

# Legislative Analysis

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## **FIREARMS: DEFINE "BRANDISH"**

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### **House Bill 5091**

**Sponsor: Rep. Joel Johnson**

### **House Bill 5092**

**Sponsor: Rep. Brandon Dillon**

**Committee: Judiciary**

**Complete to 2-26-14**

## **A SUMMARY OF HOUSE BILLS 5091 AND 5092 AS INTRODUCED 10-22-13**

Currently, the Michigan Penal Code prohibits a person from knowingly brandishing a firearm in public, but does not define the term "brandish." House Bill 5092 would define the term "brandish" to apply to firearms that are pointed, waved about, or displayed in a threatening manner. (MCL 750.222)

House Bill 5091 would amend the code to exempt a person in lawful possession of an openly carried firearm holstered or carried on a sling from the prohibition on brandishing a firearm in public. (MCL 750.234e)

The bills are tie-barred to each other, meaning that neither could take effect unless both are enacted into law.

There is currently an exception from the brandishing prohibition for a peace officer lawfully performing duties as a peace officer and also for a person *lawfully engaged* in hunting; target practice; or the sale, purchase, repair, or transfer of that firearm. The bills retain those exemptions.

A violation of the brandishing prohibition is a misdemeanor punishable by imprisonment for not more than 90 days and/or a fine of not more than \$100.

## **FISCAL IMPACT:**

A fiscal analysis is in process.

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