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Senate Bill 22 (as passed by the Senate)  
Sponsor: Senator John N. Damoose  
Committee: Transportation and Infrastructure

Date Completed: 6-9-23

## **RATIONALE**

Michigan's Aeronautics Code is subject to Federal statute regarding aircraft, airmen, and airports. Currently, Chapter V of the Code defines "sterile area" using a reference to 14 CFR 107.1, which was recently amended to describe the registration, airman certification, and operation of civil small, unmanned aircraft systems. Some believe this incorrect definition creates a loophole in the law, making it difficult to prosecute those who violate prohibitions related to a sterile area, such as entering a sterile area with a firearm. Accordingly, it has been suggested that the definition of "sterile area" be amended.

## **CONTENT**

**The bill would amend Chapter V (Regulation of Aircraft, Airmen, Airports and Air Instruction) of the Aeronautics Code to exempt members of the Space Force from a prohibition on carrying specified dangerous items in a sterile area of a commercial airport. The bill also would modify the definition of sterile area.**

Among other things, Chapter V prohibits an individual from possessing or carrying a firearm, explosive, knife, razor, or dangerous weapon in a sterile area of a commercial airport. The Chapter prescribes misdemeanor and felony penalties for violations of the prohibition. Some individuals are exempt from these prohibitions, including members of the Army, Air Force, Navy, Marine Corps, or Coast Guard while possessing or carrying the item in the line of duty. The bill would extend this exemption to members of the Space Force.

Under the bill, "sterile area" would mean a portion of an airport defined in an airport security program approved by the Transportation Security Administration (TSA) under 49 CFR 1542.101 that provides passengers access to boarding aircraft and to which the access generally is controlled by the TSA, or by an aircraft operator under 49 CFR part 1544 or a foreign air carrier under CFR part 3 1546, through the screening of individuals and property.

MCL 259.80f

## **PREVIOUS LEGISLATION**

*(Please note: This section does not provide a comprehensive account of all previous legislative efforts on the relevant subject matter.)*

The bill is a reintroduction of House Bill 6123 from the 2021-2022 Legislative Session. The House Committee on Transportation reported the bill but it received no further action.

## **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

### **Supporting Argument**

Redefining the term "sterile area" would allow police to arrest violators of the Code on the spot, a matter that has grown only more pressing in recent years. According to testimony before the Senate Committee on Transportation and Infrastructure, the number of firearms found at airport checkpoints from January to April 2023 already exceeded the total found in 2022. Additionally, the TSA caught 117 firearms at Detroit Metropolitan International Airport, Flint Bishop Airport, Gerald R. Ford International Airport, and Cherry Capital Airport checkpoints in 2022, a sharp increase from pre-pandemic years.<sup>1</sup> Despite the increasing number of clear violations, prosecutors are unable to charge violators. The definition of "sterile area" is obsolete, allowing offenders to violate the Code and preventing prosecutors from holding these offenders accountable. Thus, the definition should be updated.

Legislative Analyst: Abby Schneider

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco, Jr.

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<sup>1</sup> "TSA continued to detect firearms in Michigan airports in 2022", TSA, 1-29-2023. Retrieved 6-8-2023.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.