

# Legislative Analysis



## **MODIFY PENALTY FOR CERTAIN VIOLATIONS BY HOLDER OF EXPIRED CONCEALED PISTOL LICENSE**

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

**House Bill 4003 (proposed substitute H-1)**

**Sponsor: Rep. Matt Hall**

**1st Committee: Military, Veterans and Homeland Security**

**2nd Committee: Judiciary**

**Complete to 10-4-21**

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

### **SUMMARY:**

House Bill 4003 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 if the license had expired within the previous year.

Currently under the act, an individual who does not have a CPL 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 riding in or operating. Even if licensed, he or she cannot carry a 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 CPL 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 one year or less 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.
- If stopped by a peace officer, the person informed the officer that he or she had or has a CPL.

Finally, a person arrested, instead of being issued an appearance ticket, for the violation described above would not have a claim for damages against a peace officer or law enforcement agency if the officer made a good-faith effort to determine whether the person was eligible to obtain a CPL.

MCL 750.227

### **FISCAL IMPACT:**

House Bill 4003 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 under provision of the bill. Fewer felony convictions would result in reduced costs for the state correctional system. In fiscal year 2020, the average cost of prison incarceration in a state facility was roughly \$42,200 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$4,300 per supervised offender in the same year. Those costs are financed with state general fund/general purpose revenue. Any decrease

in penal fine revenues 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 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. The fiscal impact on local court systems would depend on how the provisions of the bill affected caseloads and related administrative costs.

The bill would not have a significant fiscal impact on the Department of State Police or local law enforcement agencies.

Legislative Analyst: Emily S. Smith  
Fiscal Analysts: Robin Risko  
Marcus Coffin

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