



**House  
Legislative  
Analysis  
Section**

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**HANDGUN EDUCATION COURSE**

**House Bill 4163 (Substitute H-1)**  
**First Analysis (5-30-89)**

**RECEIVED**

**Sponsor: Rep. Burton Leland**  
**Committee: Judiciary**

**JUN 07 1989**

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***THE APPARENT PROBLEM:***

Gun ownership is widely perceived to be on the rise. One measure of handgun ownership in Michigan, the number of handgun registrations made with the state police, was up 28 percent in the first few months of 1989, compared with the same period last year. Accompanying the apparent increase in the number of households having handguns are frequent reports of tragic accidents involving handguns that were carelessly stored and irresponsibly accessible to children and youths. According to the National Safety Council, in 1987 there were 1,400 accidental firearm deaths nationwide, with half occurring in the home; 280 of the victims were under 14 years old. For Michigan, the problem appears especially acute in the Detroit area: in 1987, 350 juveniles were detained in Detroit for carrying a concealed weapon. During one recent six-month period, roughly one in nine of the handguns confiscated by the Detroit police was taken from a juvenile.

These figures are not only a reflection of tough youths carrying guns. One well-publicized story involved a 14-year-old who attended a private school in Detroit and evidently was being harassed by children from a local public school. The youth took his mother's gun to school one day, and as it was being passed around, it discharged, killing a 13-year-old girl. As recently as April of this year, a 16-year-old was killed when shot by a handgun that he and a 12-year-old were playing with. In 1987, a Detroit four-year-old fatally shot himself with a handgun he found under a bed. Children are naturally inquisitive and their curiosity about guns virtually ensures that such tragedies will continue to happen as long as guns are accessible to them. One way to minimize this accessibility is through education of gun owners. It has been proposed that a person be required to complete a handgun education course prior to receiving a permit to purchase a handgun.

***THE CONTENT OF THE BILL:***

The bill would amend Public 372 of 1927 to require successful completion of a handgun education course as a condition of receiving a license to purchase a pistol. The Office of Criminal Justice, in coordination with the law enforcement training council, would develop the course and distribute training materials. The course would consist of a single session of between two and six hours and would include instruction in safe handling of a pistol and on the laws relating to pistol ownership.

Courses would have to be sponsored by each sheriff's department. Other law enforcement agencies could sponsor courses if they wished, as could organizations certified by the Office of Criminal Justice. Sponsors could charge fees to cover the costs of offering the courses. Upon completing a course, a person would receive a certificate that would be honored regardless of where in the state the person applied for the pistol permit.

The law enforcement training council, sheriff's departments, law enforcement agencies, and course instructors would be immune from civil liability in implementing the bill.

The bill would not apply to an applicant who completed an equivalent pistol education course prior to the development of the one required by the bill, nor would it apply to a police officer or a full-time corrections officer authorized to carry a concealed weapon while on duty.

MCL 28.422

***FISCAL IMPLICATIONS:***

According to the House Fiscal Agency, the bill would have a local fiscal impact due to the cost of sponsoring the safety courses, but these costs could be offset by the charging of fees. (5-24-89)

***ARGUMENTS:***

***For:***

Far too many people own handguns without knowing basic principles of gun safety and responsible storage. The tragic result has been any number of accidental deaths, often caused when curious children are handling guns they find in the home. Careless storage contributes not only to accidental injuries, but also to intentional ones: handguns are frequently stolen in burglaries and used in later crimes. With some simple training, a person can learn how to break down and store a handgun so that it is less accessible to children, burglars, and even to oneself when in a suicidal depression or the heat of a family argument. The bill offers a reasonable approach to the problem of ignorant gun owners: require a short course prior to allowing them to purchase that first handgun. Even the bill's opponents acknowledge that firearms safety courses are effective, and the success of hunter safety courses further attests to the effectiveness of safety training. Personal exposure to a live lecture and demonstration is important to ensure that the message gets through; although pamphlets could be distributed, people are all too unlikely to read them.

***Response:*** The bill would not be effective. The handguns represented by purchase permits are a relatively small proportion of the handguns existing the state. Considering that the bill would apply only to future permits, its potential value is even more diminished. Further, the bill would not even require any sort of proficiency to be demonstrated in order to obtain a certificate of completion. Unfortunately, the state cannot legislate responsible behavior. It would be far cheaper and no less effective if the bill simply provided for pamphlets to be distributed to handgun purchasers.

***Against:***

Although it purports to encourage responsible gun ownership, the bill is a thinly-veiled attempt at gun control and an abrogation of the right to keep and bear arms.

**OVER**

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The fees charged to take the required course could make gun ownership cost-prohibitive in some jurisdictions or for some individuals; variations in fees across the state would make things even more unfair. Under the bill, a person could have to wait as long as a month in order to have the opportunity to take the course, where now a person with an emergency need for a pistol (for example, a convenience store owner threatened with reprisals for having thwarted a robber) can obtain one within a few days. Elements of cost and time would infringe on a right that now is denied only felons, juveniles, and the mentally ill.

**Response:** Gun ownership and use is regulated, and permissibly so. The state already denies permission to own a gun to certain groups in whose hands a gun would be especially dangerous. It is certainly a dangerous situation when a handgun is in the possession of someone who does not have even a rudimentary knowledge of how a gun should be handled and stored. The bill simply would require someone who would buy a gun to first sit through a couple of hours of instruction. That is not an infringement of a constitutional right. Perhaps more to the point, statute cannot abrogate a constitutional right. Should the bill be found to conflict with the state or federal constitution, the bill would have no force. Until then, the bill should be viewed for what it is: a reasonable and relatively minor regulation to be imposed on handgun buyers.

### **Against:**

The extent of the problem has been overblown. According to some figures, the number of accidental firearms deaths has declined over a period of years during which gun ownership increased. Fewer than 200 accidental deaths in the United States are attributed annually to handguns. The bill is not warranted.

**Response:** The bill's opponents have not suggested how many deaths it would take to justify the minor inconvenience of sitting through a handgun education course. If the bill prevents even one instance of a child accidentally shooting a playmate or a parent, it will be worth it.

### **Against:**

Various provisions of the bill have been criticized. For example, the requirement that each county offer a course would be a harsh burden in counties that might only have two deputies; it would be better to allow counties to band together to hire an instructor. The course is to be developed by the Office of Criminal Justice, but that office lacks the personnel and experience for such matters. The Michigan Law Enforcement Officers Training Council, on the other hand, is accustomed to evaluating the proper elements of firearms training. The bill would exempt a number of people who carry firearms in the line of duty and presumably are properly trained; the bill also should exempt others in that situation, namely conservation officers and employees of the state police's motor carrier division.

### **POSITIONS:**

The Greater Detroit Chamber of Commerce supports the bill. (5-23-89)

The Michigan Association of Chiefs of Police supports the concept of some sort of minimal mandatory training for first-time purchasers of handguns, but opposes doing so without mandating a user fee. (5-26-89)

The Department of State Police is neutral on the bill at present. (5-23-89)

The Michigan Sheriffs Association opposes the bill in its present form. (5-24-89)

The Michigan United Conservation Clubs opposes the bill. (5-25-89)