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5 **A RESOLUTION**

6
7 Calling upon the State of Wisconsin to enact common sense gun regulations while
8 respecting the right to bear arms ensured in the Wisconsin and United States
9 Constitutions; and calling upon the State of Wisconsin to pursue as many federal funds
10 available under the Bipartisan Safer Communities Act as possible
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13 WHEREAS, the Gun Violence Archive and other groups define the term “mass
14 shooting” as “four or more shot (injured or killed) in a single incident, at the same
15 general time and location, not including the shooter”; and
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17 WHEREAS, the recent mass shootings involving the massacre of 10 Black
18 Americans in Buffalo on May 14, 2022, and 19 children and two teachers in Uvalde,
19 Texas on May 24, 2022, have reignited the anger among many regarding gun violence
20 in the United States and particularly mass shootings; and
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22 WHEREAS, according to a March 25, 2021 Institute for Health Metrics and
23 Evaluation report updated on May 31, 2022, “On gun violence, the United States is an
24 outlier,” “Among 64 high-income countries and territories, the United States stands out
25 for its high levels of gun violence. The US ranks eight out of 64 for homicides by firearm
26 (age-adjusted).”; and
27

28 WHEREAS, according to the January 2017 *Journal of the American Medical*
29 *Association* meta-study “Firearm Laws and Firearm Homicides: A Systematic Review,”
30 the authors “found evidence that stronger firearm laws are associated with reductions in
31 firearm homicide rates. The strongest evidence is for laws that strengthen background
32 checks and that require a permit to purchase a firearm.”; and
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34 WHEREAS, on May 25, 2022, WISN 12 posted to its website an article titled
35 “‘Gun control is public health’: chief medical advisor calls for stricter gun laws,” whereby
36 the Milwaukee County Chief Medical Advisor, who specializes in emergency medicine,
37 reportedly posted on Twitter, “#GunViolence is a #PublicHealthCrisis”, telling a WISN
38 reported, “The impact of gun violence goes far beyond [the individual]. It affects
39 communities, it affects families, and it affects individuals”; and
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41 WHEREAS, while firearms do not have a monopoly on being used to end lives,
42 firearms, particularly semi-automatic weapons and those modified to mimic automatic
43 weapons, do ease the ability to murder and slaughter *en masse*, and excessive ease of
44 firearm acquisition facilitates accidental and intentional gun suicide and ; and

45
46 WHEREAS, according to Federal Bureau of Investigation (FBI) unified crime
47 reporting data, Milwaukee County endured 198 homicides in 2020, the most since 1985
48 and jumping from a recent high of 153 in 2016; and according to Milwaukee Police
49 Department crime statistics, there were 194 homicides in the City of Milwaukee alone in
50 2021; and the vast majority of homicides are due to firearms; and

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52 WHEREAS, Article I, § 25 of the Wisconsin Constitution allows for a right to keep
53 and bear arms in public or otherwise “for security, defense, hunting, recreation or any
54 other lawful purpose” subject to specific laws and restrictions such as banning felons
55 from possessing firearms (Wis. Stat. § 941.29(1m)(a)) or carrying a firearm in a public
56 building (Wis. Stat. § 941.235); and

57
58 WHEREAS, the State of Wisconsin preempts local government regulation of
59 firearms as Wis. Stat. § 66.0409(2) indicates “no political subdivision may enact or
60 enforce an ordinance or adopt a resolution that regulates the sale, purchase, purchase
61 delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing,
62 permitting, registration, or taxation of any knife or any firearm or part of a firearm. .
63 .unless the ordinance or resolution is the same as or similar to, and no more stringent
64 than, a state statute”; and

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66 WHEREAS, in the United States Supreme Court case, *District of Columbia v.*
67 *Heller* 554 U.S. 570 (2008), the High Court ruling authored by Justice Antonin Scalia,
68 found among other things:

- 69
70 • “There seems to us no doubt, on the basis of both text and history, that the
71 Second Amendment conferred an individual right to keep and bear arms. Of
72 course the right was not unlimited, just as the First Amendment’s right of free
73 speech was not. . .”
74 • “From Blackstone through the 19th-Century cases, commentators and courts
75 routinely explained that the right was not a right to keep and carry any weapon
76 whatsoever in any manner whatsoever and for whatever purpose.”
77 • “We also recognize another important limitation on the right to keep and carry
78 arms. Miller said, as we have explained, that the sorts of weapons protected
79 were those ‘in common use at the time.’ . . . We think that limitation is fairly
80 supported by the historical tradition of prohibiting the carrying of ‘dangerous and
81 unusual weapons.’”

