

Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

**SFA****BILL ANALYSIS**

Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

House Bills 6108, 6110, 6111, and 6113 (as passed by the House)

Sponsor: Representative Jim Howell (House Bill 6108)

Representative Cameron Brown (House Bill 6110)

Representative Laura Toy (House Bill 6111)

Representative Andrew Raczkowski (House Bill 6113)

House Committee: Civil Law and the Judiciary

Senate Committee: Judiciary

Date Completed: 12-3-02

### **CONTENT**

**House Bills 6108, 6110, and 6113 would amend the handgun licensure Act to do all of the following:**

- Exempt a current or former peace officer from certain educational requirements, regarding training and safety, that are necessary to obtain a license to carry a concealed pistol.**
- Provide that the Act's prohibitions against a licensee's carrying a concealed pistol on certain premises would not apply to a reserve or part-time peace officer while on duty.**
- Make an exception to provisions that prohibit an individual from carrying a concealed pistol if he or she has certain levels of bodily alcohol content (BAC), and revise the requirement for reporting an individual whose chemical test results indicate any BAC while carrying a concealed pistol.**

**House Bill 6111 would amend the Michigan Penal Code to exempt a reserve or part-time peace officer of a duly authorized police agency from certain weapons violations.**

### **House Bill 6108**

The handgun licensure Act requires a concealed weapon licensing board to issue a license to carry a concealed pistol to an applicant if the board determines that certain circumstances exist. One of those circumstances is that the applicant has knowledge and has had training in the safe use and handling of a pistol by the successful completion of a pistol safety training course or class that meets the Act's requirements and that is available to the general public and presented by a law enforcement agency, junior or community college, college, or a public or private institution or organization or firearms training school. The Act also provides that a pistol training or safety program meets the requirements for knowledge or training in the safe use and handling of a pistol if the program is certified by the State or a national or state firearms training organization and provides instruction in certain areas and the program provides a certificate of completion stating that it complies with the Act.

The bill specifies that those educational requirements would not apply to an individual who was a peace officer or former peace officer. "Peace officer or former peace officer" would mean an individual who 1) was currently or previously certified as a police or law enforcement officer by

the Michigan Law Enforcement Officers Training Council or the Commission on Law Enforcement Standards, and was currently or previously employed full-time or part-time as a peace officer by the State or a political subdivision of the State; or 2) was presently a Federal law enforcement officer authorized to carry a concealed pistol in the course of his or her duties as a Federal law enforcement officer.

### **House Bill 6110**

The handgun licensure Act provides that an individual who is licensed to carry a concealed pistol may not carry a concealed pistol on certain premises (e.g., a school or day care center, sports arena, bar, church or other place of worship, or hospital). The bill specifies that those restrictions would not apply to a reserve or part-time peace officer while on duty as a peace officer and as authorized by the chief law enforcement officer of the police agency for which he or she was a reserve or part-time officer.

### **House Bill 6111**

The Michigan Penal Code specifies that certain weapons offenses do not apply to any of the following:

- A peace officer of an authorized police agency of the United States, this State, or a political subdivision of this State who is regularly employed and paid by one of those governmental entities.
- A person regularly employed by the Department of Corrections (DOC) who is authorized in writing by the DOC Director to carry a concealed weapon while in the official performance of his or her duties or while going to or returning from those duties.
- An employee of a private vendor operating a youth correctional facility who meets the same criteria established by the DOC Director for DOC employees and who is authorized in writing by the Director to carry a concealed weapon while in the official performance of his or her duties or while going to or returning from those duties.
- A member of the U.S. Army, Air Force, Navy, or Marine Corps, while carrying weapons in the line of or incidental to duty.
- An organization authorized by law to purchase or receive weapons from the United States or from the State.
- A member of the National Guard, armed forces reserve, or any other authorized military organization, while on duty or drill, or in going to or returning from a place of assembly or practice, while carrying weapons used for a purpose of the National Guard, armed forces reserve, or other duly authorized military organization.

The bill would add to that list a reserve or part-time peace officer of a duly authorized police agency of the State or a political subdivision of the State, as authorized by the State or political subdivision in the performance of his or her duties as a peace officer.

The weapons offenses from which those listed above are exempt include all of the following:

- Manufacturing, selling, offering for sale, or possessing any of the following: a machine gun or firearm that shoots or is designed to shoot more than one shot without manual reloading, by a single function of the trigger; a muffler or silencer; a bomb or bombshell; a blackjack, slingshot, billy, metallic knuckles, sand club, sand bag, or bludgeon; or a device, weapon, cartridge, container, or contrivance designed to render a person temporarily or permanently disabled by the ejection, release, or emission of a gas or other substance (MCL 750.224).
- Carrying a concealed dagger, dirk, stiletto, double-edged nonfolding stabbing instrument of any length, or any other dangerous weapon, except a hunting knife, or carrying a concealed pistol without a license to carry it (MCL 750.227).

- Transporting or possessing a loaded firearm, other than a pistol, in or upon a boat, motor vehicle, aircraft, or any other mechanically propelled vehicle (MCL 750.227c).
- Transporting or possessing a firearm, other than a pistol, in or upon a motor vehicle or any self-propelled vehicle designed for land travel unless the firearm is unloaded and is taken down, enclosed in a case, carried in the trunk, or inaccessible from the vehicle's interior (MCL 750.227d).

### **House Bill 6113**

The handgun licensure Act prohibits an individual from carrying a concealed pistol while he or she is under the influence of alcohol or a controlled substance or while he or she has certain BAC levels. If an individual has a BAC of .02 or more but less than .08 gram per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, he or she is responsible for a State civil infraction and may be fined up to \$100. The court may order the licensing board that issued the individual a license to revoke the license for one year. Under the bill, this provision would not apply to a peace officer, DOC employee, or military personnel who was exempt from licensure if either of the following applied: the individual was not in uniform and was on duty, or he or she was not in uniform and was required at the time to carry a pistol under the terms of his or her employment.

The Act also provides that the acceptance of a license to carry a concealed pistol constitutes implied consent to submit to a chemical analysis of blood, breath, or urine to determine BAC levels and/or the bodily presence of controlled substances. A peace officer who has probable cause to believe that an individual is carrying a concealed pistol in violation of the BAC and/or controlled substance provisions may require the individual to submit to a chemical analysis of his or her breath, blood, or urine. If the individual refuses to take a chemical test, or takes the test and the results indicate that he or she had any BAC while carrying a concealed pistol, the peace officer promptly must report the refusal or the results to the concealed weapons licensing board that issued the individual's license. The bill specifies that, if the individual were a peace officer, DOC employee, or military personnel exempt from licensure, the peace officer would have to report the refusal or the results to the appropriate agency that employed the individual.

MCL 28.425j (H.B. 6108)  
Proposed MCL 28.425y (H.B. 6110)  
MCL 750.231 (H.B. 6111)  
MCL 28.425k (H.B. 6113)

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

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

Fiscal Analyst: Bruce Baker  
Bethany Wicksall

S0102\6108sa

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.