries have the authority to adopt regulations and do anything necessary for conducting district library service.



Case Law: CADL v. MOC, Inc.

Basic Facts

- Capital Area District Library
 - CADL had a policy as follows: “All weapons are banned from Library premises to the fullest extent permitted by law.”



Case Law: CADL v. MOC, Inc.

Basic Facts

- Michigan Open Carry, Inc.
 - Purpose to protect the right to self defense, educate and desensitize the public about the legality of the open carry of handguns in public.
 - One method it uses is to hold “informal gatherings in public places through out the state while [openly carrying] guns.”



Case Law: CADL v. MOC, Inc. Basic Facts

- On multiple occasions between December 2010 and February 2011, individual members of MOC openly carried guns in CADL's downtown Lansing branch.
- One occasion allegedly involved a person carrying a shotgun.
- Some library patrons and employees were disturbed by the presence of exposed firearms.



Case Law: CADL v. MOC, Inc.

Basic Facts

- One of CADL's security guards asked the person to leave.
- Initially, CADL's employees called the police when a person openly carrying a firearm entered the library.
- However, the Lansing police refused to remove the person without a court order.



Case Law: CADL v. MOC, Inc. Circuit Court

- CADL filed a lawsuit, asking for declaratory relief. This means they asked the court to declare that its weapons policy was valid.
- They also asked for an injunction. This relief would allow CADL to enforce its policy.
- The Court granted summary disposition in favor of CADL.



Case Law: CADL v. MOC, Inc. Circuit Court

What did the Circuit Court say?

- Court held that the District Library Establishment Act authorized CADL to implement a weapons policy and that MCL 123.1102 does not preempt that policy.
- The Court declared that CADL's weapons policy was valid as a matter of law.



Case Law: CADL v. MOC, Inc. Circuit Court

- The Court also enjoined the MOC, its members, their agents and members of the public from entering CADL buildings or branches while openly carrying a weapon in violation of the policy.



Case Law: CADL v. MOC, Inc. Court of Appeals

So, what did the Court of Appeals say?

- The Court of Appeals did say that CADL had the authority to adopt policies governing its property, and specifically had the authority to adopt a weapons policy.
- But, the Court of Appeals agreed with MOC that CADL was preempted from regulating firearms.



Case Law: CADL v. MOC, Inc. Court of Appeals

- The Court of Appeals analyzed MCL 123.1101(a) and noted that the legislature did define local unit of government as a “city, village, township or county.”
- Court of Appeals further acknowledged that CADL is not any one of those entities but is in fact a separate district library.
- Thus, as a district library, CADL is not expressly barred by MCL 123.1101’s definition.



Case Law: CADL v. MOC, Inc. Court of Appeals

- But, the analysis does not stop there. The Court was “bound to apply” Michigan’s doctrine of field preemption in discerning whether the state has occupied the field of gun regulation to the exclusion of other local units of government.
- What is preemption?



Case Law: CADL v. MOC, Inc.

Court of Appeals

- A state statutory scheme preempts regulation by a lower-level governmental entity when either of two conditions exist:
 - The local regulation directly conflicts with the state statutory scheme or
 - The state statutory scheme occupies the field of regulation that the lower level government entity seeks to enter, “even where there is no direct conflict between the two schemes of regulation.”



Case Law: CADL v. MOC, Inc. Court of Appeals

To determine whether preemption applies, the Court must analyze a four part test:

- First, where the state law expressly provides that the state's authority to regulate in a specified area of the law is to be exclusive, there is no doubt that municipal regulation is pre-empted.
- Second, pre-emption of a field of regulation may be implied upon an examination of legislative history.



Case Law: CADL v. MOC, Inc. Court of Appeals

Preemption Continued:

- Third, the pervasiveness of the state regulatory scheme may support a finding of pre-emption. While the pervasiveness of the state regulatory scheme is not generally sufficient by itself to infer pre-emption, it is a factor which should be considered as evidence of pre-emption.
- Fourth, the nature of the regulated subject matter may demand exclusive state regulation to achieve the uniformity necessary to serve the state's purpose or interest.



