

TRANSPORTATION OF LOADED FIREARMS IN VEHICLES ON PRIVATE PROPERTY

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House Bill 4078 as reported from committee
Sponsor: Rep. Beau Matthew LaFave
1st Committee: Military, Veterans and Homeland Security
2nd Committee: Judiciary
Complete to 3-8-22

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

BRIEF SUMMARY: House Bill 4078 would amend the Natural Resources and Environmental Protection Act (NREPA) to allow an individual to transport or possess a loaded firearm in or on a vehicle on private property if he or she is, is with, or has the permission of the property owner or lessee.

FISCAL IMPACT: House Bill 4078 would have an indeterminate fiscal impact on local units of government and would not affect costs or revenues for the Department of Natural Resources (DNR). (See **Fiscal Information**, below, for more information.)

THE APPARENT PROBLEM:

The Michigan law that generally prohibits transporting or possessing a loaded firearm in or on a vehicle could be interpreted to apply to individuals on private property. According to committee testimony, some exceptions currently exist for pistols, but not for rifles. This can make hunting or protecting livestock or crops from predators and nuisance animals difficult for Michiganders who need to traverse large areas of private property to do so. Legislation has been offered to allow the transportation of loaded firearms in vehicles on private property under certain circumstances.

THE CONTENT OF THE BILL:

NREPA now generally prohibits an individual from transporting or possessing a firearm in or on a vehicle unless the firearm is unloaded and enclosed in a case, unloaded and carried in the trunk of the vehicle, or unloaded in a motorized boat. A violation is a misdemeanor punishable by imprisonment for up to 90 days or a \$50 to \$500 fine, or both, as well as payment of the costs of prosecution and the revocation of any permit issued under Part 401 (Wildlife Conservation) of NREPA. (Enhanced penalties apply to an individual who was previously convicted twice in the preceding five years for a violation of Part 401 or an order issued under that part.)

The bill would amend above prohibition to allow an individual to transport or possess a loaded firearm in or on a vehicle, including an *ATV* or a *UTV*, if the individual is on private land and either of the following applies:

- The individual is the owner of the private land or the lessee (for a term of at least one year) of the private land.

- The individual is accompanied by, or has the permission of, the owner of the private land or the lessee (for a term of at least one year) of the private land.

ATV would mean a vehicle with three or more wheels that is designed for off-road use, has low-pressure tires, has a seat designed to be straddled by the rider, and is powered by a 50cc to 1,000cc gasoline engine or an engine of comparable size using other fuels.

UTV would mean a vehicle with four wheels that is designed for off-road use, has low-pressure tires, has a side-by-side seating arrangement with bench or bucket seating for each rider, and is powered by a 50cc to 1,000cc gasoline engine or an engine of comparable size using other fuels.

MCL 324.40111

FISCAL INFORMATION:

House Bill 4078 would have an indeterminate fiscal impact on local units of government. Depending on the number of people who would no longer be charged with a misdemeanor for transporting or possessing a loaded firearm on private land, the bill could result in reduced costs for the state and for local units of government. Fewer individuals sentenced to jail or community sanctions would result in reduced costs related to county jails and/or local misdemeanor probation supervision. Costs of local incarceration in county jails and local misdemeanor probation supervision, and how those costs are financed, vary by jurisdiction. The fiscal impact on local court systems would depend on how provisions of the bill affected caseloads and related administrative costs. Any reduction in penal fine revenue would decrease funding for local libraries, which are the constitutionally designated recipients of those revenues.

The bill would not affect costs or revenues for the Department of Natural Resources.

ARGUMENTS:

For:

Supporters of the bill argue that individuals should be able to move around their own property as they see fit, including with a loaded firearm. Allowing individuals to transport loaded firearms on private property would help hunters and farmers. Hunting on property that is large enough to need a vehicle to get around is harder when a firearm has to be unloaded and stored, and then retrieved and reloaded, every time the vehicle moves to a different location. Similarly, farmers who are trying to eliminate nuisance animals or predators from their property to protect their crops or livestock can lose valuable time in constantly having to unload and reload their firearms. Often by the time the firearm is ready again, the animal is gone (perhaps scared away by the movement), only to return again at some later time.

Against:

Some expressed concern that transporting a large, loaded firearm over rough terrain poses a deadly risk regardless of whether the property is publicly or privately owned. One unfortunate bump could cause the firearm to discharge unexpectedly, harming those in the vehicle or nearby. For personal and public safety reasons, firearms should be transported in a vehicle unloaded.

POSITIONS:

Michigan Open Carry testified in support of the bill. (2-15-22)

Michigan Gun Owners indicated support for the bill. (2-15-22)

The Department of Natural Resources indicated opposition to the bill. (2-22-22)

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