

ALLOW CONCEALED CARRY OF CERTAIN WEAPONS

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House Bill 5883 (proposed substitute H-1)

House Bill 5884 as introduced

Sponsor: Rep. Ryan Berman

Committee: Military, Veterans and Homeland Security

Complete to 5-24-22

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

SUMMARY:

House Bill 5883 would amend the Michigan Penal Code to remove general prohibitions against carrying a knife concealed or a pistol concealed in a vehicle operated or occupied by the person and to reduce the penalties for certain violations. House Bill 5884 would amend the Code of Criminal Procedure to make complementary amendments to the sentencing guidelines.

House Bill 5883

The Michigan Penal Code currently prohibits a person from carrying a dagger, dirk, stiletto, double-edged nonfolding stabbing instrument of any length, or any other dangerous weapon (except a hunting knife that is adapted and carried as such) concealed on or about his or her person or, whether concealed or not, in a vehicle operated or occupied by the person, except in his or her dwelling house, place of business, or on other land possessed by the person.

The bill would remove this provision.

The code also prohibits a person from carrying a pistol concealed on or about his or her person or, whether concealed or not, in a vehicle operated or occupied by the person, except in his or her dwelling house, place of business, or on other land possessed by the person, without a license to carry the pistol. If licensed, the person is prohibited from carrying the pistol in a place or manner inconsistent with any restrictions on the license.

The bill would amend this provision to instead prohibit a person from carrying a pistol concealed on or about his or her person, except in a vehicle operated or occupied by the person, in the person's dwelling house, in the person's place of business, or in any other property possessed by the person, without a license to carry the pistol. (The bill would remove the requirement that the person, if licensed, carry the pistol in a place and manner consistent with any license restrictions.)

Finally, a person who violates the provisions of the code described above is currently guilty of a felony punishable by imprisonment for up to five years or a fine of up to \$2,500. The bill would reduce these penalties to imprisonment for up to two years or a fine of up to \$1,000.

MCL 750.227 and 750.231a

House Bill 5884 would amend the sentencing guidelines in the Code of Criminal Procedure to account for the changes proposed by HB 5883 to penalties under the Michigan Penal Code. Currently, carrying a concealed weapon is a Class E felony with a statutory maximum imprisonment of five years.

The bill would change the violation to a Class G felony and reduce the statutory maximum to two years' imprisonment.

MCL 777.16m

FISCAL IMPACT:

House Bill 5883 would have an indeterminate fiscal impact on the state and on local units of government. Depending on the number of cases that resulted in reduced penalties and fines, the bill would result in a decrease in costs for the state and for local units of government. Reduced time spent in correctional facilities would result in reduced costs related for the state. In fiscal year 2021, the average cost of prison incarceration in a state facility was roughly \$44,400 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$4,600 per supervised offender in the same year. Those costs are financed with state general fund/general purpose revenue. Any reduction in penal fine revenue would decrease funding for support of public and county law libraries, which are the constitutionally designated recipients of those revenues.

House Bill 5884 is a companion bill to HB 5883 and amends sentencing guidelines to account for the reduced penalties and fines. The bill would not have a direct fiscal impact on the state or on local units of government.

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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.