Case Law: CADL v. MOC, Inc. Court of Appeals

- With respect to the first test, exclusiveness of state's regulation, the Court relied on an earlier decision by the Michigan Court of Appeals regarding a city ordinance prohibiting guns in city buildings to conclude that the State intended to exclusively occupy the field.
- This Court held that the Ferndale ordinance was preempted by MCL 123.1102, and “[b]ecause the net effect of [MCL 123.]1102 is to completely occupy the field.” (The court found it unnecessary to address the other factors).



Case Law: CADL v. MOC, Inc. Court of Appeals

- With respect to the second test, the examination of legislative history, the court noted the House Legislative analysis indicated the bill was designed to address the proliferation of regulation of firearms.
- The court also noted the Legislative Analysis expressed concern over the continued local authority to enact and enforce gun control ordinances may lead to a patchwork of ordinances.



Case Law: CADL v. MOC, Inc. Court of Appeals

- (Second prong, cont'd) The Court of Appeals conclude that excluding a district library from the regulation because it was established by two local units of government would lead to this “patchwork” of regulation.
- And, determined that the legislative history supports a finding that the purpose of the statute would only be served by leaving the state to regulate firearm possession in all buildings established by local units.



Case Law: CADL v. MOC, Inc. Court of Appeals

- The third guideline required the Court to look at the pervasiveness of the regulatory scheme.
- The court noted the concealed weapons and open carry statutes.
- The court also noted that many statutes prohibited weapons and the use of firearms.
- Thus, the court concluded that the statutory scheme was broad, detailed, and multifaceted.
- So, this prong was met.



Case Law: CADL v. MOC, Inc. Court of Appeals

- Finally, addressing the fourth prong of the analysis, the court analyzed whether the nature of the regulated subject matter demands exclusive regulation to achieve the uniformity necessary to serve the state's interest.
- In answering “yes,” the court noted that if district libraries and other municipalities could all enact different regulations, it would lead to this “patchwork” of regulations.



Case Law: CADL v. MOC, Inc. Court of Appeals

- “It would be extremely difficult for firearm owners to know where and under what circumstances they can possess a gun, and just as difficult for members of the public to know what libraries to avoid should they wish not to be around guns.”
- A uniform state regulatory scheme for firearm possession is far more efficient for obedience and enforcement.



Case Law: CADL v. MOC, Inc. Court of Appeals

- “Certainly, at a time where this country has witnessed tragic and horrific mass shootings in places of public gathering, the presence of weapons in a library where people of all ages—particularly our youth—gather is alarming and an issue of great concern. However, due to field preemption, the same regulations that apply to public libraries established by one local unit of government apply to those established by two or more local units of government—leaving the matter to the state.”
- In other words, talk to your Legislature!



Library Policy: Where do we go from here?

- Still acceptable to prohibit all activities that are considered a crime.
- So, for those gun laws that are being violated, those would fall under a provision of library policy prohibiting crimes.



Library Policy: Where do we go from here?

- Thus, a library policy as follows should still be included in every patron behavior policy:

Violations of Law. Committing or attempting to commit an activity in violation of federal, state, or local law, ordinance or regulation is prohibited.



Library Policy: Where do we go from here?

- Thus, a library policy as follows should still be included in every patron behavior policy:

Harassment. Staring, photographing, following, stalking, harassing, or threatening library users or staff while in the Library or on Library property so that it interferes with the Library patrons' use of the Library or the ability of the staff person to do his or her job is prohibited.



Library Policy: Where do we go from here?

- Be careful on the enforcement of the library's harassment policy!
- For example, one patron may feel "threatened" by a person openly carrying a weapon in conformance with the law.
- This is likely an example of where the Library would need assistance from law enforcement.



Library Policy: Where do we go from here?

- Believe that the Library can still have a policy that prohibits weapons, with the following exceptions
 - Any weapons specifically permitted by law
 - Concealed weapons (lawfully permitted)
 - Weapons by law enforcement
 - Any weapon that the library is preempted from regulation by the Library
 - Open Carry



Library Policy: Where do we go from here?

