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House Bill 4134 (as passed by the House)  
Sponsor: Representative Frank D. Foster  
House Committee: Judiciary  
Senate Committee: Judiciary

Date Completed: 12-3-13

### **CONTENT**

**The bill would amend the handgun licensure law to do the following:**

- **Exclude a retired Federal law enforcement officer from the provisions that prohibit an individual who is licensed to carry a concealed pistol, or who is exempt from licensure, from carrying a concealed pistol on certain premises.**
- **Excuse a peace officer from the pistol safety training required to qualify for a concealed pistol license.**
- **Excuse active duty or honorably discharged military personnel from the firing range portion of the pistol safety training requirement.**

#### No-Carry Zone Exemption

The law prohibits a person who is licensed to carry a concealed pistol, or who is exempt from licensure, from carrying a concealed pistol on the premises (excluding the parking areas) of any of the following (commonly called no-carry zones):

- A school or school property, except in the case of a student's parent or legal guardian who is in a vehicle on school property and is dropping off or picking up the student.
- A public or private child care center or day care center, child caring institution, or child placing agency.
- A sports arena or stadium.
- A licensed bar or tavern whose primary source of income is the sale of liquor by the glass for on-premises consumption.
- Any property or facility owned or operated by a church, synagogue, mosque, temple, or other place of worship, unless its presiding official or officials permit the carrying of a concealed pistol on the property or facility.
- An entertainment facility with a seating capacity of 2,500 or more that the person knows or should know has such a seating capacity or that has a sign stating that capacity.
- A hospital.
- A dormitory or classroom of a community college, college, or university.

A person who violates the prohibition is responsible for a State civil infraction punishable by a maximum fine of \$500, and a mandatory six-month suspension of the person's license to carry a concealed pistol. A second violation is a misdemeanor punishable by a maximum fine of \$1,000, and mandatory revocation of the individual's license to carry a concealed pistol. A third or subsequent violation is a felony punishable by up to four years' imprisonment and/or a maximum fine of \$5,000, and mandatory license revocation.

The prohibition against carrying a concealed pistol in a no-carry zone does not apply to certain people. Under the bill, the prohibition also would not apply to a retired Federal law enforcement officer licensed under the law who carried a firearm during the course of his or her employment as a Federal law enforcement officer. The concealed weapon licensing board could require a letter from the law enforcement agency that employed the officer immediately before his or her retirement stating that the officer retired in good standing.

The bill would define "federal law enforcement officer" as an officer or agent employed by a law enforcement agency of the United States government whose primary responsibility is enforcing the laws of the United States.

#### Waiver of Pistol Safety Training

The handgun licensure law requires the concealed weapon licensing board to issue a concealed pistol license to an applicant who meets specified requirements. These include a requirement that the applicant has knowledge and has had training in the safe use and handling of a pistol by the successful completion of a pistol safety training course that meets certain requirements. This requirement is waived for an applicant who is a retired police officer or retired law enforcement officer. The bill also would waive the requirement for an applicant who currently was a peace officer.

Among other things, a pistol safety training program must provide at least three hours of instruction on a firing range and require firing at least 30 rounds of ammunition. Under the bill, that portion of the pistol safety training requirement would be waived for an applicant who was on active duty status with the U.S. armed forces or who received an honorable discharge from the U.S. armed forces at the time of his or her separation.

MCL 28.425I & 28.425o

Legislative Analyst: Patrick Affholter

#### **FISCAL IMPACT**

The expansion of the no-carry exemption to retired Federal law enforcement officers would have a negligible fiscal impact on State and local government. In the last 10 years, there have been no felony dispositions for the offense of carrying a concealed pistol in a no-carry zone for a third or subsequent violation. There are no data regarding the number of misdemeanors, which would be applicable for the first or second violation of carrying in a no-carry zone. Therefore, exempting retired Federal law enforcement officers from the no-carry zone prohibition would have a limited impact on State and local criminal justice costs.

The bill also would waive the pistol safety training requirement, or a portion of it, for peace officers, active duty military personnel, and honorably discharged military personnel. Waiving this requirement could result in increased concealed pistol license applications. Applicants must pay a \$105 application fee, of which \$41 benefits the county and the remaining revenue benefits the State.

Fiscal Analyst: Dan O'Connor

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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.