

SFA

BILL ANALYSIS

Senate Fiscal Agency

Lansing, Michigan 48909

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Senate Bill 839 (as enrolled) (Public Act 258 of 1988)

Senate Bill 840 (as enrolled) (Public Act 259 of 1988)

Sponsor: Senator James A. Barcia

Senate Committee: Natural Resources and Environmental Affairs

House Committee: Conservation and Environment

Date Completed: 7-20-88

RATIONALE

In the past decade, there has been an increase in the number of hunters who use more primitive firearms, such as muzzle-loading shotguns, rifles, and handguns. Until recently, many hunters used round balls (a type of bullet) and black powder as a propellant when hunting with muzzle-loading firearms. The increased use of such firearms has led to the development of substitutes for round balls and black powder that increase the accuracy and durability of muzzle-loading firearms. The law, however, does not allow the use of these substitutes. In addition, Michigan hunters currently are not allowed to use black powder handguns (also called muzzle-loading handguns) during the muzzle-loading season. Such handguns can be used during the regular firearm season for the taking of deer, however. Some believe that hunting laws should be amended to allow Michigan hunters to take advantage of improved muzzle-loading equipment, and to expand the permitted use of muzzle-loading handguns.

CONTENT

Senate Bills 839 and 840 would amend the Game Law and the Hunting and Fishing License Act, respectively, to allow the use of black powder handguns during the muzzle-loading deer hunting season.

The bills would take effect on September 1, 1988.

Senate Bill 839

The bill would amend the Game Law to allow deer hunting with a "black powder handgun" during the open season for deer hunting with muzzle-loading rifles or shotguns. (The season is established for up to 10 days between December 1 and December 20, during dates and in areas designated by the Natural Resources Commission.)

The Act permits hunting with muzzle-loading rifles or shotguns that are "loaded with .44 caliber or larger round ball propelled by black powder". In addition to a black powder propellant, the bill would allow a "commercially manufactured black powder substitute" propellant, and would change "round ball" to "projectile".

MCL 312.11

Senate Bill 840

The bill would amend the Hunting and Fishing License Act to specify that a person who possessed a firearm deer license could not "carry or possess afield" a black powder handgun or a centerfire handgun during the firearm deer season unless he or she had a valid firearm deer license

with an unused kill tag issued in his or her name. This would be in addition to the current prohibition that applies to "a shotgun with buckshot, slug loads, or ball loads; a bow and arrow; a muzzle-loading rifle; or a centerfire rifle".

The bill is tie-barred to Senate Bill 839.

MCL 316.208

FISCAL IMPACT

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

ARGUMENTS***Supporting Argument***

Until recently, round balls were one of the preferred types of ammunition for muzzle-loaders. Developments within the muzzle-loading industry, however, have led to the production of other types of ammunition for muzzle-loaders that are more accurate and allow the ammunition to travel farther. In addition, it was common for some black powders to leave residue or scratches on the barrel of a firearm, which can lead to the deterioration of the weapon, but many of the new commercial substitutes for black powder do not have this problem. Senate Bill 839 would allow Michigan hunters to take advantage of all of the new black powder substitutes and ammunition for muzzle-loaders.

Senate Bill 839 would correct the oversight that allows black powder handguns to be used during the regular firearm deer season but not during the muzzle-loading season.

Supporting Argument

Under current law, firearm deer licensees are prohibited from carrying certain weapons during the deer season unless a license has an unused kill tag. This provision was established to deter group hunting and the illegal taking of deer. Senate Bill 840 would further this goal by prohibiting possession of centerfire handguns and black powder handguns unless the holder of the firearm deer license had a valid firearm deer license and unused kill tag.

Opposing Argument

A muzzle-loading firearm will explode if it is loaded with more than one projectile. Senate Bill 839 should specify that only one projectile could be used at a time in a

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muzzle-loader. Further, most muzzle-loading handguns do not generate enough energy to kill a deer humanely. If muzzle-loading handguns are allowed to be used during muzzle-loading season, the number of deer that are killed inhumanely probably would increase. The bill should address this issue.

Response: Hunters already are permitted to use muzzle-loading handguns during the regular firearm season for the taking of deer. The number of deer killed inhumanely does not appear to have increased substantially during the regular firearm season and it is not likely that there would be a dramatic increase as a result of the bill.

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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.