



Senate Fiscal Agency
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Senate Bill 53 (as enacted)
Sponsor: Senator Rick Jones
Senate Committee: Judiciary
House Committee: Judiciary

PUBLIC ACT 16 of 2015

Date Completed: 7-28-15

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. It was suggested that CPL holders who are retired Federal law enforcement officers also should be exempt.

CONTENT

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

The bill took effect on July 13, 2015.

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. Under the bill, the prohibition also does not apply to an individual who is licensed under the law and is a retired Federal law enforcement officer.

Under the law, beginning December 1, 2015, the county clerk issuing a concealed pistol license must indicate on it if the licensee is exempt from the no-carry zone restrictions, if the CPL applicant provides acceptable proof that he or she qualifies for the exemption. The law specifies what "acceptable proof" means for the various exceptions identified in the statute. Under the bill, for a retired Federal law enforcement officer, acceptable proof means the identification required under the Federal Law Enforcement Officers Safety Act or a letter from a law enforcement agency stating that the retired Federal officer retired in good standing.

The bill defines "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 et al.

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 from the no-carry zone limitations CPL holders who are retired State-certified law enforcement officers. By including retired Federal law enforcement officers in the list of people to whom CPL no-carry zones do not apply, the bill eliminates an inconsistency that allowed retired State and local police officers to carry concealed pistols in no-carry zones but did not allow retired Federal officers to do so. The bill allows those Federal retirees to protect themselves in all locations, just as retired State and local law enforcement officers have been able to do.

Opposing Argument

Rather than continuing to carve out special exemptions from the restriction against carrying a concealed pistol in no-carry zones, 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 will 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.