



## 2009 ASSEMBLY RESOLUTION 15

October 29, 2009 – Introduced by Representatives HRAYCHUCK, DANOU, TOWNSEND, PETERSEN, JORGENSEN, LEMAHIEU, HUEBSCH, NYGREN, MEYER, VOS, TAUCHEN, DAVIS, VRUWINK, VUKMIR, GUNDERSON, VAN ROY, J. OTT, BIES and M. WILLIAMS. Referred to Committee on Rules.

1     **Relating to:** requesting the participation of the attorney general as *amicus curiae*  
2             in certain cases before the United States Supreme Court.

3             Whereas, the United States Supreme Court is considering petitions for  
4     certiorari in *National Rifle Association of America, Inc., et al. v. City of Chicago,*  
5     *Illinois, et al.*, No. 08–1497, and *Otis McDonald, et al. v. City of Chicago, Illinois,* No.  
6     08–1521, that raise the questions of whether the right of the people to keep and bear  
7     arms guaranteed by the Second Amendment to the United States Constitution is  
8     incorporated as against the States by either or both the Due Process Clause and the  
9     Privileges and Immunities Clause of the Fourteenth Amendment; and

10            Whereas, Wisconsin citizens, through Article I, Section 25, of the Wisconsin  
11     Constitution, have unambiguously expressed their support for an individual’s “right  
12     to keep and bear arms for security, defense, hunting, recreation or any other lawful  
13     purpose”; and

14            Whereas, the Wisconsin assembly desires that the United States Supreme  
15     Court be advised of Wisconsin citizens’ interest in having the United States Supreme

1 Court protect from state encroachment the right of individuals to keep and bear arms  
2 for purposes unrelated to service in a militia or other military organization; and

3 Whereas, the Wisconsin assembly desires that the United States Supreme  
4 Court be advised of Wisconsin citizens' interest in having the United States Supreme  
5 Court clarify the degree of protection that these citizens enjoy from state  
6 infringement of their right to keep and bear arms; and

7 Whereas, the attorney general of Wisconsin is prepared to file or join an *amicus*  
8 *curiae* brief advising the United States Supreme Court of Wisconsin citizens'  
9 concerns and interests regarding the issues raised by *National Rifle Association of*  
10 *America, Inc. et al. v. City of Chicago, Illinois, et al.* and *Otis McDonald, et al. v. City*  
11 *of Chicago, Illinois*; now, therefore, be it

12 ***Resolved by the assembly, That*** pursuant to section 165.25 (1m) of the  
13 Wisconsin statutes, the assembly authorizes the attorney general, in the event the  
14 United States Supreme Court grants certiorari in either or both *National Rifle*  
15 *Association of America, Inc. et al. v. City of Chicago, Illinois, et al.*, No. 08-1497 and  
16 *Otis McDonald, et al. v. City of Chicago, Illinois*, No. 08-1521, to file or join a brief  
17 or briefs in the United States Supreme Court as *amicus curiae* in support of the  
18 petitioners.

19 (END)