



Senate Fiscal Agency
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House Bill 6363 (Substitute H-2 as passed by the House)
House Bill 6364 (Substitute H-2 as passed by the House)
Sponsor: Representative Scott Hummel
House Committee: Government Operations
Senate Committee: Judiciary

Date Completed: 12-4-06

CONTENT

The bills would amend separate statutes to prohibit the seizure, taking, or confiscation of lawfully possessed firearms, weapons, or ammunition in a state of emergency. House Bill 6363 (H-2) would amend the Emergency Management Act and House Bill 6364 (H-2) would amend Public Act 302 of 1945, which deals with the powers and duties of the Governor in a state of emergency.

House Bill 6363 (H-2)

The Emergency Management Act authorizes the Governor to take certain actions upon declaring a state of disaster or a state of emergency. The actions include suspending or limiting the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles.

The bill would remove firearms from that provision, and specifies that the provision would not authorize the seizure, taking, or confiscation of lawfully possessed firearms or ammunition.

House Bill 6364 (H-2)

Public Act 302 of 1945 authorizes the Governor to declare a state of emergency during times of great public crisis, disaster, rioting, catastrophe, or similar public emergency within the State. The Governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation under control. The orders, rules, and regulations may include, but are not limited to, the following:

- Control of traffic.
- Designation of specific zones within the emergency area in which occupancy and use of buildings and ingress and egress of people and vehicles may be prohibited or regulated.
- Control of places of amusement and assembly, and of individuals on public streets and thoroughfares.
- Establishment of a curfew.
- Control of the sale, transportation, and use of alcoholic beverages.
- Control of the possession, sale, carrying, and use of firearms, other dangerous weapons, and ammunition.

-- Control of the storage, use, and transportation of explosives or inflammable materials or liquids deemed to be dangerous to public safety.

The bill would remove reference to the control of firearms, dangerous weapons, and ammunition, and specifies that these provisions would not authorize the seizure, taking, or confiscation of lawfully possessed firearms, ammunition, or other weapons.

MCL 30.405 (H.B. 6363)
10.31 (H.B. 6364)

Legislative Analyst: Curtis Walker

FISCAL IMPACT

The bills 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.