
Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 43 (as introduced 1-28-97)
Sponsor: Senator Alma Wheeler Smith
Committee: Education

Date Completed: 10-13-97

CONTENT

The bill would amend the Michigan Penal Code to delete all of the exceptions, other than the exception for peace officers, to the prohibition against possessing a weapon in a weapon free school zone.

Under the Code, an individual who possesses a weapon in a weapon free school zone (school property and a vehicle used by a school to transport students to or from school property) is guilty of a misdemeanor punishable by imprisonment for up to 93 days, community service for up to 100 hours, and/or a maximum fine of \$2,000. This prohibition does not apply to the following:

- A peace officer.
- An individual employed by or under contract to a school, if the possession of the weapon is to provide security services for the school.
- An individual licensed by this or another state to carry a concealed weapon.
- An individual who possesses a weapon provided by a school or a school's instructor on school property in order to give or receive instruction in the use of that weapon.
- An individual who possesses a firearm on school property with the permission of the school's principal or an agent of the school designated by the principal or the school board.

The prohibition also does not apply to an individual who is 18 or older, who is not a student at the school, and who possesses a firearm on school property while transporting a student to or from the school if any of the following apply:

- The individual is carrying a completely unloaded antique firearm in a wrapper or container in the trunk of a vehicle while en route to or from a hunting or target shooting area or function involving the exhibition, demonstration, or sale of antique firearms.
- The individual is carrying a firearm unloaded in a wrapper or container in the trunk of his or her vehicle, while in possession of a valid Michigan hunting license or proof of valid membership in an organization having shooting range facilities, and while en route to or from a hunting or target shooting area.
- The person is carrying an unloaded firearm in a wrapper or container in the trunk of his or her vehicle from the place of purchase to his or her home or place of business or to a place of repair or back to his or her home or place of business, or in moving goods from one place of abode or business to another.
- The person is carrying an unloaded firearm in the passenger compartment of a vehicle that does not have a trunk, if he or she is otherwise complying with either of the two preceding provisions, and the wrapper or container is not readily accessible to the occupants of the vehicle.

The bill would eliminate all of the exceptions described above, other than the exception for a peace officer.

MCL 750.237a

Legislative Analyst: S. Lowe

FISCAL IMPACT

Senate Bill 43 would have an indeterminate effect upon the cost of State and local government. The proposed changes to MCL 750.237a would eliminate exceptions to misdemeanor possession of a weapon in a weapon free school zone. Even though the bill would increase the potential for violations of the Code, the number of potential violations is indeterminate. As the crime described is a misdemeanor, i.e., punishable by less than one year of imprisonment, increased convictions under this section would not increase State prison costs. However, a conviction under this section could result in 93 days of imprisonment in a county facility, the costs of which vary throughout the State.

Fiscal Analyst: K. Firestone

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