

Legislative Analysis



EXPAND EXCEPTIONS TO THE CRIME OF CARRYING A CONCEALED PISTOL

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5303

Sponsor: Rep. Joel Sheltroun

Committee: Tourism, Outdoor Recreation and Natural Resources

Complete to 10-19-09

A SUMMARY OF HOUSE BILL 5303 AS INTRODUCED 9-2-09

Section 227 of the Michigan Penal Code makes it a felony crime to carry a concealed pistol. Section 231a of the Penal Code, however, contains a list of persons or situations to whom or which the ban on carrying a concealed pistol does not apply. Notably, subsections 231(1)(d) and (e) provide that the crime of carrying a concealed weapon does not apply to a person transporting a pistol for a lawful purpose, so long as the pistol is licensed by the owner or occupant of the motor vehicle in compliance with Section 2 of Public Act 372 of 1927, MCL 28.422, and the pistol is unloaded in a closed case designed for the storage of firearms in the trunk of the vehicle. In vehicles lacking trunks, the pistol must be unloaded in appropriate closed case placed so that it is not readily accessible to the vehicle's occupants.

Currently, the term "lawful purpose" is defined as including, but not limited to:

- While en route to or from a hunting or target shooting area.
- While transporting a pistol en route to or from an individual's home or place of business and a place of repair.
- While moving goods from one place of abode or business to another place of business or abode.
- While transporting a licensed pistol en route to or from a law enforcement agency or for the purpose of having a law enforcement official take possession of the weapon.
- While en route to or from an abode or place of business and a gun show or places of purchase or sale.
- While en route to or from an abode to a public shooting facility or public land where the discharge of firearms is permitted by law, rule, regulation, or local ordinance.
- While en route to or from an abode to a private property location where the pistol is to be used as is permitted by law, rule, regulation, or local ordinance.

House Bill 5303 would add the phrase "directly or indirectly" to each example of a lawful purpose specified in the bill, with the apparent effect of allowing someone to carry a properly-stowed and encased pistol in a motor vehicle to any of the locations cited above even if the person did not take a direct route.

FISCAL IMPACT:

The bill would have no fiscal impact on the state or local governmental units.

Legislative Analyst: Shannan Kane
Fiscal Analyst: Jan Wisniewski

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.