

Legislative Analysis



VEHICLE OR TRAILER MODIFIED FOR DEFENSE OR ATTACK

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

House Bill 4712 as reported from committee
Sponsor: Rep. Steven Johnson

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

House Bill 4713 as reported from committee
Sponsor: Rep. Aaron Miller

(Enacted as Public Acts 57 and 58 of 2020)

Committee: Judiciary
Complete to 12-11-19

SUMMARY:

Taken together, the bills would repeal a section of law that prohibits, without a required license, the manufacture, possession, sale, or operation of a motor vehicle or trailer designed for the purpose of defense or attack.

House Bill 4712 would repeal section 421 of the Michigan Penal Code.¹ Currently, a person must obtain a license from the Department of State Police before constructing, manufacturing, purchasing, selling, possessing, or operating a motor vehicle (or other vehicle capable of being drawn by a motor vehicle) that is designed for defense from, or attack by, explosives, projectiles, ammunition, gases, fumes, or other missiles, weapons, and firearms. The section does not apply to a person who is engaged in such activity by virtue of a local, state, federal, or foreign government contract. A violation is a felony punishable by imprisonment for up to five years, a fine of not more than \$2,500, or both.

MCL 750.421 (repealed)

House Bill 4713 would amend the Code of Criminal Procedure to remove the maximum term of imprisonment for a violation of section 421 from the sentencing guidelines. Currently, a violation is a Class H felony against the public safety with a maximum term of imprisonment of five years. The bill is tie-barred to HB 4712, meaning that it cannot take effect unless HB 4712 is also enacted.

MCL 777.16u

Each bill would take effect 90 days after enactment.

BRIEF DISCUSSION:

The bills would repeal a little-used law that requires the Department of State Police to license a vehicle or trailer that is used for purposes of attack or defense, from or by explosives, ammunition, gases, missiles, and firearms, among others. The law was enacted in 1931, during the days of Bonnie and Clyde and Prohibition, when gangs and individuals such as Al Capone

¹ <http://www.legislature.mi.gov/documents/mcl/pdf/mcl-750-421.pdf>

armored Cadillacs and other vehicles to attack or provide protection from the attacks of rival gangs or law enforcement. According to the department, only one such license is currently issued and that for an individual who preserves military vehicles for parades, shows, and veterans' events. One of those vehicles, a tank, has had all armament disabled.

In the interest of identifying and removing archaic statutes from the books, it has been suggested that this law be repealed.

FISCAL IMPACT:

House Bill 4712 would have an indeterminate fiscal impact on the state and on local units of government. Depending on the number of individuals that would no longer be convicted under the bill and the number of cases that would be discharged/dismissed, House Bill 4712 could result in a decrease in costs for the state and for local units of government. Reduced felony charges would result in reduced costs related to state prisons and state probation supervision. In fiscal year 2018, the average cost of prison incarceration in a state facility was roughly \$38,000 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$3,700 per supervised offender in the same year. Those costs are financed with state general fund/general purpose revenue. There could also be a decrease in costs for local court systems, as there could be a reduction in caseloads and related administrative costs. There could also be a decrease in penal fine revenues which would decrease funding for public libraries, which are the constitutionally designated recipients of those revenues.

The bill would not likely have a significant fiscal impact on the Department of State Police or other public safety agencies.

House Bill 4713 is a companion bill to HB 4712 and amends sentencing guidelines. The bill itself would not have a direct fiscal impact on the state or on local units of government.

POSITIONS:

A representative of the Department of State Police testified in support of the bills.
(11-5-2019)

Representatives of the following entities indicated support for the bills (11-5-19):

- The Prosecuting Attorneys Association of Michigan (PAAM)
- Military Vehicle Collectors Club of Michigan
- Military Vehicle Preservation Association

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■ 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.