

Legislative Analysis



REVISE EXCEPTIONS TO PROHIBITIONS ON CARRYING CERTAIN WEAPONS

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House Bill 5544 (Substitute H-2)

Sponsor: Rep. Frank Foster

Committee: Natural Resources, Tourism, and Outdoor Recreation

Complete to 12-5-12

A REVISED SUMMARY OF HOUSE BILL 5544 AS REPORTED FROM COMMITTEE 12-4-12

The bill would amend Chapter XXXVII (Firearms) of the Penal Code to revise provisions that describe when individuals can carry certain knives and other dangerous weapons concealed on their persons or in their vehicles.

Currently, in Section 227, there is an exception for weapons carried in an individual's dwelling house, place of business, or on other land owned by the individual, and also an exception for hunting knives. House Bill 5544 would retain those exceptions but also allow weapons to be carried in transit between those specified locations that are in a protective case and inaccessible to anyone in the vehicle, unless carried for hunting, fishing, or for use as a tool, and would allow the weapons to be carried for hunting, fishing, or trapping purposes, or for use as a tool in the course of the person's trade, occupation, or hobby.

The bill would rewrite the Section 227 so that the general prohibition would apply to a double-edged non-folding knife of any length and "any other object designed, manufactured, or intended to be used to cause death or injury to any person," when concealed on the person or, whether concealed or not, carried in a vehicle. Specific references to a dagger, dirk, and stiletto would be removed. The bill also would allow for a person found in violation of the section to be fined, imprisoned, or both fined and imprisoned, whereas current law only allows for a fine or imprisonment, but not both.

Under Section 226, generally speaking, a person who, with intent to use the weapon unlawfully against the person of another, goes armed with a pistol or other firearm, a razor, or a knife, or any other dangerous or deadly weapon or instrument is guilty of a felony punishable by imprisonment for not more than five years or by a fine of not more than \$2,500. House Bill 5544 would retain that provision but remove references in that provision to daggers, dirks, and stilettos, and remove language referring to knives with blades over three inches in length. It also would allow for a person found in violation of Section 226 to be fined, imprisoned, or both fined and imprisoned, whereas current law only allows for a fine or imprisonment, but not both.

The bill would also repeal Section 226a of the Penal Code, which establishes a misdemeanor penalty for any person that sells, offers to sell, or possesses any knife

having the appearance of a pocket knife, of which the blades can be opened by the flick of a button, pressure on a handle, or other mechanical contrivance.

MCL 750.226, 750.227, & 750.231

FISCAL IMPACT:

The bill would have an indeterminate impact on the costs of state and local correctional systems. Data is not available to determine how the bill would affect the number of felony convictions that result from relevant offenses. To the extent that the bill resulted in additional civil fine revenue, that revenue would benefit local libraries, which are the constitutionally-designated recipient of those funds.

As background, during calendar year 2010, there were 2,049 felony convictions related to carrying dangerous weapons under either MCL 750.226 or MCL 750.227 of current law. Around 15% of those convictions resulted in prison sentences, whereas around 16% resulted in local jail sentences. The remainder resulted in either probation or an alternative sanction.

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