



**House  
Legislative  
Analysis  
Section**

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**CONCEALED WEAPONS PACKAGE**

**House Bill 4531**

**Sponsor: Rep. Gene DeRossett**

**House Bill 4539**

**Sponsor: Rep. Wayne Kuipers**

**House Bill 4540 (Substitute H-2)**

**Sponsor: Rep. Bruce Patterson**

**House Bill 4541**

**Sponsor: Rep. Douglas Bovin**

**House Bill 4542 (Substitute H-3)**

**Sponsor: Rep. Larry Julian**

**House Bill 4544 (Substitute H-1)**

**Sponsor: Rep. Jim Howell**

**House Bill 4634**

**Sponsor: Rep. Jennifer Faunce**

**Committee: Constitutional Law and Ethics**

**Complete to 5-14-99**

**A SUMMARY OF HOUSE BILLS 4531, 4539, 4541 AS INTRODUCED 4-21-99, HOUSE BILL 4540 (SUBSTITUTE H-2), HOUSE BILL 4542 (SUBSTITUTE H-3), HOUSE BILL 4544 (SUBSTITUTE H-1), AND HOUSE BILL 4634 AS INTRODUCED 5-4-99**

The bills are part of a package of legislation concerning concealed weapons, and all are tie-barred to House Bill 4530, the main bill in the package. House Bill 4530 and several other companion bills are currently on the House calendar. All of the bills would take effect September 30, 1999.

House Bill 4531 would amend Public Act 170 of 1964, the governmental immunity act (MCL 691.1407a), to specify that a law enforcement agency that seized a pistol under the handgun licensure act would be civilly liable to the owner of the pistol for negligently or intentionally losing or damaging the pistol. (House Bill 4530, which would amend the handgun licensure act, provides for the seizure and forfeiture of guns under certain circumstances.)

House Bill 4539 would amend the Michigan Vehicle Code (MCL 257.310 and 257.310a) to require the secretary of state to include on a person's drivers license, if applicable, that the

House Bills 4531, 4539, 4540, 4541, 4542, 4544 and 4634 (5-14-99)

person was the holder of a license to carry a concealed pistol under the handgun licensure act. Further, the secretary of state would have to design and create a concealed pistol licensure decal

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and provide a supply to each concealed weapon licensing board. The decal would be distributed to a licensee at the time a person received a license to carry a concealed pistol, and would have to be placed on his or her driver license until the time the driver license was renewed. At that time, the new license issued would have to contain information pertaining to the concealed weapon license.

House Bill 4540 (Substitute H-2) would amend the Michigan Penal Code (750.321) to modify penalties for manslaughter. The penalty for manslaughter is currently up to 15 years imprisonment, a fine of up to \$7,500, or both. The bill would increase the maximum sentence to 25 years for a person who was licensed to carry a concealed pistol and who committed manslaughter while carrying a pistol, whether concealed or not. Further, the bill would set a maximum sentence of 45 years for a person who committed manslaughter by using a firearm (whether or not he or she was a concealed weapon licensee) and who had previously been convicted of manslaughter or murder in this state or elsewhere.

House Bill 4541 would amend the Code of Criminal Procedure (MCL 771.3) to allow a court to require, as a condition of probation, that a probationer not purchase or possess a firearm.

House Bill 4542 (Substitute H-3) would amend the felony firearm provisions of the Michigan Penal Code (MCL 750.227b). Currently, generally, it is a separate felony to carry a firearm when committing (or attempting to commit) another felony. This firearm felony currently carries a mandatory term of imprisonment for 2 years for a first offense, 5 years for a second offense, and 10 years for a third or subsequent offense. (There are certain felonies excepted from the "felony firearm" provisions, including: selling a firearm or ammunition to someone under indictment for, or convicted of, a felony; carrying a concealed weapon without a licensee; off-duty licensees carrying loaded weapons; and removing identifying marks from firearms. The bill would add others to the list of exceptions; see below.)

Under the bill, the penalties could be enhanced where the violation involved the discharge of a firearm and if that discharge caused an injury to a person. If the violation involved the discharge of a firearm, the penalty would be set at from 2 to 4 years for a first offense, from 5 to 7 years for a second offense, and from 10 to 12 years for a third or subsequent offense. If the violation involved the discharge of a firearm and resulted in the physical injury of a person, the penalty would be from 2 to 7 years for a first offense, from 5 to 10 years for a second offense, and from 10 to 15 years for a third or subsequent offense.

Further, for a violator holding a concealed weapon license and carrying a pistol, whether concealed or not, the penalty for a firearm felony would be set at from 2 to 4 years. If the violation involved the discharge of a firearm, the penalty would be from 2 to 5 years, and if the violation involved the discharge of a firearm and resulted in the physical injury of a person, the penalty would be from 2-8 years.

The bill would exempt from the firearm felony law the following additional felonies:

- \*\* Having unregistered or improperly registered firearms (MCL 750.230a, proposed by House Bill 4536);
- \*\* Intentionally aiming a firearm, without malice, at another person (MCL 750.233);
- \*\* Discharging a firearm intentionally aimed, without malice, at another person if the other person isn't hurt (MCL 750.234);
- \*\* Having a firearm in a depository financial institution, a church or house of religious worship, a court, a theater, a sports arena, a day care center, a hospital, or an establishment with a liquor license (MCL 750.234d);
- \*\* Injuring someone by discharging a firearm intentionally aimed, but without malice, at them (MCL 750.235);
- \*\* Having or using a firearm while drunk or under the influence of "any exhilarating or stupefying" drug (MCL 750.237);
- \*\* Stealing someone's firearm (MCL 750.357b).

The bill would add the following to the list of crimes to which the firearm felony provisions would apply:

- \*\* Assault, assault and battery, or domestic assault (MCL 750.81);
- \*\* Assault with serious injury (MCL 750.81a); and
- \*\* Stalking (MCL 750.411h).

House Bill 4544 (Substitute H-1) would amend the Michigan Penal Code (MCL 750.357b) to increase the maximum penalty, from 5 years to 15 years, for the felony of larceny of a firearm. In addition, the bill would add a new crime. Under the bill, a person who possessed a firearm, knowing or having reason to know that it was stolen, would be guilty of a felony punishable for imprisonment for up to 10 years, a fine of up to \$2,500, or both.

House Bill 4634 would amend the Michigan Penal Code (750.226). Currently, it is a felony, punishable for up to 5 years imprisonment, a fine of up to \$2,500, or both, to possess a pistol or other firearm, or another dangerous weapon, with the intent to use it unlawfully against another person. The bill would specify that a person who was licensed to carry a concealed weapon and who violated this provision while carrying a pistol would be guilty of a felony punishable for up to 10 years imprisonment, a fine of up to \$5,000, or both.

Analyst: D. Martens

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.