

ALLOW TARGET PRACTICE

House Bill 5343 as enrolled
Second Analysis (6-28-98)
Public Act 129 of 1998

Sponsor: Rep. Alvin Kukuk
House Committee: Conservation,
Environment and Recreation
Senate Committee: Hunting, Fishing and
Agriculture

THE APPARENT PROBLEM:

The Natural Resources and Environmental Protection Act (NREPA) specifies that any person who carries a hunting weapon, whether or not engaged in hunting, must also carry a hunting license, except under certain specified conditions. One exception to this rule is when the weapon is being carried to or from, or at, a rifle range, trap or skeet shooting ground, or archery range (and if being transported, the weapon generally must be unloaded and enclosed in a case or in the trunk of a vehicle). The law contains another exception for a person (and his or her immediate family members) to hunt small game on his or her own property under certain circumstances.

It has been suggested that the prohibition against carrying a weapon except while hunting with a license also unfairly prevents people from target shooting or "sighting" their weapons, even on their own property. Legislation has been introduced to permit this practice, and also to clarify that an actor who uses a weapon while participating in an historical event such as a Civil War reenactment need not purchase a hunting license.

THE CONTENT OF THE BILL:

Currently, Part 435 of the Natural Resources and Environmental Protection Act (NREPA) which regulates hunting and fishing licensing, permits a person to carry a hunting weapon without owning a hunting license, under certain circumstances. The act specifies that it is not necessary to own a hunting license to carry a firearm, bow and arrow, or crossbow while at, or going to and from, a rifle or target range, trap or skeet shooting ground, or archery range, if the weapons are in a case or the trunk of a vehicle, if the firearm is unloaded, or if the bow or crossbow is unstrung.

House Bill 5343 would amend the act to allow weapons to be carried regardless of whether it was open hunting season, or whether the person had a license, if all of the following applied:

- The person was not engaged in hunting, but was engaged in target practice using an identifiable, artificially constructed target; practicing with silhouettes, plinking, skeet, or trap; or sighting-in the firearm, bow and arrow, or crossbow.
- The person was either the owner of the property on which the activity was taking place, or was leasing the property for at least one year, or was accompanied by, or had permission from, the owner or lessee.
- No remuneration was paid to the owner or lessee of the property for the target shooting or other activities.

In addition, the bill would specify that a person could carry or own an unloaded weapon at any time while traveling to or from, or participating in, an historical reenactment.

MCL 324.43513

FISCAL IMPLICATIONS:

The House Fiscal Agency (HFA) estimates that the bills would have no impact on state funds. (1-28-98)

ARGUMENTS:

For:

The bill would allow people to engage in target shooting and to "sight" their guns (firing at a target at a given distance to evaluate the accuracy of the

weapon's sight or scope) on their own property (or with the property owner's permission), without having to pay for a hunting license. Without such an exception, hunters may be prevented from taking the prudent safety measure of sighting a gun before discharging it while hunting. And, some nonhunters may enjoy practicing for competitive marksmanship events, but are required to buy a hunting license to practice on their own land. Further, it is argued that private property owners should not be forbidden from enjoying the full use of their own land.

Against:

The bill may open a large loophole, as anyone caught shooting without a hunting license could claim to be "target shooting", even if there was no target in the vicinity. Likewise, to "sight" a weapon requires having a target.

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