

Legislative Analysis



PENALTIES FOR LOCAL LIMITATIONS ON GUN OWNERSHIP

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<http://www.house.mi.gov/hfa>

House Bill 4795 as introduced
Sponsor: Rep. Lee Chatfield
Committee: Local Government
Complete to 2-9-16

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4795 would amend Public Act 319 of 1990, regarding firearms and ammunition, to prescribe penalties for local enactment or enforcement of gun control measures in opposition to state law. An individual or organization that feels it has been adversely affected by a measure may bring an action in the district court where the local unit of government is located. The penalties vary based on when the measure takes effect, as described below:

- If the measure in question predated enactment of this act, an individual or organization may bring an action 90 days after giving written notice to the local unit of government.
- If the measure is enacted or adopted after this act takes effect, the individual or organization may bring an action immediately or at any time after the measure is enacted.
- If the measure is repealed or amended while an action is pending, the court should award costs and reasonable attorney fees to the individual or organization challenging the measure.

Currently, local units of government may not impose certain restrictions on the ownership, registration, purchase, sale, transfer, transportation, or possession of pistols, other firearms, or pneumatic guns, ammunition for pistols or other firearms, or components of pistols or other firearms. This bill supplements the law by assigning penalties.

If the court finds that the measure violates this act, it would issue an injunction restraining the local unit of government from enforcing the measure, order it to repeal the measure, and award actual damages, costs, and reasonable attorney fees to the individual or organization challenging the measure.

Further, if the court finds that a local official knowingly and willingly enacted or enforced a measure in violation of this act, it may fine the official up to \$5,000 in addition to any other penalty provided by law. Officials who are found to have violated this act may not use public funds to defend or reimburse themselves.

This act would take effect 90 days after its enactment.

MCL 123.1101 through 123.1105

FISCAL IMPACT:

The bill would have an indeterminate fiscal impact on the state and on local units of government. The fiscal impact would depend on the number of elected or appointed officials who are assessed civil fines. Increased fine revenues would benefit local libraries, which are the constitutionally designated recipients of such revenues. The bill would have an indeterminate fiscal impact on the judiciary and local court funding units. The fiscal impact would depend on how the provisions of the bill affected caseloads in the courts and related administrative costs.

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