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Senate Bills 502 and 505 (as introduced 5-22-01)

Sponsor: Senator Philip E. Hoffman

Committee: Judiciary

Date Completed: 5-29-01

## **CONTENT**

**Senate Bills 502 and 505 would amend the Aeronautics Code and the Code of Criminal Procedure, respectively, to prohibit and provide penalties for possessing or carrying a firearm on any commercial airport property and to include a felony violation in the sentencing guidelines.** "Commercial airport" would mean an airport that had regularly scheduled commercial flights to and from other destinations. Senate Bill 505 is tie-barred to Senate Bill 502.

### **Senate Bill 502**

Possessing or carrying a firearm on any commercial airport property would be a civil infraction or a crime, as described below.

A first violation by an individual who was licensed to carry a concealed pistol under the handgun licensure Act, or who was licensed by another state to carry a concealed pistol, would be a State civil infraction subject to a maximum fine of \$500. The court also would have to order the individual's license to carry a concealed pistol to be suspended for six months. A second violation by a person licensed to carry a concealed pistol would be a misdemeanor punishable by a maximum fine of \$1,000. The court also would have to revoke the person's concealed pistol license. A third violation by a person licensed to carry a concealed pistol, or a first or subsequent violation by an individual who was not licensed to carry a concealed pistol, would be a felony punishable by up to four years' imprisonment, a maximum fine of \$5,000, or both. The court also would have to revoke the offender's concealed pistol license.

The bill would not apply to any of the following:

- A peace officer of a duly authorized police agency of this State, another state, the United States, or a political subdivision of this or another state, except a township constable of this State.
- A constable who was trained and certified under the Commission on Law Enforcement Standards Act, while engaged in his or her official duties or while going to or coming from his or her official duties, and who was regularly employed and paid by a political subdivision of this State.
- A person regularly employed by the Department of Corrections and authorized in writing by the Department Director to carry a concealed pistol during the performance of his or her duties or while going to or returning from his or her duties.
- A member of the United States Army, Air Force, Navy, or Marine Corps, while carrying a concealed pistol in the line of duty.
- A member of the National Guard, Armed Forces Reserves, or other duly authorized military organization, while on duty or drill, while going to or returning from his or her place of assembly or practice, or while carrying a concealed pistol for purposes of that military organization.

-- The regular and ordinary transportation of a pistol as merchandise by an authorized agent of a person licensed to manufacture firearms.

### **Senate Bill 505**

A third offense by a concealed pistol licensee of possessing or carrying a firearm on commercial airport property, or a first offense by someone not licensed to carry a concealed pistol, would be a Class F felony against the public safety, with a statutory maximum sentence of up to four years' imprisonment.

Proposed MCL 259.80f (S.B. 502)  
MCL 777.1 & 777.12 (S.B. 505)

Legislative Analyst: P. Affholter

### **FISCAL IMPACT**

Senate Bills 502 and 505 would have an indeterminate fiscal impact on State and local government.

According to the Department of Corrections Annual Statistical Report for 1998, there were 1,407 offenders convicted of carrying a concealed weapon and 635 convicted of attempted carrying a concealed weapon. There are no data available to indicate the circumstances of these offenses, such as the location where the weapon was carried or whether the offender was licensed to carry a concealed weapon. Under the bill, an offender convicted of carrying a concealed weapon on commercial airport property for the third time or carrying a concealed weapon on commercial airport property without a license would be guilty of a Class F felony for which the minimum sentencing range is 0-3 months to 17-30 months.

Assuming that 10 offenders a year would be convicted of carrying a concealed weapon on commercial airport property for the third time or without a license and would receive the longest minimum sentence, given that the average annual cost of incarceration is \$22,000, the cost of incarceration for this crime would be \$550,000. Local governments would incur the costs for offenders given an incarcerative sentence at the lower end of the sentencing range or the State would incur the costs of felony probation for these offenders.

Fiscal Analyst: K. Firestone

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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.