

Legislative Analysis



GRANDFATHER OWNERSHIP OF CERTAIN FIREARMS IF NO LONGER CLASSIFIED AS PISTOLS

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House Bill 5038

Sponsor: Rep. Kate Ebli

Committee: Tourism, Outdoor Recreation and Natural Resources

Complete to 6-9-09

A SUMMARY OF HOUSE BILL 5038 AS INTRODUCED 6-3-09

Legislation has been proposed that would change the definition of "pistol" in the Michigan Penal Code from a firearm that is 30 or fewer inches long to one that is 26 or fewer inches long.

House Bill 5038 would make a related amendment to Michigan's handgun licensure law essentially to "grandfather" firearms previously classified as pistols that would no longer be so classified if the new definition is enacted. The bill's provisions would only take effect if the new definition is enacted.

Specifically, the bill would allow a firearm with a barrel length of up to 30 inches classified as a pistol under Michigan law before January 1, 2010 to continue to be owned and carried by someone who lawfully owned the firearm before that date under a license issued under Section 2 (license to purchase) or Section 5b (concealed pistol license) or an exemption under either of those sections. Further, it would also allow a firearm with a barrel length of up to 30 inches to continue to be owned and carried under any subsequent license renewal.

The bill has an effective date of January 1, 2010 and is tie-barred to House Bills 4501 and 4502, meaning that unless both of those bills are enacted into law, it will not take effect.

[Note: House Bill 4502 would change the definition of "pistol" in the Penal Code from a firearm that is 30 or fewer inches long to one that is 26 or fewer inches long.]

FISCAL IMPACT:

The bill would have no fiscal impact.

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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.