

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 5026 (Substitute S-1 as reported)
Sponsor: Representative Steve Vear
House Committee: Conservation and Outdoor Recreation
Senate Committee: Hunting, Fishing and Forestry

Date Completed: 12-20-01

RATIONALE

The Michigan Penal Code generally prohibits a person from transporting a pistol in a vehicle unless he or she has a license to carry a concealed weapon. This prohibition does not apply under certain circumstances, such as while a person is en route to or from a hunting or target shooting area while possessing a valid hunting license or membership in an organization that provides target shooting facilities; or from the place of purchase to his or her home, place of business, or repair shop, or while moving goods from one place of abode or business to another. Some people believe that the current restrictions under the Code regarding transportation of firearms are too specific and confusing, and could place law-abiding citizens at risk of violating the Code.

CONTENT

The bill would amend the Michigan Penal Code to revise the conditions under which a person may transport an antique firearm or a pistol in a vehicle without a license to carry a concealed weapon. The bill also would delete provisions that allow these weapons to be transported only to or from certain places.

The Code generally prohibits a person from transporting a pistol in a vehicle unless the person has a license to carry a concealed weapon. This prohibition does not apply under certain circumstances, including those described below.

Currently, a person may carry a pistol concealed upon his or her person if the person holds a license to carry a concealed weapon issued by another state, unless the pistol is

carried in nonconformance with a restriction appearing on the license. The bill would refer to a license issued by the person's state of residence, instead of "another state".

Currently, a person may carry an antique firearm completely unloaded in a wrapper or container in the trunk of a vehicle while en route to or from a hunting or target shooting area or function involving the exhibition, demonstration, or sale of antique firearms. The bill, instead, would allow a person to carry an antique firearm that was completely unloaded in a closed case or container designed for the storage of firearms in the trunk of a vehicle.

The Code also allows a person to carry a pistol unloaded in a wrapper or container in the trunk of his or her vehicle, while in possession of a valid State hunting license or proof of valid membership in an organization having pistol shooting range facilities, while en route to or from a hunting or target shooting area. The bill, instead, would allow a person to carry a pistol that was inspected under Section 9 of the handgun licensure Act (which requires a pistol safety inspection), for a lawful purpose, and unloaded in a wrapper or container designed for the storage of firearms in the trunk of a vehicle.

Under the Code, a person may carry a pistol unloaded in a wrapper or container in the trunk of the person's vehicle from the place of purchase to his or her home or place of business or to a place of repair or back to his or her home or place of business, or in moving goods from one place of abode or business to another. The bill would delete this provision.

The Code also allows a person to carry a pistol unloaded in the passenger compartment of a vehicle that does not have a trunk, if the person is otherwise complying with the preceding requirements and the wrapper or container is not readily accessible to the occupants of the vehicle. The bill, instead, would allow a person to carry an unloaded pistol that was inspected under Section 9 of the handgun licensure Act, for a lawful purpose, in the passenger compartment of a vehicle without a trunk, if the person complied with the Code and the closed case or container designed for the storage of firearms were not readily accessible to vehicle occupants.

MCL 750.231a

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 clarify the restrictions on the transportation of firearms under the Michigan Penal Code. Currently, there are numerous situations in which a law-abiding citizen might inadvertently violate the law for transporting a firearm without a license to carry a concealed weapon. For instance, a person transporting a firearm to the police station for registration or a person staying overnight at a friend's house before going to a hunting or shooting area will be in violation of the Code. Under the bill, the conditions under which a person may transport a firearm without a license to carry a concealed weapon would be easier to understand and comply with, and would accommodate common situations in which it is necessary to transport a firearm.

Opposing Argument

The bill could be interpreted as allowing any person, including someone who was ineligible to obtain a license to carry a concealed weapon, to carry a concealed pistol in a vehicle if the pistol were inspected, for a lawful purpose, and unloaded in a wrapper or container and stored in the trunk of a vehicle. Currently, there are strict and explicit guidelines for transporting weapons in a vehicle.

In addition, the term "lawful purpose" is too broad and hard to prove. Arguably, the bill

could allow potential criminals to lawfully transport a weapon to the scene of a crime. The Governor already has vetoed a similar bill (House Bill 4532 of 1999-2000). In his veto message of January 1, 2001, the Governor stated that, according to the Michigan State Police Uniform Crime Report data, during the past three years, over 18,000 suspects had been arrested for a weapons offense and many of these arrests were for unlawfully carrying a pistol in an automobile.

Legislative Analyst: N. Nagata

FISCAL IMPACT

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

Fiscal Analyst: B. Wicksall

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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.