



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 53 (Substitute S-1 as reported)
Sponsor: Senator Rick Jones
Committee: Judiciary

(Senate-passed version)

Date Completed: 2-18-15

RATIONALE

The handgun licensure law contains a list of places where a person who has a concealed pistol license (CPL), or who is exempt from the requirement for licensure, is prohibited from carrying a concealed pistol. Commonly called "no-carry zones", these include sports arenas, taverns, hospitals, schools, day care centers, and houses of worship. The prohibition does not apply, however, to certain licensees who are considered more likely than the average citizen to interact with or be threatened by potentially dangerous individuals or to have extensive training in the proper use of firearms, or both. The list of people who are exempt from the no-carry zone restriction includes retired police officers and retired law enforcement officers, who were certified as officers under State law. Some people believe that CPL holders who are retired Federal law enforcement officers also should be exempt.

CONTENT

The bill would amend the handgun licensure law to exclude a retired Federal law enforcement officer who held a concealed pistol license from provisions prohibiting a licensee from carrying a concealed pistol on certain premises.

The bill would take effect 90 days after its enactment.

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 weapon-free or no-carry zones):

- A school or school property, except for a student's parent or legal guardian while in a vehicle on school property, if he or she 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 violation is a State civil infraction punishable by a maximum fine of \$500, and a mandatory six-month suspension of the individual's license to carry a concealed pistol. A second violation is a misdemeanor punishable by a maximum fine of \$1,000, and 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 license revocation.

The law lists individuals to whom the prohibition described above does not apply, including a licensed individual who is a retired police officer or retired law enforcement officer. Under the bill, the prohibition also would not apply to an individual who was licensed under the law and was a retired Federal law enforcement officer.

Currently, the concealed weapon licensing board may require a letter from a law enforcement agency stating that a retired police officer or law enforcement officer retired in good standing. The bill would extend this to a retired Federal law enforcement officer, and would allow the board to require a letter or other documentation.

The law defines "retired police officer" or "retired law enforcement officer" an individual who was a police officer or law enforcement officer who was certified under the Commission on Law Enforcement Standards Act and retired in good standing from his or her employment as a police officer or law enforcement officer. The bill would define "retired federal law enforcement officer" as an individual who was an officer or agent employed by a law enforcement agency of the U.S. government whose primary responsibility was enforcing laws of the United States, who was required to carry a firearm in the course of his or her duties as a law enforcement officer, and who retired in good standing from his or her employment as a Federal law enforcement officer.

MCL 28.421 & 28.425o

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Federal law enforcement officers, such as FBI agents and U.S. Marshals, may face violent criminals and dangerous situations in the course of their work. Weapons training for Federal officers is at least as comprehensive as the training for State-certified law enforcement officers. Consequently, retired Federal officers face the same potential dangers as retired State and local officers and are as well prepared to know when and how to use a weapon. The handgun licensure law exempts CPL holders who were State-certified from the no-carry zone limitations outlined in the law, but does not exempt retired Federal officers. By including retired Federal law enforcement officers in the list of people to whom CPL no-carry zones do not apply, the bill would eliminate this inconsistency and would allow those retirees to protect themselves in all locations.

Opposing Argument

Rather than carve out an additional special exemption from the restriction against carrying a concealed pistol in no-carry zones, the legislation should simply eliminate the weapon-free zones. It is inappropriate to offer a no-carry zone exemption only to certain classes of individuals. The idea that some people are worthy of special protection of their constitutional right to keep and bear arms while others are not should be rejected. Unnecessary restrictions on CPL holders should be lifted.

Response: Due to their former careers, retired law enforcement officers, whether Federal, State, or local, may be more at-risk than other CPL holders and should be able to protect themselves regardless of their location. Like current and retired judges, who also are exempt, retired law enforcement officers may be targeted by convicts, or associates of convicts, they helped put behind bars. In addition, while everyone's constitutional rights should be preserved, offering additional exemptions from no-carry zone restrictions may be viewed as another step toward eliminating those restrictions entirely.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: John Maxwell

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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.