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House Bill 4127 (Substitute H-4 as passed by the House)  
House Bill 4128 (as passed by the House)  
Sponsor: Representative Penelope Tsernoglou (H.B. 4127)  
Representative Stephanie Young (H.B. 4128)  
House Committee: Elections  
Senate Committee: Elections and Ethics

Date Completed: 2-7-24

## **CONTENT**

**House Bill 4127 (H-4) would amend the Michigan Penal Code to prohibit an individual from possessing a firearm at or near a polling place, an early voting site, an absent voter ballot drop box, in a city or township clerk's office, or within 100 feet of any entrance to these sites for certain periods before an election, with some exceptions.**

**House Bill 4128 would amend the Michigan Penal Code to prohibit an individual from possessing a firearm in an absent voter counting place or a combined absent voter counting place or within 100 feet from any entrance to either while absent voter ballots were being processed.**

### **House Bill 4127 (H-4)**

Among other things, the Code prohibits a person from possessing a firearm on the premises of certain buildings and institutions, such as in a church or other house of religious worship, a court, and a hospital.

The bill would prohibit an individual from possessing a firearm in the following places under the following circumstances:

- In a polling place or within 100 feet from any entrance to a building in which a polling place was located while the polls were open on an election day.
- At an early voting site or within 100 feet from any entrance to a building in which an early voting site was located on any day early voting was conducted at the site.<sup>1</sup>
- Within 100 feet from any absent voter ballot drop box for 40 days before an election, unless that person was lawfully transporting or possessing a firearm in a vehicle.
- In a city or township clerk's office, or an official satellite office of a clerk that was staffed by the clerk's employees, or within 100 feet from any entrance to a clerk's office or satellite office, for the 40 days before an election when an absent voter ballot could vote in-person with the clerk.

These provisions would not apply to a peace officer acting during the officer's duties, a person who possessed a firearm in that person's residence or on that person's private property, or a

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<sup>1</sup> In 2022, Proposal 2 amended the State Constitution to establish, among other things, a registered voter's right to vote in statewide and Federal elections in-person at an early voting site for at least nine consecutive days before an election, for eight hours each day. Public Acts 81, 83, and 259 of 2023 established procedures for the implementation and use of early voting sites.

person carrying a concealed pistol if that person were licensed by the State or another state to carry a concealed pistol.

("Peace officer" means an individual who is employed as a law enforcement officer, by the State or another State, a political subdivision of the State or another state, the United States, and who is required to carry a firearm in the course of the individual's duties as a law enforcement officer).

Currently, a person who violates the Code's prohibitions on possessing a firearm on or in a certain premises is guilty of a misdemeanor punishable by imprisonment for up to 90 days, a fine of up to \$100, or both. Under the bill, this misdemeanor violation and punishment would apply to an individual who violated the bill's provisions.

### **House Bill 4128**

The bill would amend the Code to prohibit an individual from possessing a firearm in an absent voter counting place or a combined absent voter counting place or within 100 feet from any entrance to either while absent voter ballots were being processed. The bill would apply the current misdemeanor violation and punishments for the possession of firearms in restricted areas to an individual who violated the bill's provisions. It also specifies that its prohibition would not apply to a uniformed law enforcement officer during the officer's duties.

MCL 750.234d (H.B. 4127 & 4128)

Legislative Analyst: Abby Schneider

### **FISCAL IMPACT**

The bills could have an indeterminate negative fiscal impact and an indeterminate positive fiscal impact on the State and local government. New misdemeanor arrests and convictions under the bills could increase resource demands on law enforcement, court systems, community supervision, and jails; however, it is unknown how many people would be prosecuted under provisions of the bills. Local jail costs vary by jurisdiction and thus costs for local governments would vary. Local revenue to local libraries could increase under the bills as any additional revenue from imposed fines would go to local libraries. The bills also could result in additional costs to local police departments and local court systems.

Fiscal Analyst: Joe Carrasco, Jr.  
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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.