

Honorable Committee Members

I am here today to urge you to pass bills HB 5303 and HB 5474.

HB 5303

MCL 750.227 currently disallows the transport of a pistol in a vehicle without a concealed pistol license. *To do so is a felony punishable by a maximum of five years in prison or a fine of \$2,500.* **MCL 750.231a** provides for the lawful transportation of firearms in a vehicle if they are unloaded and encased in the trunk of a vehicle, but only directly without making any stops along the way. Lawful transportation of firearms includes transportation to a target shooting or hunting area, to a place of repair, to a federally licensed firearms dealer, or to private property where the pistol is to be used in concordance with the law, and to several other locations. The current law does not allow for a hunter or target shooter to make any deviations from his route to his destination. No stops for gasoline for the vehicle, to pick up a fellow hunter, or to stop and eat dinner. To do so would be in violation of the current act, a felony.

HB 5303 proposes to allow a firearm owner to transport his firearm in the same manner as the current law, but in a direct or indirect manner. HB 5303 clarifies the intent of the current statute by amending the law to allow for direct or indirect transport to the locations mentioned above. This would allow Michigan's large population of hunters and shooters to not be in violation of the current act when they stop for dinner or gasoline on their way up North to deer camp, picking up friends on their way to their outdoorsman's club for an afternoon of target shooting, or dropping off a spouse at work before taking in the old deer rifle for repair. The bill would not change the manner in which a firearm must be transported. Firearms would still have to be unloaded and encased for lawful transport.

I urge you to pass this bill so that Michigan's firearm owners and out of state hunters will no longer accidentally or unknowingly be committing a felony for stopping to fill the tank on their way to the range or hunting field.

HB 5474

Michigan's pre-emption law, **MCL 123.1102**, states that no local unit of government may impose any ordinances or regulation upon the ownership, transportation, sale, transfer, registration, purchase, or possession of firearms except as otherwise provided by state or federal law. Local units of government are defined in **MCL 123.1101** as a city, village, township, or county. Local units of government are still allowed to regulate the discharge of firearms and to control the possession of pistols by its employees. The power of the legislature to have complete authority on this issue was affirmed by the Michigan judicial system in 2004 in the case of Michigan Coalition for Responsible Gun Owners v. City of Ferndale (MCRGO v Ferndale http://coa.courts.mi.gov/documents/opinions/final/coa/20030429_c242237_47_85o.242237.opn.coa.pdf).

HB 5474 proposes to expand **MCL 123.1102** to include "institutions of higher education" which defined by the bill would encompass all public colleges in Michigan, including Michigan State University, the University of Michigan, and Wayne State. Currently I attend the Wayne State University School of Medicine and I completed my undergraduate education at Michigan State. **HB 5474** would preempt colleges and Universities from creating ordinances such as the one that was struck down in MCRGO v. Ferndale that would deny the means of self defense to their students.

I, along with 212,406 other Michigan citizens possess a concealed pistol license. The process for obtaining a license in Michigan is perhaps the most stringent in the nation, thus why 37 other states offer Michigan citizens license reciprocity. An applicant must be 21 or older, have no felonies, no disqualifying misdemeanors, submit fingerprints to the FBI and MSP, provide two references, and allow access to any mental health records. Michigan's concealed pistol law has allowed thousands of citizens to have the option to defend themselves.

Currently Wayne State University Statute prohibits the "unauthorized possession...of a weapon," on University premises. Weapons are defined as but not limited to all firearms, knives of three inches or longer, and any chemicals such as "Mace" or tear gas (WSU Board of Governors http://bog.wayne.edu/code/2_31_02.php). If a student is found to have any of these items he or she faces sanctions up to expulsion from the University. U of M prohibits possession of a firearm even by an individual who has a concealed pistol license. Even accidentally stepping foot onto campus in Ann Arbor while carrying concealed is a violation. Violation of this ordinance is punishable up to 60 days in jail (Article X, Board of Governors Ordinances <http://www.regents.umich.edu/ordinance.html>). MSU just recently changed their ordinances to allow firearms on campus in accordance with state law. State law prohibits the carrying of concealed weapons inside university classrooms or dormitories, and all licensees must have zero alcohol in their bodies while carrying a concealed pistol.

Detroit leads the nation in violent crime, and not a month goes by without an armed robbery on campus let alone the numerous burglaries and thefts that occur weekly (WSU police crime statistics http://police.wayne.edu/campus_watch.php). This fact does not include the many violent and non-violent crimes that happen in the midtown region or ones not reported to police. Within this school year alone, one freshman medical student was robbed at gunpoint outside the medical school, and one MSU osteopathic student was robbed at gunpoint less than 500 feet from the medical school. Last year one of my fellow medical students was robbed with a shotgun outside his apartment across the street from Hutzel Hospital. These are just examples of crimes committed near the medical school campus. These incidents were not counted in Wayne State's crime statistics. I often walk five blocks home from a long night studying at school often at two or three in the morning. I wish that Wayne State would allow me to protect myself but because of their prohibition on weapons I am left defenseless. Not even non lethal forms of defense such as Mace or pepper spray are allowable under Wayne State ordinances.

The legislature has the authority to pass this bill, as clarified in **Attorney General Opinions 2227, 5326, and 7075** that Universities are only independent in their educational mission and their financing. Passing this statute would clarify the legislature's power to control possession of concealed firearms anywhere in the state.

I am urging you to pass **HB 5474** so that students like I may choose the option to protect myself when we are out late studying or walking home on the streets of Detroit. It is only a matter of time before a student is stabbed, shot, or murdered while walking to and from class or walking home. This bill would allow law abiding citizens the option to defend themselves against criminals who would do us harm. Criminals already carry unlicensed, unregistered firearms on campus every day in violation of university ordinances. Please pass **HB 5474** so that Michigan citizens can defend themselves.

Thank you for your time,

Peter Howard

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