



Senate Fiscal Agency  
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## BILL ANALYSIS



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Senate Bill 85 (as introduced 2-10-15)  
Sponsor: Senator Dave Hildenbrand  
Committee: Judiciary

*(enacted version)*

Date Completed: 3-10-15

### **CONTENT**

**The bill would amend Public Act 319 of 1990, which prohibits local units of government from taxing or regulating the ownership, registration, purchase, sale, transfer, transportation, or possession of pistols or other firearms, to do the following:**

- Extend the Act to pneumatic guns.**
- Specify that the Act would not prohibit local regulation of criminal conduct with a pneumatic gun.**
- Allow a local unit to regulate the possession of pneumatic guns by a person who was less than 16 years old under certain circumstances.**
- Allow a local unit to prohibit a person from pointing, waving, or displaying a pneumatic gun in a threatening manner intending to induce fear.**
- Allow a city or charter township to prohibit the discharge of a pneumatic gun in a heavily populated area, except at authorized locations or on private property.**

The bill would take effect 90 days after its enactment.

The bill would define "firearm" as any weapon that will, is designed to, or may readily be converted to expel a projectile by action of an explosive. "Pneumatic gun" would mean any implement, designed as a gun, that will expel a BB or pellet by spring, gas, or air. The term would include a paintball gun that expels by pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

The Act defines "local unit of government" as a city, village, township, or county.

### **Prohibited Local Regulation**

The Act prohibits a local unit from imposing special taxes on, enacting or enforcing any ordinance or regulation pertaining to, or regulating in any other manner the ownership, registration, purchase, sale, transfer, transportation, or possession of pistols or other firearms, ammunition for pistols or other firearms, or components of pistols or other firearms, except as otherwise provided by Federal or State law. The bill would include pneumatic guns in this provision.

### **Exceptions**

The Act specifies that it does not prohibit a local unit from prohibiting or regulating conduct with a pistol or other firearm that is a criminal offense under State law or from prohibiting or regulating the transportation, carrying, or possession of pistols and other firearms by its

employees in the course of their employment. The bill would include pneumatic guns in these provisions.

In addition, under the bill, the Act would not prohibit a local unit from regulating the possession of pneumatic guns by requiring an individual who was under 16 years of age and who possessed a pneumatic gun to be under the supervision of a parent, a guardian, or an individual who was at least 18. An ordinance could not regulate the possession of a pneumatic gun, however, on or within private property if the person under 16 were authorized to possess the pneumatic gun by a parent or guardian and the owner or legal possessor of the property.

Also, under the bill, the Act would not prohibit a local unit from prohibiting a person from pointing, waving about, or displaying a pneumatic gun in a threatening manner with the intent to induce fear in another individual.

### Discharge

The Act states that it does not prohibit a city or charter township from prohibiting the discharge of a pistol or other firearm within the jurisdiction of the city or charter township.

The bill also states that the Act would not prohibit a city or charter township from prohibiting the discharge of a pneumatic gun in any area within the jurisdiction of the local government that was so heavily populated as to make that conduct dangerous to the inhabitants of the area. An ordinance, however, could not prohibit the discharge of pneumatic guns at authorized target ranges; on other property where firearms may be discharged; or on or within private property, with the permission of the owner or possessor of the property, if conducted with reasonable care to prevent a projectile from crossing the property boundary.

MCL 123.1101-123.1104

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

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

Fiscal Analyst: Elizabeth Pratt

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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.