

PNEUMATIC GUN

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Senate Bill 85 as passed by the Senate without amendment

Sponsor: Sen. Dave Hildenbrand

House Committee: Judiciary

Senate Committee: Judiciary

Complete to 4-13-15

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

The bill would amend Public Act 319 of 1990, which prohibits local units of government from taxing or regulating the ownership of pistols or other firearms, to do the following:

- ❖ Extend the authority of the act to include pneumatic guns.
- ❖ Define the terms "firearm" and "pneumatic gun."
- ❖ Expand current provisions regarding the authority of local units of government over pistols or firearms to include pneumatic guns.
- ❖ Allow a local government to require a minor be under parental supervision when using a pneumatic gun (unless the minor has permission to do so on private land).
- ❖ Allow a local government to prohibit brandishing a pneumatic gun.
- ❖ Allow a city or charter township to prohibit the discharge of a pneumatic gun in heavily populated areas.

The bill would take effect 90 days after enactment.

Senate Bill 85 is part of a larger package of bills to align the definition of "firearm" in various state statutes with each other and with federal law and to no longer treat pneumatic guns and pellet guns as firearms. House Bills 4151-4156 have passed the House and are pending Senate floor action. See the analysis of those bills at:

<http://www.legislature.mi.gov/documents/2015-2016/billanalysis/House/pdf/2015-HLA-4151-BC81FBB9.pdf>

Definitions

"Firearm" would mean any weapon which will, is designed to, or may readily be converted to expel a projectile by action of an explosive. "Pneumatic gun" means any implement, designed as a gun, that will expel a BB or pellet by spring, gas, or air. Pneumatic gun includes a paintball gun that expels by pneumatic pressure plastic balls filled with pain for the purpose of marking the point of impact.

Regulation by local governments

Currently, the act prohibits a local unit of government (defined as a city, village, township, or county) from imposing special taxation on, enacting or enforcing any ordinance or regulation pertaining to, or regulating in any other manner the ownership, registration, purchase, sale, transfer, transportation, or possession of pistols, or other firearms, ammunition for pistols or other firearms, or components of pistols or other firearms, except

as allowed by federal law or Michigan law. Senate Bill 85 would apply this provision also to pneumatic guns.

The act allows a local unit of government to prohibit or regulate conduct with a pistol or other firearm that is a criminal offense under state law or the transportation, carrying, or possession of pistols and other firearms by employees of a local government in the course of employment with that local government. The bill would apply these provisions to a pneumatic gun, as well.

The bill would also allow a local unit of government to require, within its jurisdiction, that an individual below the age of 16 who is in possession of a pneumatic gun be under the supervision of a parent, guardian, or an individual 18 years of age or older. An ordinance could not, however, regulate possession of a pneumatic gun on or within private property if the individual below the age of 16 is authorized by a parent or guardian and the property owner or legal possessor to possess the pneumatic gun.

The local unit of government could also prohibit an individual from pointing, waving about, or displaying a pneumatic gun in a threatening manner with the intent to induce fear in another individual.

Regulation by a city or charter township

A city or charter township could prohibit the discharge of pneumatic guns in any area within its jurisdiction that is so heavily populated as to make that conduct dangerous to the inhabitants of the area. However, an ordinance could not prohibit the discharge of pneumatic guns at authorized target ranges, on other property where firearms may be discharged, or on or within private property with the permission of the owner or possessor of that property if conducted with reasonable care to prevent a projectile from crossing the bounds of the property.

MCL 123.1101 et al.

FISCAL IMPACT:

Senate Bill 85 is linked to a series of House bills, all of which are tie-barred to Senate Bill 85 and depend on the definition of "pneumatic gun" found in the bill. Some of those bills exclude the use of pneumatic guns from certain offenses while others would newly include the use of pneumatic guns under certain offenses (including both misdemeanor and felony offenses). For the fiscal impact of the package of bills as a whole, see the link to the HFA analysis provided above.

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