



Senate Fiscal Agency
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Senate Bills 857 and 858 (as introduced 5-2-24)
Sponsor: Senator Dayna Polehanki (S.B. 857)
Senator Rosemary Bayer (S.B. 858)
Committee: Civil Rights, Judiciary, and Public Safety

Date Completed: 11-13-24

CONTENT

Senate Bill 857 would amend the handgun licensure law to prohibit an individual from carrying a concealed pistol in the Michigan State Capitol Building, the Anderson House Office Building, and the Binsfeld Senate Office Building unless that individual was a serving member of the Michigan Senate or Michigan House of Representatives who had a concealed pistol license (CPL) .

Senate Bill 858 would amend the Michigan Penal Code to prohibit an individual from possessing a firearm in the Michigan State Capitol Building, the Anderson House Office Building, and the Binsfeld Senate Office Building unless that individual was a serving member of the Michigan Senate or Michigan House of Representatives who had a CPL.

Senate Bill 857

Generally, the handgun licensure law prohibits a person who has a CPL, or who is exempt from licensure, from carrying a concealed pistol on the premises, excluding the parking lots, of any of the following:

- A school or school property, except for a student's parent or legal guardian while in a vehicle on school property, if he or she is dropping off or picking up the student.
- A public or private child care center or day care center, child caring institution, or child placing agency.
- A sports arena or stadium.
- A licensed bar or tavern whose primary source of income is the sale of liquor by the glass for on-premises consumption.
- Any property or facility owned or operated by a church, synagogue, mosque, temple, or other place of worship, unless its presiding official or officials permit the carrying of a concealed pistol on the property or facility.
- An entertainment facility with a seating capacity of 2,500 or more that the person knows or should know has such a seating capacity or that has a sign stating that capacity.
- A hospital.
- A dormitory or classroom of a community college, college, or university.

A violation is a State civil infraction punishable by a fine of up to \$500 and a six-month suspension of the individual's CPL. A second violation is a misdemeanor punishable by a fine of up to \$1,000 and CPL revocation. A third or subsequent violation is a felony punishable by up to four years' imprisonment or a fine of up to \$5,000, or both, and CPL revocation.

Under the bill, the provisions above would apply to the premises of the Michigan State Capitol Building, the Anderson House Office Building, or the Binsfeld Senate Office Building. The bill

would exempt from its provisions an acting member of the Michigan House of Representatives or the Michigan Senate who had CPL.

Senate Bill 858

Under the Michigan Penal Code, a person is prohibited from possessing a firearm on the premises of any of the following:

- A depository financial institution or a subsidiary or affiliate of such an institution.
- A church or other house of religious worship.
- A court.
- A theatre.
- A sports arena.
- A day care center.
- A hospital.
- An establishment licensed under the Michigan Liquor Control Code.

A violation is a misdemeanor punishable by up to 90 days' imprisonment or a maximum fine of \$100, or both.

Under the bill, the provisions above would apply to the premises of the Michigan State Capitol Building, the Anderson House Office Building, or the Binsfeld Senate Office Building. The bill would exempt from its provisions an acting member of the Michigan House of Representatives or the Michigan Senate who had a CPL.

Additionally, the Code exempts from the provisions described above a person licensed by the State or another State to carry a concealed weapon. The bill would delete this exemption.

MCL 28.425o (S.B. 857); 750.234d (S.B. 858)

Legislative Analyst: Eleni Lionas

FISCAL IMPACT

Senate Bill 857's criminal penalties could have a negative fiscal impact on State and local government. Violations of the proposed Act would be punishable as misdemeanors and felonies of different severity. More misdemeanor and felony arrests and convictions could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. Misdemeanor convictions could increase county jail and local probation supervision costs, which vary by jurisdiction and are thus indeterminate. Based on 2023 data, the average cost to State government for felony probation supervision is approximately \$4,600 per probationer per year. For any increase in prison intakes the average annual cost of housing a prisoner in a State correctional facility is an estimated \$48,700. Per diem rates range from \$100 to \$431 per day (average per diem is \$135), depending on the security level of the facility. Additionally, any associated fine revenue would increase funding to public libraries.

Senate Bill 858 could have an indeterminate negative fiscal impact and an indeterminate positive fiscal impact on State and local government. New misdemeanor arrests and convictions under the bill could increase resource demands on law enforcement, court systems, community supervision, and jails; however, it is unknown how many people would be prosecuted under provisions of the bill. Local jail costs vary by jurisdiction and thus costs for local governments would vary. Local revenue to local libraries could increase under the bill as any additional revenue from imposed fines would go to local libraries.

Fiscal Analyst: Joe Carrasco, Jr.

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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.