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Senate Bill 22 (as reported without amendment)
Sponsor: Senator John N. Damoose
Committee: Transportation and Infrastructure

CONTENT

The bill would amend Chapter V (Regulation of Aircraft, Airmen, Airports and Air Instruction) of the Aeronautics Code to exempt members of the Space Force from a prohibition on carrying specified dangerous items in a sterile area of a commercial airport. The bill also would modify the definition of sterile area.

Among other things, Chapter V prohibits an individual from possessing or carrying a firearm, explosive, knife, razor, or dangerous weapon in a sterile area of a commercial airport. The Chapter prescribes misdemeanor and felony penalties for violations of the prohibition. Some individuals are exempt from these prohibitions, including members of the Army, Air Force, Navy, Marine Corps, or Coast Guard while possessing or carrying the item in the line of duty. The bill would extend this exemption to members of the Space Force.

Under the bill, "sterile area" would mean a portion of an airport defined in an airport security program approved by the Transportation Security Administration under 49 CFR 1542.101 that provides passengers access to boarding aircraft and to which the access generally is controlled by the Transportation Security Administration, or by an aircraft operator under 49 CFR part 1544 or a foreign air carrier under CFR part 1546, through the screening of individuals and property.

MCL 259.80f

BRIEF RATIONALE

Michigan's Aeronautics Code is subject to Federal statute regarding aircraft, airmen, and airports. Currently, Chapter V defines "sterile area" using a reference to 14 CFR 107.1, which was recently amended to describe the registration, airman certification, and operation of civil small, unmanned aircraft systems. Some believe this incorrect definition creates a loophole in the law, making it difficult to prosecute those who violate prohibitions related to a sterile area. Accordingly, it has been suggested that the definition of "sterile area" be amended.

PREVIOUS LEGISLATION

(Please note: This section does not provide a comprehensive account of all previous legislative efforts on the relevant subject matter.)

The bill is a reintroduction of House Bill 6123 from the 2021-2022 Legislative Session. The House Committee on Transportation reported the bill, but it received no further action.

Legislative Analyst: Abby Schneider

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 5-24-23

Fiscal Analyst: Joe Carrasco, Jr.

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Bill Analysis @ www.senate.michigan.gov/sfa

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.