

Senate Fiscal Agency
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SFA



BILL ANALYSIS

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House Bill 5343 (Substitute S-1 as reported)
Sponsor: Representative Alvin Kukuk
House Committee: Conservation, Environment and Recreation
Senate Committee: Hunting, Fishing and Forestry

Date Completed: 5-22-98

RATIONALE

Under the Natural Resources and Environmental Protection Act (NREPA), a person must not carry or transport a firearm, a slingshot, a bow and arrow, a crossbow, or a trap while in any area frequented by wild animals unless that person possesses a license. A person may carry, transport, or possess an unloaded firearm, a bow and arrow, or a crossbow enclosed in a case or carried in the trunk of the vehicle without a hunting license while traveling to and from certain locations. Evidently, the laws were originally designed to stop the poaching of game animals. Since the laws do not appear to further this purpose, some people believe that the carrying, transporting, or possessing of a hunting weapon without a hunting license should be allowed if the person is not taking or attempting to take game.

CONTENT

The bill would amend Part 435 (Hunting and Fishing Licenses) of the NREPA to allow a person to carry, transport, possess, or discharge a firearm, a bow and arrow, or a crossbow regardless of whether that person had a hunting license or whether it was open season for the taking of game, if all of the following applied:

- The person was not taking or attempting to take game but was engaged in target practice using an identifiable, artificially constructed target or targets; practice with silhouettes, plinking, skeet, or trap; and/or sighting-in the firearm, bow and arrow, or crossbow.
- The person was, or was accompanied by, or had the permission of either the owner or the lessee of the property on which the activity was taking place.
- The owner or lessee did not receive remuneration for the activity.

Further, the bill would allow a person to carry or possess an unloaded weapon at any time if the person were traveling to or from, or participating in a historical re-enactment.

MCL 324.43513

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

The bill would allow a person to carry, transport, or possess a hunting weapon without a hunting license or during open season for the taking of game, if the person were not taking or attempting to take game. Apparently, the current law prohibits people from engaging in target shooting and firearm testing on their own property or on someone else's property with the owner's or lessee's permission. Further, the Act requires people who do not hunt but carry, transport, or possess hunting weapons, such as competitive marksmen and people who participate in historical re-enactments, still to purchase a hunting license.

Legislative Analyst: N. Nagata

FISCAL IMPACT

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

Fiscal Analyst: G. Cutler

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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.