



Senate Fiscal Agency
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Senate Bills 572 and 573 (as introduced 10-2-13)
Sponsor: Senator Darwin L. Booher (S.B. 572)
Senator Tom Casperson (S.B. 573)
Committee: Judiciary

Date Completed: 1-17-14

CONTENT

Senate Bill 572 would amend the handgun licensure law to allow a person who held a concealed pistol license (CPL), or who was exempt from licensure, to carry an electro-muscular disruption (EMD) device (commonly known as a "stun gun" or "taser") on any of the premises where a CPL holder is prohibited from carrying a concealed pistol (commonly referred to as a no-carry zone).

Senate Bill 573 would amend the Code of Criminal Procedure to delete a reference to an EMD device in the sentencing guideline for carrying a concealed pistol in a no-carry zone.

A more detailed description of the bills follows.

Senate Bill 572

Under the handgun licensure law, an individual who is licensed to carry a concealed pistol, or who is exempt from licensure, may not carry a concealed pistol or an EMD device on certain premises. The bill would allow a CPL holder, or a person who was exempt from licensure, to carry a portable EMD device in those no-carry zones.

(Under the law, a CPL holder or person who is exempt from licensure, may not carry a concealed pistol or an EMD device on the premises of any of the following, other than their parking areas:

- A school or school property, except that a parent or legal guardian of a student is not prohibited from carrying a concealed pistol while in a vehicle on school property if he or she is dropping the student off or picking up the student from school.
- A public or private child care center or day care center, child caring institution, or child placing agency.
- A sports arena or stadium.
- A bar or tavern where the primary source of income is the sale of alcohol by the glass and consumed on the premises.
- Any property or facility owned or operated by a church, synagogue, mosque, temple, or other place of worship, unless the presiding official or officials permit carrying a concealed pistol on that property.
- An entertainment facility with a seating capacity of 2,500 or more that the person knows or should know has that capacity or that has a sign above each public entrance stating a seating capacity of 2,500 or more.
- A hospital.
- A dormitory or classroom of a community college, college, or university.

The no-carry zone prohibition does not apply to any of the following, who hold a CPL:

- A retired police officer or retired law enforcement officer.
- An individual employed or contracted to provide security services who is required by his or her employer or the terms of a contract to carry a concealed firearm on the premises of the employing or contracting entity.
- A licensed private investigator or private detective.
- A county corrections officer.
- A State Police motor carrier officer or capitol security officer.
- A member of a sheriff's posse.
- An auxiliary officer or reserve officer of a police or sheriff's department.
- A Department of Corrections parole or probation officer.
- A State court judge or retired judge.
- A court officer.

A person who violates the no-carry zone provision is responsible for a State civil infraction and may be fined up to \$500 for a first offense. A second violation is a misdemeanor punishable by a maximum fine of \$1,000. A third or subsequent violation is a felony punishable by up to four years' imprisonment and/or a maximum fine of \$5,000. The court must order a first offender's CPL suspended for six months, and must order a second or subsequent offender's CPL revoked.)

Senate Bill 573

Under the sentencing guidelines, a third or subsequent offense of carrying a concealed pistol or EMD device in a prohibited place is a Class F public safety felony with a statutory maximum sentence of four years' imprisonment. The bill would delete that reference to carrying an EMD device.

MCL 28.425o (S.B. 572)
777.11b (S.B. 573)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Senate Bill 572

The bill would have an unspecified, but altogether minor fiscal impact on State and local government. In allowing license holders to carry electro-muscular disruptors in no-carry zones, as well as eliminating the State civil infraction for a first violation, the bill would reduce the amounts of civil infraction citations issued and the collected fines associated with them. Removing the misdemeanor category for a second offense would reduce local costs of incarceration, and removing the felony category for a third or subsequent violation would save the State \$35,000 per year per prisoner.

Public libraries would no longer receive State civil infraction fines and criminal fines for these violations.

Senate Bill 573

By removing the third-offense Class F felony category, the bill would save the State \$35,000 per year per prisoner.

Fiscal Analyst: John Maxwell

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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.