

## REDUCE PENALTIES FOR OPEN-CARRY OF CONCEALED PISTOL IN NO-CARRY ZONE

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**House Bills 4200 and 4201 as introduced**

**Sponsor: Rep. Gary R. Eisen**

**Committee: Military, Veterans and Homeland Security**

**Complete to 5-24-19**

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

### SUMMARY:

House Bills 4200 and 4201 would reduce the penalty for a concealed pistol license holder who carries a concealed pistol in a “no-carry” zone to a state civil infraction with a fine of up to \$100.

Under 1927 PA 372, the handgun licensure act, even if a person holds a concealed pistol license (CPL), he or she cannot carry a pistol concealed into certain places—such as a day care center, church, stadium, or bar—referred to as *no-carry zones*, unless specifically allowed by statute. The act also prohibits any individual from carrying a device such as a Taser into a no-carry zone. (The act exempts from the prohibition such individuals as peace officers, retired law enforcement officers, private investigators, court officers, or security employees of the restricted premises, among others.)

An individual who violates this prohibition is now responsible for a state civil infraction and may be fined up to \$500. His or her CPL is also suspended for six months. For a second violation, an individual is guilty of a misdemeanor punishable by a fine of up to \$1,000, and his or her CPL is revoked. For a third or subsequent violation, an individual is guilty of a felony punishable by imprisonment for up to four years or a fine of up to \$5,000, or both, and his or her CPL is revoked.

**House Bill 4200** would amend the handgun licensure act to change the penalty for a violation described above to a state civil infraction with a possible fine of up to \$100. This penalty would apply regardless of any prior offenses.

MCL 28.425o

**House Bill 4201** would amend the Code of Criminal Procedure to remove from the sentencing guidelines the current felony penalty for a third or subsequent violation of the prohibition described above.

House Bill 4201 is tie-barred to HB 4200, meaning that it could not take effect unless HB 4200 were also enacted.

MCL 777.11b

## **FISCAL IMPACT:**

**House Bill 4200** would have an indeterminate fiscal impact on the state and on local units of government. The fiscal impact would depend on the number of offenders who would be assigned a civil fine of \$100 instead of \$500, and on the number of offenders who would no longer be convicted of misdemeanors or felonies for second, third, or subsequent violations. Fewer felony convictions would result in reduced costs for the state correctional system. In fiscal year 2018, the average cost of prison incarceration in a state facility was roughly \$38,000 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$3,700 per supervised offender in the same year. Those costs are financed with state general fund/general purpose revenue. Fewer misdemeanor convictions would result in reduced costs for related to county jails and/or local misdemeanor probation supervision. Costs of local incarceration in county jails and local misdemeanor probation supervision, and how those costs are financed, vary by jurisdiction. Any increase or decrease in penal fine revenues would affect funding available for local libraries, which are the constitutionally designated recipients of those revenues. The state could see an increase in civil fine revenue, which is typically deposited into the state Justice System Fund, which supports various justice-related endeavors in the judicial and legislative branches of government and the Departments of State Police, Corrections, Health and Human Services, and Treasury. The fiscal impact on local court systems would depend on how the provisions of the bill affected caseloads and related administrative costs.

**House Bill 4201** is a companion bill to HB 4200 and amends sentencing guidelines. The bill would not have a direct fiscal impact on the state or on local units of government.

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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.