

CPL NO-CARRY ZONE EXEMPTION: INCLUDE RETIRED FEDERAL LAW ENFORCEMENT

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Senate Bill 53 (Reported from committee as H-1)

Sponsor: Sen. Rick Jones

House Committee: Judiciary

Senate Committee: Judiciary

Complete to 3-16-15

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

The bill would allow a retired federal law enforcement officer who has a license to carry a concealed pistol to carry that pistol in a no-carry zone.

Currently, a person holds a concealed pistol license (CPL) 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.

Senate Bill 53 would amend the Handgun License Act to specifically authorize a retired federal law enforcement officer who held a concealed pistol license (CPL) under the act to carry the pistol in a no-carry zone. The bill would define "retired federal law enforcement officer" to mean an officer or agent employed by a law enforcement agency of the U.S. government whose primary responsibility was enforcing the laws of the United States, who was required to carry a firearm in the course of duties as a law enforcement officer, and who retired in good standing as a federal law enforcement officer.

MCL 28.421 and 28.425o

BRIEF DISCUSSION OF THE ISSUES:

Many feel it was an oversight that retired federal law enforcement officers were omitted from the exemption from the prohibition on CPL holders carrying a concealed pistol in listed "no-carry zones." The training for active federal duty officers rivals or exceeds that of Michigan law enforcement officers. In addition, while on the job, many of these officers dealt with members of drug cartels and organized crime, as well as other dangerous individuals. Some report finding their names on hit lists or receiving verbal or written threats. Just because an officer is now retired, it doesn't mean such threats have also been retired. Thus, it is appropriate to include retired federal law enforcement officers who meet the bill's criteria to be allowed to carry a concealed pistol in a no-carry zone.

Those who oppose the bill feel that statutory carve-outs essentially say that some individuals' lives are more important than others, or that some types of former employment automatically make people better shots or give them better judgment than other CPL holders. Some believe the provision creating no-carry zones should be repealed so that all

CPL holders will have equal ability to carry their concealed pistols at anytime and anywhere for self-protection or for the defense of others.

FISCAL IMPACT:

The bill would have no significant fiscal impact on the state or local units of government.

POSITIONS:

Several retired federal agents testified in support of the bill. (3-2-15)

A representative of Michigan Open Carry testified in opposition to the bill. (3-2-15)

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Paul Holland

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.