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House Bill 4076 (as passed by the House)
Sponsor: Representative Bruce R. Rendon
House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 5-1-15

CONTENT

The bill would amend the handgun licensure law to delete a reference to a definition in the Michigan Penal Code that is no longer in effect.

The handgun licensure law prohibits a person from buying, carrying, possessing, or transporting a pistol in Michigan without first having obtained a license for the pistol. An individual who is not a Michigan resident is not required to obtain a license, however, if certain conditions are met. One of those conditions is that the person possesses the pistol for a "lawful purpose", as that term is defined in Section 231a of the Michigan Penal Code. The bill would retain the requirement that a person possess the pistol for a "lawful purpose" but would delete the reference to the definition of that term in Section 231a.

(Section 231a specifies that the Penal Code's prohibition against carrying a pistol in a vehicle, except as specifically allowed, does not apply to a person while transporting a pistol licensed by the owner or occupant of the vehicle for a lawful purpose if the pistol is unloaded in a closed case designed for the storage of firearms and in the trunk of the vehicle. Public Act 427 of 2012 amended that section to delete the definition of "lawful purpose", which generally had included transporting a pistol to and from one place to another, such as from a person's home or business to a place of repair, a gun show, or a public shooting facility; while en route to or from a law enforcement agency; and while moving goods from one home or business to another.)

In addition to possessing the pistol for a lawful purpose, in order to carry it in this State without a license, a nonresident must be licensed in his or her state of residence to purchase, carry, or transport a pistol; be in possession of the license; own the pistol; and be in this State for 180 days or less without intending to establish residency in Michigan.

MCL 28.422

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

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

Fiscal Analyst: Bruce Baker

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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.