

Legislative Analysis



FIREARMS: DEFINE "BRANDISH"

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

House Bill 4160 as introduced
Sponsor: Rep. Joel Johnson

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

House Bill 4161 as introduced
Sponsor: Rep. Holly Hughes
Committee: Judiciary

Complete to 2-9-15

SUMMARY:

House Bill 4160 would revise the prohibition on brandishing a weapon in public. House Bill 4161 would define the term "brandish."

The bills would take effect 90 days after enactment; they are tie-barred to each other, meaning that neither could take effect unless both are enacted into law.

Currently, the Michigan Penal Code prohibits a person from knowingly brandishing a firearm in public, but does not define the term "brandish."

House Bill 4161 would amend the code to define the term "brandish" to mean intentionally point, wave about, or display in a threatening manner that would induce fear in a reasonable person. (MCL 750.222)

House Bill 4160 would amend the code to revise the prohibition on brandishing a firearm so as to prohibit a person from *willfully* and knowingly brandishing a firearm in public. (MCL 750.234e)

There is currently an exception from the brandishing prohibition for a peace officer lawfully performing duties as a peace officer and also for a person *lawfully engaged* in hunting; target practice; or the sale, purchase, repair, or transfer of that firearm. The bill would:

- Retain the exemption for a peace officer.
- Eliminate the exemptions for a person lawfully engaged in hunting; target practice; or the sale, purchase, repair, or transfer of that firearm.
- Add an exemption for a person lawfully acting in self-defense or defense of another under the Self-Defense Act (MCL 780.971-780.974)

Currently, a violation of the brandishing prohibition is a misdemeanor punishable by imprisonment for not more than 90 days and/or a fine of not more than \$100; the bill retains the current penalty.

FISCAL IMPACT:

The bills would not have fiscal implications for state or local units of government.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Robin Risko

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