



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



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

House Bill 4160 (as passed by the House)  
House Bill 4161 (Substitute H-1 as passed by the House)  
Sponsor: Representative Joel Johnson (H.B. 4160)  
Representative Holly Hughes (H.B. 4161)  
House Committee: Judiciary  
Senate Committee: Judiciary

Date Completed: 4-20-15

### **CONTENT**

**The bills would amend Chapter 37 (Firearms) of the Michigan Penal Code to revise the offense of brandishing a firearm in public and define "brandish".**

The bills are tie-barred and would take effect 90 days after their enactment.

#### **House Bill 4160**

Chapter 37 prohibits a person from knowingly brandishing a firearm in public. A violation is a misdemeanor punishable by up to 90 days' imprisonment and/or a maximum fine of \$100. The prohibition does not apply to any of the following:

- A peace officer lawfully performing his or her duties as a peace officer.
- A person lawfully engaged in hunting.
- A person lawfully engaged in target practice.
- A person lawfully engaged in the sale, purchase, repair, or transfer of a firearm.

Under the bill, a person could not willfully and knowingly brandish a firearm in public, and the prohibition would not apply to either of the following:

- A peace officer lawfully performing his or her duties as a peace officer.
- A person lawfully acting in self-defense or defense of another under the Self-Defense Act.

The bill would retain the current penalty.

#### **House Bill 4161 (H-1)**

As used in Chapter 37, the bill would define "brandish", as to point, wave about, or display in a threatening manner with the intent to induce fear in another person.

MCL 750.234e (H.B. 4160)  
750.222 (H.B. 4161)

Legislative Analyst: Patrick Affholter

## **FISCAL IMPACT**

The bills could result in differing fiscal impacts on local units of government and would have no fiscal impact on the State. In 2013, there were 41 misdemeanor violations under the brandishing prohibition. Depending on the current interpretation of "brandish" by law enforcement and the extent to which number of misdemeanor convictions under the proposed brandishing definition would increase as law enforcement updated its firearm enforcement protocols, the possible increase in misdemeanors could increase the demands on local court systems and jails.

On the other hand, the proposed definition of "brandish" could make the current exceptions moot, and removing them would have no fiscal impact. In addition, with the new "brandish" definition, misdemeanor convictions related to activities not currently excepted could decline. This possible decrease in misdemeanor convictions could decrease the demands on local court systems and jails.

Fiscal Analyst: John Maxwell