82

83 ; and

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85 WHEREAS, “Red Flag Laws,” also known as risk-based gun removal laws, are
86 laws which states enable permitting police or family members to petition a state court to
87 temporarily confiscate firearms from an individual who pay pose a danger to himself or
88 others; failure to comply with a lawful court order is a punishable criminal offense; and
89 the following states have adopted such laws: California, Colorado, Connecticut,
90 Delaware, Florida, Hawaii, Illinois, Indiana, Maryland, Nevada, New Jersey, New York,
91 Oregon, Rhode Island, Vermont, and Washington; and

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93 WHEREAS, it is easier to purchase a firearm than it is to register to vote and cast
94 a ballot, and licensing firearm ownership based on education and skills testing, akin to
95 licensed automobile operation, would ensure a minimum standard for firearms owners
96 and their broader social responsibility to society; and

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98 WHEREAS, waiting periods after gun purchases of five to fourteen days:

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- 100 • May reduce impulsive acts of violence or self-harm up to suicide
- 101 • May allow law enforcement to investigate possible traffickers
- 102 • Would allow for the completion of background checks which may take longer
103 than three days for state and federal agencies to complete

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105 ; and Wisconsin’s 40-year 48-hour waiting period ended in 2015; and

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107 WHEREAS, larger-capacity magazines greater than ten shots per magazine, are
108 not necessary for self-defense or hunting and only facilitate the ability to shoot more
109 often and reload less frequently; a mass shooter being forced to reload would allow an
110 opportunity for law enforcement to bring an active shooter situation to an end; and

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112 WHEREAS, so-called “bump-stocks,” gun stocks which assist in bump firing, are
113 used to facilitate faster speeds of shooting semi-automatic firearms, and was used to kill
114 60 people in the 2017 Las Vegas mass shooting, and serve no purpose other than to
115 maim; and

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117 WHEREAS, there is a scientific understanding that youth brains do not fully
118 mature until their 20s, and the Uvalde shooter was 18; and

119

120 WHEREAS, the United States Senate and House of Representatives passed and
121 reconciled 2021-2022 Senate Bill 2938, the Bipartisan Safer Communities Act, which
122 President Joe Biden signed into law on June 25, 2022, which does the following:

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- Incentivizing state “red flag laws” with a \$750 million appropriation

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- Includes convicted domestic violence abusers to the National Instant Criminal Background Check System (NICS) with removal from the system after five years under certain circumstances

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- Closes a loophole relating to the definition of a “Federally Licensed Firearms Dealer” which allowed sellers to avoid licensing requirements

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- Firearm purchasers under 21 years of age are subject to more thorough background checks

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- Creation of federal firearm straw purchasing and trafficking criminal offenses

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- Appropriates \$250 million for “community-based violence and prevention initiatives”

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- Allocates approximately \$968 million for children and family mental health services

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- Provides around \$2.35 billion in funding for schools for:

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- School-based mental health services

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- Training and pipeline development for school-based mental health staff

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- Support activities for student learning

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- Out of school programs

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- School safety

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WHEREAS, the State of Wisconsin owes it to its citizens to have common sense regulations protecting human life while respecting the Constitutional right to bear arms, even if no set of policies will completely eliminate gun violence or criminal firearm use; and

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WHEREAS, the Committee on Intergovernmental Relations, at its meeting of July 11, 2022, recommended adoption of File No. 22-867 (vote 3-0); now, therefore,

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BE IT RESOLVED, Milwaukee County hereby calls upon the Wisconsin Governor and Wisconsin Legislature to enact laws which mitigate gun violence and mass killings while simultaneously upholding the lawful and Constitutional possession of firearms by responsible and law-abiding citizens ensured by the Wisconsin and United States Constitutions, including but not limited to consideration of the following types of regulation:

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- Risk-based gun removal laws, commonly referred to as “Red Flag Laws”

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- Licensing firearm ownership

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- Waiting periods for firearm purchases

- 164 • Outlawing the import, sale, manufacture, transfer, or possession of larger-
165 capacity magazines
166 • Prohibition of “bump-stocks” which enable the rapid-fire of firearms
167 • Raise the gun purchase age to 21
168 • Prohibiting the import, sale, manufacture, transfer, or possession of semi-
169 automatic or “military-style” firearms

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171 ; and

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173 BE IT FURTHER RESOLVED, Milwaukee County hereby calls on the Wisconsin
174 Governor and Wisconsin Legislature to fully realize the funding opportunities offered by
175 the Bipartisan Safer Communities Act to enact common sense gun reform and safety
176 measures; and

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178 BE IT FURTHER RESOLVED, the Office of Government Affairs staff is
179 authorized and requested to communicate the contents of this resolution to the
180 Wisconsin Governor and State policymakers, and to support legislation that achieves
181 the criteria outlined in this resolution.

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184 07/11/22

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