



**House
Legislative
Analysis
Section**

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HANDICAPPERS USE SHOTGUN IN BOW SEASON

House Bills 4863 & 4864 as Amended **RECEIVED**

First Analysis (7-25-89)

SEP 06 1989

Sponsor: Rep. Jerry C. Bartnik
Committee: Tourism, Fisheries and Wildlife
Mich. State Law Library

THE APPARENT PROBLEM:

Michigan law contains various special provisions allowing disabled people to hunt using methods generally prohibited to others. A person unable to walk can obtain a special permit to hunt from a vehicle; a person with the full use of only one arm can obtain a permit to use a modified bow to hunt game. However, these provisions fail to meet the needs of all the physically challenged people who might like to hunt. Testimony in the House Tourism, Fisheries and Wildlife committee indicated that there is at least one person in the state who has the full use of only one arm and who has been unable to obtain a safely modified bow for hunting deer. It has been proposed that certain disabled people be allowed to hunt deer with a shotgun during bow season, which commences before and ends after the two-week November firearm deer season.

THE CONTENT OF THE BILL:

Under the Wildlife Conservation Act, handicappers are allowed to take game from a standing vehicle during the open season for that game and take game with a modified bow during bow season if the person holds the proper hunting license and a special permit. House Bill 4863 would specify that these permits must be carried when afield and exhibited upon demand of a conservation officer or other peace officer.

The bill also would authorize the department to issue a special permit to persons with certain handicaps for the taking of deer by firearm during bow hunting season. The permit would have to be carried afield and exhibited upon demand of a conservation officer or other peace officer. Persons possessing the permit would still be required to purchase a bow hunting license, senior citizen hunting license or sportsperson's license and comply with all other laws and rules for the taking of game.

The bill is tie-barred to House Bill 4864, which would amend the Hunting and Fishing License Act to provide an exemption from laws prohibiting the possession of a firearm during bow hunting season for persons holding a valid handicapper permit.

MCL 300.264 (House Bill 4863) and 316.802 and 316.805 (House Bill 4864)

FISCAL IMPLICATIONS:

According to the Department of Natural Resources, the bills have no fiscal implications. (6-19-89)

ARGUMENTS:

For:

The bills would expand hunting opportunities for people unable to walk and for people lacking the use of one arm. A disabled person could obtain a permit allowing him or her to hunt deer with a shotgun during the season normally open to hunting deer only with a bow and arrow. A

disabled person would have a better chance of bagging a deer under the special permit. While some may be concerned about the use of guns during bow season, it should be noted that the anticipated number of special permits is relatively small (probably no more than a few hundred), and that there are firearms in the woods during bow season anyway, as bow hunters are sharing the woods with small game hunters.

Against:

Some may object to allowing the use of firearms to hunt deer during bow season. Though the bills' proposal is relatively limited, the precedent would be a poor one. Bow season is traditionally a time when those with the special skills and patience necessary can hunt deer without the noise and commotion of firearm season. Bow season should remain that way.

POSITIONS:

The Department of Natural Resources supports the bills. (7-13-89)

The Michigan Bow Hunters Association supports the bills. (7-13-89)

Outdoor Access supports the bills. (7-13-89)

H.B. 4863 & 4864 (7-25-89)