



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 4435 (Substitute H-2 as passed by the House)
Sponsor: Representative Joel Johnson
House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 10-12-12

CONTENT

The bill would amend the handgun licensure law to exclude a Department of Corrections corrections officer, a retired corrections, parole, or probation officer of the Department, or a retired sheriff's department corrections officer, from the prohibition against carrying a concealed pistol on certain premises (commonly called weapon-free or no-carry zones).

The law prohibits a person who is licensed to carry a concealed pistol, or who is exempt from licensure, from carrying a concealed pistol on the premises of any of the following (excluding the parking areas):

- A school or school property, unless the person is a student's parent or legal guardian in a vehicle on school property and is dropping off or picking up the student.
- A public or private child care center or day care center, child caring institution, or child placing agency.
- A sports arena or stadium.
- A licensed bar or tavern whose primary source of income is the sale of liquor by the glass for on-premises consumption.
- Any property or facility owned or operated by a church, synagogue, mosque, temple, or other place of worship, unless its presiding official or officials permit the carrying of a concealed pistol on the property or facility.
- An entertainment facility with a seating capacity of 2,500 or more that the person knows or should know has such a seating capacity or that has a sign stating that capacity.
- A hospital.
- A dormitory or classroom of a community college, college, or university.

The law makes an exception to this prohibition for various categories of individuals. These include an individual who is licensed under the handgun licensure law and is a corrections officer of a county sheriff's department. The bill also would exempt a licensed individual who was a retired corrections officer of a county sheriff's department.

The law makes another exception for a licensee who is a parole or probation officer of the Department of Corrections. The bill also would exempt a licensee who was a corrections officer of the Department or a retired parole, probation, or corrections officer of the Department.

The concealed weapon licensing board could require a letter from the sheriff's department or the Department of Corrections, as applicable, stating that the retired corrections, parole, or probation officer retired in good standing.

(In addition to the individuals described above, the prohibition against carrying a concealed pistol in a no-carry zone does not apply to any of the following who are licensed under the handgun licensure law:

- A retired police officer or retired law enforcement officer.
- An individual who is employed or contracted by an entity in a no-carry zone to provide security services and is required by his or her employer or the terms of a contract to carry a concealed firearm on the premises of that entity.
- A motor carrier officer or Capitol security officer of the Department of State Police.
- A member of a sheriff's posse.
- An auxiliary officer or reserve officer of a police or sheriff's department.
- A State court judge or State court retired judge.
- A court officer.

The prohibition also does not apply to an individual licensed as a private investigator or private detective.

In the case of a retired police officer or retired law enforcement officer, the concealed weapon licensing board may require a letter from the law enforcement agency stating that the officer retired in good standing. The board also may require a retired judge to obtain and carry a letter from the Judicial Tenure Commission stating that he or she is in good standing.

A violation of the no-carry zone prohibition is a State civil infraction punishable by a maximum fine of \$500, and suspension of the individual's license to carry a concealed pistol six months. A second violation is a misdemeanor punishable by a maximum fine of \$1,000, and revocation of the individual's license to carry a concealed pistol. A third or subsequent violation is a felony punishable by up to four years' imprisonment and/or a maximum fine of \$5,000, and license revocation.)

MCL 28.425o

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have an indeterminate, but likely negligible, fiscal impact on State and local government. By extending the exemptions from the weapon-free zone law to retired corrections, parole, or probation officers, and active corrections officers of the Department of Corrections, it is possible that the bill could result in a marginal decrease in the number of individuals who would be found in violation of the statute. This would marginally decrease civil infraction and penal fine revenue, and also marginally or likely negligibly decrease State and local incarceration costs associated with repeat offenders.

The bill would have no fiscal impact on State or local law enforcement agencies.

Fiscal Analyst: Bruce Baker
Dan O'Connor

S1112\4435sa.

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.