



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 857 (as reported without amendment)
Senate Bill 858 (Substitute S-1 as amended on Third Reading)
Sponsor: Senator Dayna Polehanki (S.B. 857)
Senator Rosemary Bayer (S.B. 858)
Committee: Civil Rights, Judiciary, and Public Safety

CONTENT

Senate Bill 857 would amend the handgun licensure law to prohibit an individual from carrying a concealed pistol in the Michigan State Capitol, the Anderson House Office Building, and the Binsfeld Senate Office Building unless that individual was a serving member of the Michigan Senate or Michigan House of Representatives who had a concealed pistol license (CPL).

Senate Bill 858 (S-1) would amend the Michigan Penal Code to prohibit an individual from possessing a firearm in the Michigan State Capitol Building, the Anderson House Office Building, and the Binsfeld Senate Office Building unless that individual was a serving member of the Michigan Senate or Michigan House of Representatives who had a CPL, was a peace officer, or was contracted to provide security services for those buildings.

MCL 28.425o (S.B. 857)
750.234d (S.B. 858)

BRIEF RATIONALE

Currently, the Michigan Capitol Commission prohibits weapons in the State Capitol following an incident in which armed protestors entered the building.^{1,2} According to testimony before the Senate Committee on Civil Rights, Judiciary, and Public Safety, legislators should be able to conduct their business, engage in debate, and pass laws without concerns for the threat of firearms. It has been suggested to codify the Commission's Capitol weapons ban and extend the ban to legislative buildings.

Legislative Analyst: Eleni Lionas

FISCAL IMPACT

Senate Bill 857's criminal penalties could have a negative fiscal impact on State and local government. Violations of the proposed Act would be punishable as misdemeanors and felonies of different severity. More misdemeanor and felony arrests and convictions could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. Misdemeanor convictions could increase county jail and local probation supervision costs, which vary by jurisdiction and are thus indeterminate. Based on 2023 data, the average cost to State government for felony probation supervision is approximately \$4,600 per probationer per year. For any increase in prison intakes the average

¹ "New Procedure for Security in the Michigan State Capitol Building", Michigan State Capitol Commission. September 23, 2023. https://cdn.prod.website-files.com/65c44bbccb9a41d80dd87dc3/66045f3da40f1f800b466732_Security-Procedure.pdf

² "Michigan Bans Open Carry of Guns Inside State Capitol" PBS News. Retrieved 11-23-24. <https://www.pbs.org/newshour/politics/michigan-bans-open-carry-of-guns-inside-state-capitol>

annual cost of housing a prisoner in a State correctional facility is an estimated \$48,700. Per diem rates range from \$100 to \$431 per day (average per diem is \$135), depending on the security level of the facility. Additionally, any associated fine revenue would increase funding to public libraries.

Senate Bill 858 (S-1) could have an indeterminate negative fiscal impact and an indeterminate positive fiscal impact on State and local government. New misdemeanor arrests and convictions under the bill could increase resource demands on law enforcement, court systems, community supervision, and jails; however, it is unknown how many people would be prosecuted under provisions of the bill. Local jail costs vary by jurisdiction and thus costs for local governments would vary. Local revenue to local libraries could increase under the bill as any additional revenue from imposed fines would go to local libraries.

Date Completed: 12-4-24

Fiscal Analyst: Joe Carrasco, Jr.