

Legislative Analysis



NO CARRY ZONE PROVISIONS: EXPAND EXEMPTIONS

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

House Bill 4133

Sponsor: Rep. Joel Johnson

House Bill 4134

Sponsor: Rep. Frank D. Foster

House Bill 4350

Sponsor: Rep. Tom Leonard

Committee: Judiciary

Complete to 10-16-13

A SUMMARY OF HOUSE BILLS 4133-4134 AS INTRODUCED 1-30-13 AND HOUSE BILL 4350 INTRODUCED 2-28-13

The bills would allow the following individuals who had a license to carry a concealed pistol to carry that pistol in a "no-carry" zone:

- Retired corrections officer of a county sheriff's department.
- Active or retired corrections officer, active or retired absconder recovery unit member, or a retired parole or probation officer of the Department of Corrections.
- Certain retired federal law enforcement officers.
- A current or former county prosecuting attorney or current or former assistant prosecuting attorney.

The legislation would also allow a peace officer or an active duty or honorably discharged member of the U.S. Armed Forces who wanted to apply for a license to carry a concealed pistol to be exempt from the educational requirements.

Even if a person holds a concealed pistol license (CPL), he or she cannot carry the concealed pistol into certain places such as day care centers or bars - known as *no-carry zones* - unless specifically allowed by statute. Specifically, the bills would do the following:

House Bill 4133 would amend the handgun license act (MCL 28.425o) to specifically authorize a retired corrections officer of a county sheriff's department, as well as an active or retired corrections officer or absconder recovery unit member of the Department of Corrections (DOC), who held a concealed pistol license (CPL) under the act to carry a pistol in a no carry zone. Probation and parole officers of the DOC are currently allowed to carry a pistol under a CPL in a no carry zone; the bill would extend this authority to retired probation and parole officers. The concealed weapon licensing board could require a letter from a county sheriff's department or the DOC stating that the retired

corrections officer, parole or probation officer, or absconder recovery unit member retired in good standing.

The bill would also make several revisions of a technical nature to references to Section 12a to conform to changes made to that section by Public Act 559 of 2006.

House Bill 4134 would also amend the handgun license act (MCL 28.425l and 28.425o). The bill would exempt a peace officer, a person on active duty status with the U.S. Armed Forces, or a person who received an honorable discharge from the U.S. Armed Forces at the time of separation, who applied for a CPL from the educational requirements under Section 5b(7)(c). That provision requires the applicant to have knowledge and have had training in the safe use and handling of a pistol by the successful completion of a pistol safety training course or class that meets the requirements of Section 5j, and that is available to the general public and presented by a law enforcement agency, junior or community college, college, or public or private institution or organization or firearms training school.

In addition, the bill would specifically authorize a retired federal law enforcement officer who held a concealed pistol license (CPL) under the act, and who had carried a firearm during the course of employment, to carry the pistol in a no carry zone. The concealed weapon licensing board could require a letter from the law enforcement agency that had employed the officer immediately prior to retirement stating that the officer retired in good standing. The bill would define "federal law enforcement officer" to mean an officer or agent employed by a law enforcement agency of the U.S. government whose primary responsibility is enforcing the laws of the U.S.

The bill would also make several revisions of a technical nature to references to Section 12a to conform to changes made to that section by Public Act 559 of 2006.

House Bill 4350 would amend Section 5o of the handgun license act (MCL 28.425o) to authorize the following persons who hold a concealed pistol license under the act to carry the pistol in a no carry zone: a current or former prosecuting attorney of a county and a current or former assistant prosecuting attorney of a county. The bill would also make several revisions of a technical nature to references to Section 12a to conform to changes made to that section by Public Act 559 of 2006.

FISCAL IMPACT:

House Bill 4134 would not likely have a significant fiscal impact on the state or on local units of government. Peace officers are exempt from the CPL requirements specified in the act, although they are generally subject to the licensure requirements specified in Section 2 (license to purchase, etc.) A license under Section 2 is generally not required for CPL holders. Exempting peace officers from the educational requirements could prompt more peace officers to apply for a CPL as a way to ease the burdens imposed under Section 2.

As such there could be an increase in applications and a concomitant increase in application revenue from the \$105 application fee, which is shared by the state and counties. County clerks, sheriffs, and prosecutors could see some added workload in the processing of these CPL applications, with those processing costs offset (to some degree) by their \$41 share of the application fee. Waiving the education requirements for individuals in the active duty military and honorably discharged veterans categories would appear to have no fiscal impact on the state or local units of government.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Mark Wolf

■ 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.