

NO-CARRY ZONE EXEMPTION: INCLUDE PETITIONER FOR PERSONAL PROTECTION ORDER

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House Bill 5272 (H-2) as referred to second committee

Sponsor: Rep. Rodney Wakeman

1st Committee: Military, Veterans and Homeland Security

2nd Committee: Judiciary

Complete to 5-28-20

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

SUMMARY:

House Bill 5272 would amend 1927 PA 372, the handgun licensing law, to include the following on the list of those who may carry a concealed pistol in a “no-carry” zone:

- A petitioner for a personal protection order (PPO) under the Revised Judicature Act (RJA).
- A protected party under a court-issued conditional bond release for domestic assault, stalking, or any assaultive misdemeanor or felony.

Currently, even if a person holds a concealed pistol license (CPL) issued by Michigan or by his or her other state of residence, he or she cannot carry the pistol concealed into certain places—such as a day care center, hospital, or bar—known as *no-carry zones* or *weapon-free zones*, unless specifically allowed by statute.

The bill would authorize an individual who has a CPL and who is a petitioner for a PPO issued under section 2950 or 2950a of the RJA to carry a concealed pistol, or a device that uses electro-muscular disruption technology (e.g., a Taser), in a no-carry zone. A copy of the PPO would constitute the acceptable proof of qualifying for this exemption from the no-carry zone prohibition.

The bill would provide the same authorization for an individual who has a CPL and who is a protected party under a court-issued conditional bond release for domestic assault, stalking, or any assaultive misdemeanor or felony, but the bill is silent as to what would constitute the acceptable proof of qualifying for this exemption.

The bill would also revise references to section 226a of the Michigan Penal Code, which concerned switchblades, to reflect the repeal of that section by 2017 PA 96.

MCL 28.425b and 28.425o

FISCAL IMPACT:

Depending on the number of people who would no longer be responsible for state civil infractions or guilty of crimes under the provisions of the bill, the bill would result in a decrease in costs and revenues for the state and for local units of government. Reduced felony charges would result in reduced costs related to the state correctional system,

reduced misdemeanor charges would result in reduced costs related to county jails and/or local misdemeanor probation supervision, and reduced civil infractions and reduced penal fines would decrease funding for public and county law libraries, which are the constitutionally designated recipients of those revenues. In fiscal year 2019, the average cost of prison incarceration in a state facility was roughly \$39,400 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$3,800 per supervised offender in the same year. Those costs are financed with state general fund/general purpose revenue. The costs of local incarceration in county jails and local misdemeanor probation supervision, and how those costs are financed, vary by jurisdiction. Local court systems could see a decline in caseloads and related administrative costs under provisions of the bill.

POSITIONS:

The following entities indicated opposition to the bill:

Michigan Domestic and Sexual Violence Prevention and Treatment Board (2-25-20)

Michigan Coalition to End Domestic and Sexual Violence (2-25-20)

Michigan Poverty Law Program (2-4-20)

Everytown for Gun Safety (2-4-20)

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Fiscal Analyst: Robin Risko

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