



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

## BILL ANALYSIS



Telephone: (517) 373-5383  
Fax: (517) 373-1986

Senate Bill 442 (Substitute S-2 as reported)  
Senate Bill 561 (Substitute S-1 as reported)  
Sponsor: Senator Mike Green (S.B. 442)  
          Senator Arlan Meekhof (S.B. 561)  
Committee: Judiciary

**CONTENT**

Senate Bill 442 (S-2) would amend the handgun licensure law to do the following:

- Specify that the prohibition against carrying a concealed pistol on certain premises (commonly called no-carry zones) would not apply to a person who applied for and was granted an exemption from that prohibition.
- Require an application for a concealed pistol license (CPL) to allow an applicant to designate whether he or she requested an indorsement exempting the licensee from the no-carry zone prohibition.
- Require a county clerk to issue an exemption indorsement within 10 days after receiving an application for exemption.
- Provide that there would be no additional fee for requesting an exemption indorsement at the time of an initial or renewal CPL application, but an applicant could be required to pay up to \$20 for an exemption indorsement requested at any other time.
- Allow an applicant for an exemption indorsement to appeal to the circuit court if a clerk failed to issue the exemption.
- Include failure to issue an exemption in provisions allowing a court to order a county clerk to pay an applicant's costs and attorney fees.
- Specify that the law's no-carry zone provisions, and exemptions from it, would not prevent a private property owner from prohibiting a person from carrying a pistol on property included in a no-carry zone and enforcing that prohibition under the State's general trespass law.

The bill also would revise the list of premises that are no-carry zones by deleting an entertainment facility with a seating capacity of 2,500 or more individuals and instead including a theater.

Senate Bill 561 (S-1) would amend the Michigan Penal Code to revise provisions prohibiting possession of a firearm on certain premises and exemptions from that prohibition. The Penal Code prohibits a person from possessing a firearm on the premises of a depository financial institution; a church or other house of religious worship; a court; a theater; a sports arena; a day care center; a hospital; or an establishment licensed under the Michigan Liquor Control Code. The bill would refer to a sports arena or stadium. It also would delete from the list of premises an establishment with a liquor license and instead prohibit possession of a firearm at a bar or tavern licensed under the Liquor Control Code at which the primary source of income is the sale of alcohol by the glass that is consumed on the premises.

The prohibition against possessing a firearm on the premises described above does not apply to certain people, including a person licensed by this State or another state to carry a

concealed weapon. The Penal Code also makes it a misdemeanor to possess a firearm in a "weapon-free school zone", but makes exceptions to the prohibition for certain people, including a person licensed by this State or another state to carry a concealed weapon.

The bill, in both of those exceptions, would refer to a person *carrying a concealed weapon* who was licensed by this or another state to carry a concealed weapon (meaning that the exceptions would not apply to a person who was openly carrying a firearm on the specified premises or in a weapon-free school zone).

The bills are tie-barred and would take effect 90 days after their enactment.

MCL 28.425a et al. (S.B. 442)  
750.234d & 750.237a (S.B. 561)

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

Senate Bill 442 (S-2) would increase the responsibilities of county clerks related to concealed weapons licenses and would provide an option for additional revenue to pay for those costs. It would increase State costs by a minimal amount.

County clerks would be authorized to charge a fee of not more than \$20 that would cover both processing an application for a no-carry zone license indorsement and issuing a replacement license within 10 days if the application were submitted except with an application for an original or renewal concealed pistol license. Any additional revenue collected due to the new fee would have to be deposited in the county's concealed pistol licensing fund, which may be used only for costs related to the administration of the handgun licensure law. The cost and revenue associated with the proposal would depend on the volume of applications, the local decision to charge a fee of up to \$20 per application, and the level of the fee established.

The bill also would allow appeals to the circuit court based on denial of an application for an exemption from the no-carry zone prohibition. If the county lost the appeal because the court found an error by the county, the court could order the refund of the appellant's filing fees. If the court found that the denial of the exemption was arbitrary and capricious, the court could order the county to pay costs and attorney fees for the appellant. This provision could increase the costs of courts and counties by an indeterminate but likely minimal amount, depending on the number and outcome of appeals.

The bill would increase the costs of the Department of State Police, which would be required to change forms for applications for concealed pistol licensees to include the request for an exemption from the prohibition against carrying concealed pistols in no-carry zones. This form would need to be updated and distributed electronically to county clerks by December 1, 2015. This one-time minimal cost likely would be absorbed within the Department's existing appropriations.

Senate Bill 561 (S-1) could increase costs to courts, law enforcement, and jails if it resulted in violations of the proposed prohibition against openly carrying a firearm on the premises of certain establishments or in a weapon-free school zone. Any associated increase in fine revenue would be dedicated to public libraries.

Date Completed: 10-15-15

Fiscal Analyst: Ryan Bergan  
Elizabeth Pratt

#### Floor'sb442

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.