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House Bill 5282 (as passed by the House)
Sponsor: Representative Bruce R. Rendon
House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 12-3-12

CONTENT

The bill would amend the Michigan Penal Code to delete the definition of "lawful purpose" in a provision regulating the transport of a pistol.

Section 227(2) of the Penal Code prohibits a person from carrying a pistol in a vehicle, whether concealed or not, without a license to carry the pistol or, if licensed, in a place or manner that is inconsistent with any restrictions on the license.

Section 231a specifies that the prohibition in Section 227(2) does not apply to a person while transporting for a "lawful purpose" a pistol that is licensed by the owner or occupant of the vehicle and that is unloaded in a closed case designed for the storage of firearms and in the trunk of the vehicle. For a vehicle that does not have a trunk, the pistol must be not readily accessible to the occupants of the vehicle.

"Lawful purpose" includes the following:

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

The bill would retain the exception for transporting a pistol for a "lawful purpose" but would delete the definition of that term.

MCL 750.231a

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State government and a negligible fiscal impact on local government. Violators of Section 227(2), which prohibits individuals from carrying a pistol in a vehicle, can be charged with a misdemeanor punishable by imprisonment for not more than 90 days, or a fine of \$100, or both, unless the pistol is transported for a lawful purpose under specified conditions. By deleting the definition of "lawful purpose", the bill would give law enforcement greater discretion, which could result in a minor (but likely negligible) decrease in those found in violation of Section 227(2).

Fiscal Analyst: Dan O'Connor

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