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BILL ANALYSIS

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Senate Bill 179 (as passed by the Senate)**Sponsor:** Senator Christopher D. Dingell**Committee:** Local Government and Veterans**Date Completed:** 4-14-87**RATIONALE**

Reportedly, there is a proliferation of local regulation of firearm ownership, sale, and possession, which can confuse and create problems for gun-owning citizens who are at a loss to know to what regulations apply where. It has thus been suggested that local firearm control be prohibited except to the extent permitted by State or Federal law.

CONTENT

Senate Bill 179 would create a new law to prohibit local units of government from imposing special taxation on, enacting any ordinance or regulation pertaining to, or regulating in any other manner the ownership, registration, purchase, sale, transfer, transportation, carrying, or possession of pistols or other firearms, ammunition for pistols or other firearms, or components of pistols or other firearms, except as otherwise provided in State or Federal law. "Local unit of government" would mean a city, village, township, or county.

FISCAL IMPACT

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

ARGUMENTS**Supporting Argument**

By prohibiting local gun control ordinances and other regulations, the bill would ensure that a myriad of varying firearm laws did not exist in local units of government throughout the State. A great many citizens own firearms and should not have to find themselves in violation of the law simply by crossing the street into another jurisdiction that happens to have different regulations. The problems that can be encountered when traveling between jurisdictions already have been recognized by over half of the states, which have passed laws similar to Senate Bill 179. At the Federal level, Congress too has recognized the problems of traveling between states having different firearm regulations, and amended the Federal gun control act to permit the transportation of long guns anywhere in the country.

Opposing Argument

The bill would remove an essential element of local units' control over the protection of the lives and safety of their citizens. Regardless of whether one is for or against gun control, home rule principles dictate that local governments should have the power to regulate matters of local concern. The needs and problems of different jurisdictions vary, and they should continue to have the authority to enact regulations that will specifically address those needs and problems. While proponents of the bill argue that uniform Statewide regulation would be preferable to a

hodgepodge of local controls, no such Statewide measure to strengthen gun laws appears to be forthcoming. In fact, it is precisely a dissatisfaction with State law — together with the easing of Federal firearm control — that may account for the growing popularity of local regulations.

Opposing Argument

The bill would go too far in totally preempting the field of firearm regulation. While it may indeed be true that a plethora of varying local laws could create unreasonable problems for gun owners, not all types of firearm regulation would actually contribute to that situation. For example, a successful Madison Heights ordinance mandates six hours of instruction in gun storage and handling and the responsibilities of owning a gun, before a resident may purchase a license to buy a handgun. Other options available to communities include conditioning permit issuance on the absence of convictions for narcotics or alcohol offenses, or on a knowledge of firearm laws. While these and other measures may lead to increased safety within a community, they have no effect on individuals who already have received a permit from that or another jurisdiction.

Opposing Argument

Under the bill, communities could be prohibited from enacting ordinances to impose stiffer sentences for violation of existing gun control laws, such as mandatory imprisonment for carrying a firearm in the course of committing a crime. Local governments should retain the option of implementing such ordinances in an effort to make their communities safer places to live and work.

Response: The bill is vague in this area and could be interpreted either to preclude or not to preclude stricter sentencing policies. Another area of ambiguity concerns the bill's effect on existing local ordinances; that is, would the bill apply retroactively to prevent enforcement of local firearm regulations that were enacted before the bill took effect? Perhaps these issues should be clarified before further action is taken on this proposal.

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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.

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