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House Bill 4350 (Substitute H-1 as passed by the House)

Sponsor: Representative Tom Leonard

House Committee: Judiciary

Senate Committee: Judiciary

Date Completed: 12-3-13

CONTENT

The bill would amend the handgun licensure law to exclude the following from 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 (commonly called no-carry zones):

- A person who previously served as a police or sheriff's department auxiliary officer or reserve officer for at least five years.**
- A current or former county prosecuting attorney or assistant prosecuting attorney.**

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:

- 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, including an individual who is licensed under the law and who is an auxiliary officer or reserve officer of a police or sheriff's department. The bill also would exempt a person who was licensed under the law and previously served as an auxiliary officer or reserve officer of a police or sheriff's department for at least five years. The concealed weapon licensing board could require a letter from the law enforcement agency stating that the person who previously served left the agency in good standing.

In addition, under the bill, the prohibition would not apply to a person who was licensed under the law and was either of the following:

- A prosecuting attorney of a county, or a former prosecuting attorney.
- An assistant prosecuting attorney of a county, or a former assistant prosecuting attorney.

MCL 28.425o

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill 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 the additional categories of individuals described above from the no-carry zone prohibition would have a limited impact on State and local criminal justice costs.

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.