

Legislative Analysis



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NO CARRY ZONE EXEMPTIONS: EXPAND

House Bill 4435 (reported without amendment)

Sponsor: Rep. Joel Johnson

Committee: Judiciary

First Analysis (2-10-12)

BRIEF SUMMARY: The bill would allow a retired parole or probation officer of the Department of Corrections, or a retired corrections officer of a county sheriff's department, who has a concealed pistol permit to carry that pistol in a no-carry zone such as a school, bar, or church.

FISCAL IMPACT: To the extent that the bill's exemptions prevented misdemeanor or felony convictions that would have otherwise occurred, it could reduce state and/or local incarceration costs, probation supervision costs, and penal fine revenue, which is constitutionally-dedicated to local libraries. However, any fiscal impact would likely be negligible.

THE APPARENT PROBLEM:

The handgun licensure law contains a list of places where a person who is licensed under the law, or who is exempt from licensure under the law, is prohibited from carrying a concealed pistol. Called "no carry-zones," these include schools; sports arenas or stadiums; bars or taverns; any property or facility owned or operated by a church, synagogue, mosque, temple, or other place of worship (unless permitted by the entity); large entertainment facilities; hospitals; or dormitories or classrooms of a community college, college, or university.

The law contains several exemptions that allow certain people authorized to carry a concealed pistol to carry that pistol in a no-carry zone. Included in this list are retired police officers, licensed private investigators and private detectives, motor carrier officers and capitol security officers of the Department of State Police, and active and retired state court judges. It has been suggested that the exemption described above be extended to apply to retired local corrections officers and retired Department of Corrections parole and probation officers similarly to retired police officers and retired judges.

THE CONTENT OF THE BILL:

House Bill 4435 would amend the handgun licensure law, Public Act 372 of 1927 (MCL 28.425o), to expand the exemption to carry a concealed pistol in a no-carry zone to the following individuals if already licensed to carry a concealed pistol:

- A retired corrections officer of a county sheriff's department.
- A retired parole or probation officer of the Department of Corrections.

The concealed weapon licensing board could require a letter from the county sheriff's department or Department of Corrections stating that the retired corrections, parole, or probation officer is in good standing. (Active parole and probation officers and county corrections officers who are licensed to carry a concealed pistol are already authorized to carry the concealed weapon in a no-carry zone.)

BACKGROUND INFORMATION:

Active parole and probation officers employed by the Department of Corrections and corrections offices employed by county sheriffs' departments were added to the list of persons with a concealed pistol permit who could carry that weapon in a no-carry zone by Public Act 719 of 2002. However, the provision applied only to those persons while on duty and in the course of their employment. Later, that restriction was struck by a House substitute for enrolled Senate Bill 370, which became Public Act 194 of 2008. Since then, these officers have been authorized to carry a weapon for which they have a CPL into no-carry zones even when off duty.

ARGUMENTS:

For:

Probation and parole officers and local corrections officers, who work in county jails, often have the most "face time" with offenders. It is not uncommon therefore for these officers to receive personal threats from those they encounter in the course of their employment (or from family members or friends of an offender). This is why a decade ago these individuals were allowed, if they had a concealed pistol permit, to carry that weapon in a no-carry zone while on duty and in the performance of their duties. Later, that restriction was removed, enabling them to carry a weapon under a permit even when going to a restaurant, a movie, or a sporting event, activities which leave them vulnerable to reprisals.

However, just because a local corrections officer or a parole or probation officer retires, it does not mean the animosity directed against him or her by a former inmate, probationer, or parolee also retires. Thus, some believe that it is important for these retired officers to retain the ability to protect themselves and their families. The same authority is already granted to retired police officers and retired judges.

POSITIONS:

The Michigan State Police indicated support for the bill. (2-2-12)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.