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BILL ANALYSIS

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Senate Bill 863 (as introduced 12-1-11)  
Sponsor: Senator Dave Hildenbrand  
Committee: Judiciary

Date Completed: 1-30-12

### **CONTENT**

**The bill would amend the handgun licensure law to exclude a concealed pistol licensee, who was an employee of a licensed professional investigator, from provisions prohibiting a licensee from carrying a concealed pistol on certain premises.**

The law prohibits a person who is licensed to carry a concealed pistol, or who is exempt from licensure, from carrying a concealed pistol on the premises (excluding the parking areas) of any of the following (commonly called weapon-free or no-carry zones):

- A school or school property, except for a student's parent or legal guardian while in a vehicle on school property, if he or she is dropping off or picking up the student.
- A public or private child care center or day care center, child caring institution, or child placing agency.
- A sports arena or stadium.
- A licensed bar or tavern whose primary source of income is the sale of liquor by the glass for on-premises consumption.
- Any property or facility owned or operated by a church, synagogue, mosque, temple, or other place of worship, unless its presiding official or officials permit the carrying of a concealed pistol on the property or facility.
- An entertainment facility with a seating capacity of 2,500 or more that the person knows or should know has such a seating capacity or that has a sign stating that capacity.
- A hospital.
- A dormitory or classroom of a community college, college, or university.

A violation is a State civil infraction punishable by a maximum fine of \$500, and the court must order the individual's license to carry a concealed pistol suspended for six months. A second violation is a misdemeanor punishable by a maximum fine of \$1,000, and revocation of the individual's license to carry a concealed pistol. A third or subsequent violation is a felony punishable by up to four years' imprisonment and/or a maximum fine of \$5,000, and license revocation.

Under the bill, the prohibition against carrying a concealed pistol on the premises listed above would not apply to an individual who was licensed under the law and was an employee of someone licensed under the Professional Investigator Licensure Act, while the person was performing his or her official duties as an employee of the licensed professional investigator.

Currently, the prohibition against carrying a concealed pistol in the no-carry zones described above does not apply to any of the following:

- An individual licensed as a private investigator or private detective.
- A licensee under the handgun licensure law who is a retired police officer or retired law enforcement officer.
- A licensee who is employed or contracted by an entity in a no-carry zone to provide security services and is required by his or her employer or the terms of a contract to carry a concealed firearm on the premises of that entity.
- A licensee who is any of the following, while on duty and in the course of his or her employment: a corrections officer of a county sheriff's department; a Department of State Police motor carrier officer or Capitol security officer; a member of a sheriff's posse; a police or sheriff's department auxiliary officer or reserve officer; or a Department of Corrections parole or probation officer.
- A State court judge or State court retired judge, though the concealed weapon licensing board may require a retired judge to obtain and carry a letter from the Judicial Tenure Commission stating that he or she is in good standing.

MCL 28.425o

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bill would have an indeterminate, but likely negligible, fiscal impact on State and local government. By extending the exemptions from the weapon-free zone law to employees of licensed private investigators, it is possible that the bill could result in a marginal decrease in the number of individuals who would be found in violation of the statute. This would marginally decrease civil infraction and penal fine revenue, and also marginally or negligibly decrease State and local incarceration costs associated with repeat offenders.

Fiscal Analyst: Dan O'Connor

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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.