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House Bill 4262 (as passed by the House)  
Sponsor: Representative Frank Foster  
House Committee: Tourism  
Senate Committee: Judiciary

Date Completed: 5-28-13

### **CONTENT**

**The bill would amend the Michigan Penal Code to do the following:**

- Remove a reference to certain types of knives from the felony of going armed with a dangerous weapon with the intent to use it against another person.**
- Revise the restriction on carrying a concealed knife and expand the exceptions to that prohibition.**

The bill would take effect 90 days after its enactment.

#### **Armed with Intent to Use Weapon**

Under the Penal Code, a person who goes armed with a pistol or other firearm, a dagger, dirk, razor, stiletto, or knife having a blade more than three inches long, or any other dangerous or deadly weapon or instrument, with the intent to use the weapon unlawfully against another person, is guilty of a felony punishable by up to five years' imprisonment and/or a maximum fine of \$2,500. The bill would delete dagger, dirk, and stiletto from that provision and would remove the three-inch restriction on a knife.

#### **Carrying a Concealed Knife**

The Penal Code prohibits a person from carrying a dagger, dirk, stiletto, double-edged nonfolding stabbing instrument of any length, or any other dangerous weapon, except a hunting knife adapted and carried as such, concealed on or about the person. The prohibition extends to carrying such a weapon in any vehicle operated or occupied by the person, whether concealed or not. The prohibition does not apply to carrying a weapon described above in the person's house, place of business, or other land he or she possesses. A violation is a felony, punishable by up to five years' imprisonment and/or a maximum fine of \$2,500.

Under the bill, instead, a person could not carry a double-edged nonfolding knife of any length, or any other bladed object designed, manufactured, or intended to be used to cause death or injury to any person, concealed on or about the person, or in any vehicle he or she operated or occupied whether concealed or not. The prohibition would not apply to any of the following:

- An object the person carried in his or her house or place of business or on other land he or she possessed.
- An object carried in transit between those locations that, unless carried for a purpose described below, was securely encased and not readily accessible for immediate use.
- An object carried in the course of hunting, fishing, or trapping or for use as a tool in the course of the person's occupation or hobby, if that hobby reasonably required the use of the object.

The bill would define "readily accessible for immediate use" as an object carried on the person or within close proximity to the person and in a manner that it can be retrieved and used as easily and quickly as if carried on the person. "Securely encased" would mean that the object is fully enclosed in a sheath, pouch, or case or is stored in a locked or unlocked glove compartment.

MCL 750.226 et al.

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on State and local costs of incarceration and community supervision. In 2011, there were 2,156 felony dispositions related to the sections of the Michigan Penal Code that the bill would revise. However, there are no data to indicate whether the number of dispositions would decline as a result of the additional exceptions for transit and hunting and fishing that would be included under the bill.

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.