

Senate Fiscal Agency
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SFA



BILL ANALYSIS

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Senate Bill 975 (Substitute S-1 as reported)
Sponsor: Senator Dianne Byrum
Committee: Hunting, Fishing and Forestry

Date Completed: 4-6-98

RATIONALE

Under the Natural Resources and Environmental Protection Act (NREPA), a person must not carry or transport a firearm, a slingshot, a bow and arrow, a crossbow, or a trap while in any area frequented by wild animals unless that person possesses a license. A person may carry, transport, or possess an unloaded firearm, a bow and arrow, or a crossbow enclosed in a case or carried in the trunk of the vehicle without a hunting license while traveling to and from certain locations. The Wildlife Conservation Order, which contains rules established by the Natural Resources Commission, specifies that a person may not transport firearms five days before the open season for deer, or, 30 minutes after sunset and 30 minutes before sunrise during the open season for small game. Evidently, the laws were originally designed to stop the poaching of game animals. Since the laws do not appear to further this purpose, some people believe that the transportation of firearms without a hunting license should be allowed.

CONTENT

The bill would amend Part 435 (Hunting and Fishing Licenses) of the NREPA to allow the transportation of firearms without a license, and to repeal the Act's provision that prohibits the transportation of firearms without a license during deer or elk hunting season (MCL 324.43511).

(The term "license" means a document or a tag, stamp, plastic card, or other device that may include a stamp or a tag that authorizes the licensee to hunt, fish, trap, or possess wild animals or aquatic species and other identification required by the Department of Natural Resources.)

Under current law, a person may carry, transport, or possess a firearm, a bow and arrow, or a crossbow without a hunting license while at or going to and from a recognized rifle or target

range, trap, skeet shooting ground, or archery range, if the firearm is unloaded in both barrel and magazine, and the firearm, bow, or crossbow, is enclosed in a case or carried in the trunk of a vehicle. The bill specifies that a person could transport a firearm without a hunting license at any time, subject to the same conditions.

MCL 324.43510 & 324.43513

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bill would allow the transportation of a firearm without a license at any time if it were unloaded and enclosed in a case or carried in the trunk of a car. Apparently, at the beginning of hunting season, many hunters load their car up with firearms to travel north to hunting sites before obtaining a hunting permit for that season. In addition, the Act's provision is unenforceable, unless each car is searched for weapons. The bill would allow a current practice by hunters unaware that the law exists, and would eliminate an obsolete section from the books.

Legislative Analyst: N. Nagata

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: G. Cutler

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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.