

## **MODIFY PENALTY FOR CERTAIN VIOLATIONS BY HOLDER OF EXPIRED CPL**

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 4434 as referred to second committee**  
**Sponsor: Rep. Matt Hall**  
**1st Committee: Military, Veterans and Homeland Security**  
**2nd Committee: Judiciary**  
**Complete to 5-14-19**

Analysis available at  
<http://www.legislature.mi.gov>

### **SUMMARY:**

House Bill 4434 would amend the Michigan Penal Code to establish a civil fine, instead of the current felony penalty, for carrying a concealed pistol on an expired concealed pistol license (CPL) if the license had expired within the previous year, and to make a second or subsequent such violation a misdemeanor.

Currently under the Penal Code, an individual is prohibited from publicly carrying a pistol concealed on or about his or her person or, whether concealed or not, in a vehicle he or she is operating or riding in without a CPL. Even if licensed, he or she cannot carry the pistol in a place or manner inconsistent with any license restrictions. A violation is a felony punishable by imprisonment for up to five years or a fine of up to \$2,500, or both.

Under the bill, a CPL holder who carried a pistol in a vehicle or concealed on his or her person after the license expired would be subject to a civil fine of \$330, instead of the felony penalty described above, if all of the following conditions were met:

- The CPL expired not more than one year before the date of the violation.
- The person was eligible to obtain a CPL under section 5b of 1927 PA 372, the handgun licensure act.
- It was the person's first violation during the one-year period described above. [This presumably refers to the one-year period following expiration of the license.]

If, within 60 business days after the violation, the person received a renewal license, he or she would not be subject to the civil fine.

A CPL holder who carried a pistol in a vehicle or concealed on his or her person after the license expired would be guilty of a misdemeanor punishable by imprisonment for up to 90 days or a fine of \$500, or both, if all the following conditions were met:

- The CPL expired not more than one year before the date of the violation.
- The person was eligible to obtain a CPL under section 5b of 1927 PA 372, the handgun licensure act.
- It was the person's second or subsequent violation during the one-year period described above. [Presumably the one-year period following expiration of the license.]

MCL 750.227

### **FISCAL IMPACT:**

House Bill 4434 would have an indeterminate fiscal impact on the state and on local units of government. The fiscal impact would depend on the number of offenders who would be

assigned a civil fine instead of convicted of a felony or a misdemeanor, and the number of new misdemeanor convictions under the bill. Fewer felony convictions would result in reduced costs for the state correctional system. In fiscal year 2018, the average cost of prison incarceration in a state facility was roughly \$38,000 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$3,700 per supervised offender in the same year. Those costs are financed with state general fund/general purpose revenue. If fewer felony convictions resulted, there would be a corresponding decrease in penal fine revenues. This would decrease funding available for local libraries, which are the constitutionally designated recipients of those revenues.

The state could see an increase in civil fine revenue, which is typically deposited into the state's Justice System Fund, which supports various justice-related endeavors in the judicial and legislative branches of government and the Departments of State Police, Corrections, Health and Human Services, and Treasury.

New misdemeanor convictions would increase costs related to county jails and/or local misdemeanor probation supervision. The costs of local incarceration in a county jail and local misdemeanor probation supervision, and how the costs are financed, vary by jurisdiction. An increase in misdemeanor convictions would mean an increase in penal fine revenues. This would increase funding for local libraries.

Any fiscal impact on the judiciary and local court systems would depend on how provisions of the bill affected caseloads and related administrative costs.

## **POSITIONS:**

Representatives of the following entities testified in support of the bill (4-30-19):

- Freedom Firearms and Calhoun County Gun Owners Association
- Michigan Gun Owners
- Great Lakes Gun Rights
- Michigan Coalition for Responsible Gun Owners
- Michigan Open Carry

The following entities indicated support for the bill (4-30-19):

- National Rifle Association
- Military Order of the Purple Heart

Representatives of the following entities testified in opposition to the bill:

- Michigan State Police (4-30-19)
- Moms Demand Action for Gun Sense in America (5-7-19)

Everytown for Gun Safety indicated opposition to the bill. (5-7-19)

Legislative Analyst: E. Best  
Fiscal Analyst: Robin Risko

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.