

Legislative Analysis



ALLOW FIREARM LICENSEE TO CARRY FIREARM REGISTERED TO ANOTHER PERSON

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House Bill 4642 as enrolled

Public Act 75 of 2006

Sponsor: Rep. Rick Jones

House Committee: Conservation, Forestry, and Outdoor Recreation

Senate Committee: Judiciary

Second Analysis (8-16-06)

BRIEF SUMMARY: After July 1, 2006, the bill would allow a concealed pistol licensee to transport other individuals' licensed and inspected pistols.

FISCAL IMPACT: The bill would have no fiscal impact on state or local government.

THE APPARENT PROBLEM:

The handgun licensure law prohibits a person from purchasing, carrying, or transporting a pistol without obtaining a license for the pistol, and requires a person who owns or comes into possession of a pistol to present it to law enforcement officials for an inspection.

There is a concern that these requirements might apply when someone who is licensed to carry a concealed pistol transfers it to someone else's care. For example, it is illegal to carry a concealed weapon into a United States Post Office, so a licensee may wish to leave the weapon with another person. In addition, a concealed pistol license holder may want to borrow another licensee's pistol on occasion, such as to fire it on a gun range.

Some people believe that the law should make an exception to the licensure and inspection provisions when a concealed pistol licensee possesses, uses, or transports another person's registered and inspected pistol.

THE CONTENT OF THE BILL:

House Bill 4642 would amend Public Act 372 of 1927 (MCL 28.432), the handgun licensure act, to allow people who are licensed to carry a concealed pistol to transport other individuals' licensed and inspected pistols.

More specifically, the bill would to allow an individual to carry, possess, use, or transport a pistol belonging to another individual if the pistol were properly licensed and inspected under the law and the individual carrying, possessing, using, or transporting the pistol had obtained a license under the law to carry a concealed pistol.

Under the law, certain people are exempt from Sections 2 and 9 of the act regulating firearms. Those sections concern the requirement that a person obtain a license to

purchase, carry, or transport a firearm (Section 2); and that pistols be certified by local law enforcement officials in a safety inspection (Section 9). House Bill 4642 would extend the exemption to an individual carrying, possessing, using, or transporting a pistol belonging to another individual under the terms of the bill.

The bill would take effect on July 1, 2006.

ARGUMENTS:

For:

The bill would allow a concealed pistol licensee to possess, carry, transport, or use a properly registered and inspected pistol that belonged to someone else. As a result, a licensee would not be considered to be violating the law if he or she temporarily possessed another person's handgun while that person complied with laws that prevent carrying a gun in certain places. The bill also would permit a concealed pistol licensee to borrow, transport, and use another person's registered and inspected weapon, without having to register it and have it inspected for his or her own temporary use. Just as a licensed driver may use another person's properly registered vehicle, a person licensed to carry a concealed pistol should be allowed to carry, possess, and use a handgun registered to another individual.

Response:

The bill should specify that a concealed pistol licensee could possess, transport, or use another person's weapon only if the person to whom the pistol was licensed gave his or her consent.

Against:

Handguns are required to be licensed and registered to a particular individual so that ownership of the weapon may be traced to that person. If a registered pistol were used in a crime by someone who borrowed that weapon, it could implicate the handgun's owner even if he or she were unaware of how the weapon was used by the person who borrowed it. Although the circumstances described above involve the temporary transfer of a pistol, the bill would not be limited to situations in which a weapon was transferred only temporarily. Only the person to whom a handgun is registered should be authorized to possess, transport, and use that weapon.

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