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ALLOW TARGET PRACTICE

House Bill 5343 (Substitute H-3) First Analysis (2-3-98)

Sponsor: Rep. Alvin Kukuk
**Committee: Conservation, Environment
and Recreation**

THE APPARENT PROBLEM:

The Natural Resources and Environmental Protection Act (NREPA) specifies that any person who carries a hunting weapon, whether or not engaged in hunting, must also carry a hunting license, except under certain specified conditions. One exception to this rule is when the weapon is being carried to or from, or at, a rifle range, trap or skeet shooting ground, or archery range (and if being transported, the weapon generally must be unloaded and enclosed in a case or in the trunk of a vehicle). The law contains another exception for a person (and his or her immediate family members) to hunt small game on his or her own property under certain circumstances.

It has been suggested that the prohibition against carrying a weapon except while hunting with a license also unfairly prevents people from target shooting or "sighting" their weapons, even on their own property. Legislation has been introduced to permit this practice.

THE CONTENT OF THE BILL:

Currently, Part 435 of the Natural Resources and Environmental Protection Act (NREPA) which regulates hunting and fishing licensing, permits a person to carry a hunting weapon without owning a hunting license under certain circumstances. The act specifies that it is not necessary to own a hunting license to carry a firearm, bow and arrow, or crossbow while at, or going to and from, a rifle or target range, trap or skeet shooting ground, or archery range, if the weapons are in a case or the trunk of a vehicle, if the firearm is unloaded, or if the bow or crossbow is unstrung.

House Bill 5343 would amend the act to specify that, if a person was not engaged in hunting, and was on his or her own property, then, regardless of whether that person had a license, or whether it was open hunting season, he or she could carry a weapon while engaged in target practice or practice with silhouettes, skeet, or trap, or while sighting a firearm.

MCL 324.43513

FISCAL IMPLICATIONS:

The House Fiscal Agency (HFA) estimates that the bills would have no impact on state funds. (1-28-98)

ARGUMENTS:

For:

The bill would allow people to engage in target shooting and to "sight" their guns (firing at a target at a given distance to evaluate the accuracy of the weapon's sight or scope) on their own property, without having to pay for a hunting license. Without such an exception, hunters may be prevented from taking the prudent safety measure of sighting a gun before discharging it while hunting. And, some nonhunters may enjoy practicing for competitive marksmanship events, but are required to buy a hunting license to practice on their own land. Further, it is argued that private property owners should not be forbidden from enjoying the full use of their own land.

Against:

The bill may open a large loophole, as anyone caught shooting without a hunting license could claim to be "target shooting", even if there was no target in the vicinity. Likewise, to "sight" a weapon requires having a target.

POSITIONS:

The Department of Natural Resources supports the bill. (2-2-98)

The Michigan United Conservation Clubs supports the bill. (2-2-98)

A representative of the Michigan Coalition for Responsible Gun Owners testified in support of the bill. (1-28-98)

Analyst: R. Young/D. Martens

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

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