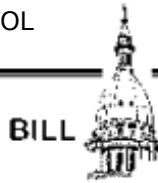




Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 4642 (Substitute S-1 as reported)
Sponsor: Representative Rick Jones
House Committee: Conservation, Forestry, and Outdoor Recreation
Senate Committee: Judiciary

Date Completed: 2-24-06

RATIONALE

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.

CONTENT

The bill would amend the handgun licensure law 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.

The handgun licensure law prohibits a person from purchasing, carrying, or transporting a pistol in the State without having first obtained a license for the pistol

from the chief of police, or his or her deputy, in a city, township, or village where the police department issues licenses to purchase, carry, or transport pistols; or from the sheriff, or his or her authorized deputy, in the parts of a county not included within a city, township, or village having an organized police department. The law also requires a person who owns or comes into possession of a pistol to present it to a police department for a safety inspection. The bill would make an exception to these provisions for an individual described above.

The bill would take effect on July 1, 2006.

MCL 28.432

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 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.

Opposing Argument

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.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

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

Fiscal Analyst: Bruce Baker

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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.