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Senate Bill 809 (as introduced 11-1-01)  
Sponsor: Senator Valde Garcia  
Committee: Judiciary

Date Completed: 2-11-02

## **CONTENT**

**The bill would amend the Michigan Penal Code to expand the list of weapons offenses from which certain officials are exempt, and to include among those officials a member of the U.S. Coast Guard or Coast Guard reserve.**

The Code specifies that certain weapons offenses do not apply to any of the following:

- A peace officer of an authorized police agency of the United States, this State, or a political subdivision of this State who is regularly employed and paid by one of those governmental entities.
- A person regularly employed by the Department of Corrections (DOC) who is authorized in writing by the DOC Director to carry a concealed weapon while in the official performance of his or her duties or while going to or returning from those duties.
- An employee of a private vendor operating a youth correctional facility who meets the same criteria established by the DOC Director for DOC employees and who is authorized in writing by the Director to carry a concealed weapon while in the official performance of his or her duties or while going to or returning from those duties.
- A member of the U.S. Army, Air Force, Navy, or Marine Corps, while carrying weapons in the line of or incidental to duty.
- An organization authorized by law to purchase or receive weapons from the U.S. or from the State.
- A member of the National Guard, armed forces reserve, or any other authorized military organization, while on duty or drill, or in going to or returning from a place of assembly or practice, while carrying weapons used for a purpose of the National Guard, armed forces reserve, or other duly authorized military organization.

The bill would add to that list a member of the U.S. Coast Guard, while carrying weapons in the line of or incidental to duty, and a member of the U.S. Coast Guard reserve while on duty or drill, or in going to or returning from a place of assembly or practice, while carrying weapons used for a purpose of the U.S. Coast Guard reserve.

The weapons offenses from which those listed above are exempt include all of the following:

- Manufacturing, selling, offering for sale, or possessing any of the following: a machine gun or firearm that shoots or is designed to shoot more than one shot without manual reloading, by a single function of the trigger; a muffler or silencer; a bomb or bombshell; a blackjack, slingshot, billy, metallic knuckles, sand club, sand bag, or bludgeon; or a device, weapon, cartridge, container, or contrivance designed to render a person temporarily or permanently disabled by the ejection, release, or emission of a gas or other substance (MCL 750.224).
- Carrying a concealed dagger, dirk, stiletto, double-edged nonfolding stabbing instrument of any length, or any other dangerous weapon, except a hunting knife, or carrying a concealed

pistol without a license to carry it (MCL 750.227).

- Transporting or possessing a loaded firearm, other than a pistol, in or upon a boat, motor vehicle, aircraft or any other mechanically propelled vehicle (MCL 750.227c).
- Transporting or possessing a firearm, other than a pistol, in or upon a motor vehicle or any self-propelled vehicle designed for land travel unless the firearm is unloaded and is taken down, enclosed in a case, carried in the trunk, or inaccessible from the vehicle's interior (MCL 750.227d).

The bill would add all of the following violations to the offenses from which the people listed above are exempt:

- Selling, offering for sale, or possessing a portable device or weapon from which an electrical current, impulse, wave, or beam may be directed and that is designed to incapacitate temporarily, injure, or kill (MCL 224a).
- Manufacturing, selling, offering for sale, or possessing a short-barreled shotgun or a short-barreled rifle (MCL 224b).
- Selling, offering for sale, or possessing any knife having the appearance of a pocket knife, whose blade can be opened by the flick of a button, pressure on a handle, or other mechanical contrivance (MCL 226a).

MCL 750.231

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

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

Fiscal Analyst: Bethany Wicksall