

CONCEALED PISTOL IN NO-CARRY ZONE

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House Bill 4200 (H-2) as referred to second committee

House Bill 4201 (H-1) as referred to second committee

Sponsor: Rep. Gary R. Eisen

1st Committee: Military, Veterans and Homeland Security

2nd Committee: Judiciary

Complete to 4-24-20

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

SUMMARY:

House Bills 4200 and 4201 would revise the penalties for a concealed pistol license holder who carries a concealed pistol in a “no-carry” zone.

Under the handgun licensure act, 1927 PA 372, 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, and security employees of the restricted premises, among others.)

An individual who violates this prohibition is now responsible for a state civil infraction or guilty of a crime as follows:

- For a first violation, he or she is responsible for a state civil infraction with a possible fine of up to \$500, and his or her CPL is suspended for six months.
- For a second violation, he or she 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, he or she 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 the following:

- For a first violation, the individual would be responsible for a state civil infraction with a possible fine of up to \$250, with no CPL suspension.
- For a second violation in a five-year period, he or she would be guilty of a misdemeanor punishable by imprisonment for up to 90 days or a fine of up to \$1,000, or both, and his or her CPL could be suspended for up to one year.
- For a third or subsequent violation in a five-year period, he or she would be guilty of a felony punishable by imprisonment for up to two years or a fine of up to \$5,000, or both, and his or her CPL would be revoked.

MCL 28.425o

House Bill 4201 would amend the sentencing guidelines in the Code of Criminal Procedure to reduce, from four years to two, the maximum imprisonment for a third or subsequent violation of the prohibition described above. The bill would also reclassify this offense from a Class F offense against public safety to a Class G offense against public safety. (Generally speaking, the recommended ranges of minimum sentences for Class G felonies under the sentencing guidelines scoring scheme are lower than those for Class F felonies.)

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 \$250 instead of \$500, and on the number of offenders who would be convicted of misdemeanors and/or felonies for second, third, or subsequent violations. New felony convictions would result in increased costs for the state correctional system. In fiscal year 2019, the average cost of prison incarceration in a state facility was roughly \$39,400 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$3,800 per supervised offender in the same year. Costs for prison incarceration and parole and felony probation supervision are financed with state general fund/general purpose revenue. New misdemeanor convictions would result in increased costs 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 in penal fine revenues would affect funding available for local libraries, which are the constitutionally designated recipients of those revenues. The state could see a decrease 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 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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