- But library policy should prohibit any person from bringing in weapons that may be lawful but are not exempt from regulation by law
 - Axes
 - Daggers
 - Knives
 - Razors



Library Policy: Where do we go from here?

- Do not forget the “general” rules applicable to Library policies
 - Prohibited conduct must be *in writing*.
 - There must be an opportunity for *an appeal* to the Library Board.
 - Understand the difference between police action and library/library board action.



Library Policy: Where do we go from here?

- When do you call the police?
 - Recommendation to call the police whenever a firearm or weapons issue is involved in a patron dispute, example, if the patron accuses the patron possessing the gun of harassment.
 - Call if there is an allegation that the weapon has been brandished.



Library Policy: Where do we go from here?

- When do you call the police?
 - Call if there is a question of whether the person is legally authorized to carry the weapon
 - Underage.
 - Intoxicated.
 - Call if you observe unreported threatening behavior
 - Libraries tend to be “neutral” meeting sites for divorcing spouses or custody exchanges.
 - The library staff may observe threatening behavior.



Library Policy: Where do we go from here?

- When is there a risk to call the police?
 - If a patron is lawfully carrying a concealed weapon and the police are called to remove the patron.
 - If the patron is lawfully exercising his/her Second Amendment rights to openly carry a weapon.
 - Removal by the police at the direction of the library may be viewed as an infringement of their Second Amendment rights.



Library Policy: Where do we go from here?

- Practice Pointer:
 - Reach out to local law enforcement to address the issues contained.
 - The library will then get some advanced notice of what kind of response library staff may expect.
 - As with any event that may be disturbing to staff, training of the proper procedure will be important.



What Would You Do?

○ Scenario #1:

- You are planning a fundraiser at the library.
- A patron calls ahead to RSVP and asks whether the Library would be “uncomfortable” if he brought an openly carried weapon to the event.



What Would You Do?

○ Scenario #2:

- A patron complains that he saw a “kid” with a gun. The patron said the kid “flashed” his otherwise concealed gun after a dispute over public computer time.
- When the staff member sees the alleged gun owner, the “kid” appears to be high school age.



What Would You Do?

- Scenario #3:
 - A group of individuals comes to the library openly carrying weapons.
 - Some of the weapons are holstered pistols.
 - Some of the weapons are rifles or shot guns slung over their backs.



What Would You Do?

- Scenario #4:
 - A couple is having an argument outside the Library.
 - You see one of them pull out a gun.
 - What do you do?



What Would You Do?

- Scenario #5:
 - The Library has an employee that is uncomfortable with the Court of Appeals' decision and would like to carry her lawfully licensed concealed weapon to work?
 - Does the Library have to allow such conduct?

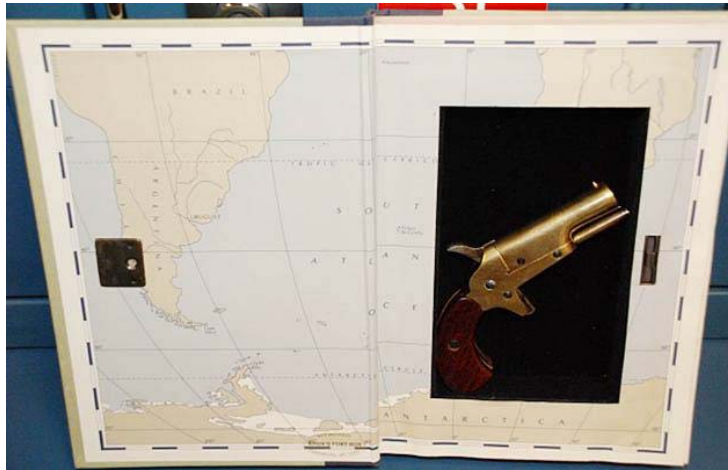


What Would You Do?

- Scenario #6:
 - The Library has an employee that is uncomfortable with the Court of Appeals' decision to allow patrons to openly carry in the Library and would like to openly carry her weapon to work?
 - Does the Library have to allow such conduct?

What Would You Do?

- Scenario #7:
- What would you do if you find this in your donated books?



- (picture from Valparaiso Police Department)



Questions?

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