

## Supreme Court Upholds Authority of Michigan School Districts to Ban Firearms on School Property and at School Functions

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August 1, 2018

On Friday, July 27, 2018, the Michigan Supreme Court upheld the authority of Michigan school districts to ban firearms on school property and at school functions. The Court held that while the Legislature has the power to preempt school districts from adopting policies that regulate the possession of firearms, it has expressly chosen not to exercise that authority.

In deciding the consolidated cases of *Michigan Gun Owners, Inc. v. Ann Arbor Public Schools* and *Michigan Open Carry, Inc. v. Clio Area School District*, the Court, applying the *People v. Llewellyn* field-preemption analysis, rejected plaintiffs' claims that the Legislature intended its regulatory scheme to totally preempt all local regulation by occupying the entire field of gun regulation. To the contrary, the Court reasoned that, because the Legislature specifically did not include school districts in the definition of a "local unit of government" (which are explicitly prohibited from regulating guns under MCL 123.1101(b) and MCL 123.1102), state law expressly does not preempt school districts' authority to regulate guns; thus, a "field preemption" by implication analysis is not necessary.

While the Court's ruling upholds the authority of school districts to regulate guns on school property under current law, the Legislature could choose to exercise its power to preempt this authority at any time. Miller Canfield assisted in one of the amicus briefs filed in the case. If you have any questions about the regulation of guns on school property, please contact your Miller Canfield attorney or any of the people listed on this e-alert.