

Legislative Analysis



ALLOW CONCEALED CARRY

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5364 as introduced
Sponsor: Rep. Andrew W. Beeler

Analysis available at
<http://www.legislature.mi.gov>

House Bill 5365 as introduced
Sponsor: Rep. Gregory Markkanen

House Bills 5366 and 5367 as introduced
Sponsor: Rep. Beau Matthew LaFave

Committee: Military, Veterans and Homeland Security
Revised 4-12-22

SUMMARY:

House Bills 5364 to 5367 would amend several acts relating to the concealed carrying of a pistol with or without a concealed pistol license. Notably, the bills would remove the general requirement that a person obtain a concealed pistol license (CPL) in order to carry a concealed pistol in most places in the state. Under the bills, CPL licenses would allow their holders to carry a concealed pistol in areas that are now designated (with some exceptions) as pistol-free zones.

House Bill 5366 would amend Chapter XXXVII (Firearms) of the Michigan Penal Code to allow individuals to carry a concealed pistol without a concealed pistol license.

Currently under the act, a person is generally prohibited from carrying a pistol concealed on his or her person or, whether concealed or not, in a vehicle. There are some exceptions to this general prohibition, including for those who have a valid CPL license.

The bill instead would allow a person to carry a pistol concealed on or about his or her person or concealed or otherwise in any vehicle operated or occupied by the person.

The bill also would repeal section 231a of the code, which provides exceptions to the general prohibition against carrying a concealed pistol (including the exception for those who have a valid CPL license).

The bill is tie-barred to HB 5367, which means that it could not take effect unless HB 5367 were also enacted.

MCL 750.227 and 750.230 and MCL 750.231a (repealed)

House Bill 5367 would amend 1927 PA 372, the handgun licensure act, to change the scope and purpose of a CPL license issued under the act. Currently a CPL license generally allows its holder to carry a concealed weapon in the state, except in areas specified under section 50 of the act. However, HB 5366 would remove the general prohibition against carrying a concealed pistol unless licensed. House Bill 5367 would keep intact most of the provisions for

obtaining a CPL license, which under the bill would allow a license holder to carry a concealed pistol in the areas now restricted under section 5o.

Currently under section 5o, an individual licensed under the act to carry a concealed pistol (or who is exempt from licensure) generally cannot carry a concealed pistol on specific premises, including a school or school property; a public or private child care or day care center; a sports arena or stadium; a bar or tavern; any property or facility owned or operated by a church, synagogue, mosque, temple, or other place of worship; an entertainment facility with a seating capacity of 2,500 or more individuals; a hospital; or a dormitory or classroom of a community college, college, or university. An individual is also prohibited from carrying a Taser on any of the above premises. However, there are several exceptions, such as for retired police officers or contracted security officers.

The bill would amend section 5o to allow individuals licensed under the act to carry a concealed pistol or Taser on the premises described above, while prohibiting individuals who are not licensed under the act from carrying a concealed pistol or Taser on those premises. (However, a person licensed under the act would still be prohibited from carrying a concealed pistol in a casino.) The bill also would remove provisions that currently provide exemptions for certain individuals who may carry a concealed pistol on the premises described above.

However, the bill would amend the list of individuals who are now exempted from the general requirements of the act (such as police officers) to instead exempt those individuals from the requirement to be licensed to carry concealed on the premises described above.

The bill would remove several references to section 5o related to prohibiting individuals licensed under the act from carrying a concealed pistol on the premises described above. The bill also would remove the definition of what constitutes “acceptable proof” that an individual is exempt from the prohibition against carrying a concealed pistol on the premises described in section 5o.

The bill would remove penalties that require an individual’s license to carry a concealed pistol to be suspended or revoked for certain violations of section 5o.

Finally, the bill would remove references to section 231a of the Michigan Penal Code, which would be repealed by HB 5366, as described above.

MCL 28.425a et seq.

House Bill 5364 would amend the sentencing guidelines provisions of the Code of Criminal Procedure to reflect the changes proposed by HB 5367. Specifically, the bill would update a citation to a penalty provision that would be renumbered by HB 5367.

The bill is tie-barred to HB 5367, which means that it could not take effect unless HB 5367 were also enacted into law.

MCL 777.11b

House Bill 5365 would amend Part 435 (Hunting and Fishing Licensing) of the Natural Resources and Environmental Protection Act (NREPA) to remove references to section 231a of the Michigan Penal Code, which would be repealed by HB 5366, as described above.

The bill is tie-barred to HB 5367, which means that it could not take effect unless HB 5367 were also enacted into law.

MCL 324.43510

FISCAL IMPACT:

House Bill 5366 would have an indeterminate fiscal impact on the state and on local units of government. The decrease in costs and in fine revenues would depend on the number of people that would no longer be charged with a felony offense. Reduced felony convictions would result in reduced costs related to state prisons and to state probation supervision. In fiscal year 2020, the average cost of prison incarceration in a state prison was roughly \$42,200 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$4,300 per supervised offender in the same year. Those costs are financed with state general fund/general purpose revenue. The fiscal impact on local court systems would depend on how provisions of the bill affected court caseloads and related administrative costs. There would also be a decrease in penal fine revenues which would decrease funding for public and county law libraries, which are the constitutionally designated recipients of those revenues.

A fiscal analysis of House Bill 5367 is in progress.

House Bill 5364 is a companion bill to HB 5367 and amends sentencing guidelines. The bill would not have a direct fiscal impact on the state or on local units of government.

House Bill 5365 is unlikely to affect costs or revenues for the Department of Natural Resources.

Legislative Analyst: Emily S. Smith
Fiscal Analysts: Robin Risko
Marcus Coffin
Austin Scott

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.