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House Bill 4133 (Substitute H-1 as passed by the House)

Sponsor: Representative Joel Johnson

House Committee: Judiciary

Senate Committee: Judiciary

Date Completed: 12-3-13

CONTENT

The bill would amend the handgun licensure law to exclude the following from provisions that prohibit an individual who is licensed to carry a concealed pistol, or who is exempt from licensure, from carrying a concealed pistol on certain premises (commonly called no-carry zones):

- **A retired county corrections officer.**
- **A Department of Corrections (DOC) corrections officer or absconder recovery unit member.**
- **A court probation officer.**
- **A retired DOC parole, probation, or corrections officer or absconder recovery unit member.**
- **A retired court probation officer.**

The law prohibits a person who is licensed to carry a concealed pistol, or who is exempt from licensure, from carrying a concealed pistol on the premises (excluding the parking areas) of any of the following:

- A school or school property, except in the case of a student's parent or legal guardian who is in a vehicle on school property and is dropping off or picking up the student.
- A public or private child care center or day care center, child caring institution, or child placing agency.
- A sports arena or stadium.
- A licensed bar or tavern whose primary source of income is the sale of liquor by the glass for on-premises consumption.
- Any property or facility owned or operated by a church, synagogue, mosque, temple, or other place of worship, unless its presiding official or officials permit the carrying of a concealed pistol on the property or facility.
- An entertainment facility with a seating capacity of 2,500 or more that the person knows or should know has such a seating capacity or that has a sign stating that capacity.
- A hospital.
- A dormitory or classroom of a community college, college, or university.

A person who violates the prohibition is responsible for a State civil infraction punishable by a maximum fine of \$500, and a mandatory six-month suspension of the person's license to carry a concealed pistol. A second violation is a misdemeanor punishable by a maximum fine of \$1,000, and mandatory revocation of the individual's license to carry a concealed

pistol. A third or subsequent violation is a felony punishable by up to four years' imprisonment and/or a maximum fine of \$5,000, and mandatory license revocation.

The prohibition against carrying a concealed pistol in a no-carry zone does not apply to certain people, including an individual who is licensed under the law and who is a corrections officer of a county sheriff's department. Under the bill, the prohibition also would not apply to a person who was licensed under the law and was a retired corrections officer of a county sheriff's department. The concealed weapon licensing board could require a letter from the sheriff's department stating that the person retired in good standing.

The prohibition also does not apply to an individual who is licensed under the law and who is a DOC parole or probation officer. Under the bill, the prohibition instead would not apply to a person who was licensed under the law and was any of the following:

- A DOC parole, probation, or corrections officer, or absconder recovery unit member.
- A probation officer of any court in Michigan.
- A retired DOC parole, probation, or corrections officer or absconder recovery unit member.
- A retired probation officer of any court in Michigan.

For a retired parole, probation, or corrections officer, or a retired absconder recovery unit member, the concealed weapon licensing board could require a letter from the DOC or court stating that the person retired in good standing.

MCL 28.425o

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have a negligible fiscal impact on State and local government. In the last 10 years, there have been no felony dispositions for the offense of carrying a concealed pistol in a no-carry zone for a third or subsequent violation. There are no data regarding the number of misdemeanors, which would be applicable for the first or second violation of carrying in a no-carry zone. Therefore, exempting the additional categories of individuals described above from the no-carry zone prohibitions would have a limited impact on State and local criminal justice costs.

Fiscal Analyst: Dan O'Connor

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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.