

HOUSE BILL No. 5553

February 10, 1998, Introduced by Reps. Wetters, Cropsey, DeHart, Llewellyn, Profit, Lowe, McNutt, Nye, Curtis, McBryde, Gernaat, Horton, Middleton, Kukuk, Schauer, Walberg, Wojno, Middaugh, Kaza, Frank, Jelinek, Cassis, Richner, London, Rocca, Prusi, Gustafson, Alley, Birkholz, Dalman, Tesanovich, Hammerstrom, Jellema, Law, DeVuyst, Jansen, Sikkema, Dobb, Varga, McManus, Owen, Leland, Rhead, Crissman, Brackenridge, Baade, Galloway, Whyman, Bodem, Goschka, Green, Voorhees, Callahan, Perricone, Scranton, Oxender, Vaughn, Harder, Basham, Mans, Cherry, Bankes, Schermesser, Freeman, Olshove and Hanley and referred to the Committee on House Oversight and Ethics.

A bill to amend 1927 PA 372, entitled

"An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act,"

(MCL 28.421 to 28.434) by adding section 5k.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 SEC. 5K. (1) ACCEPTANCE OF A LICENSE ISSUED UNDER THIS ACT
- 2 TO CARRY A CONCEALED PISTOL CONSTITUTES IMPLIED CONSENT TO SUBMIT
- 3 TO A CHEMICAL ANALYSIS UNDER THIS SECTION.
- 4 (2) AN INDIVIDUAL LICENSED UNDER THIS ACT TO CARRY A CON-
- 5 CEALED PISTOL SHALL NOT HAVE ANY BODILY ALCOHOL CONTENT WHILE
- 6 CARRYING A CONCEALED PISTOL ON HIS OR HER PERSON.

1 (3) THIS SECTION DOES NOT PROHIBIT AN INDIVIDUAL LICENSED
2 UNDER THIS ACT TO CARRY A CONCEALED PISTOL WHO HAS ANY BODILY
3 ALCOHOL CONTENT FROM TRANSPORTING THAT PISTOL IN THE LOCKED TRUNK
4 OF HIS OR HER MOTOR VEHICLE OR, IF THE VEHICLE DOES NOT HAVE A
5 TRUNK, FROM TRANSPORTING THAT PISTOL UNLOADED IN A LOCKED COM-
6 PARTMENT OR CONTAINER THAT IS SEPARATED FROM THE AMMUNITION FOR
7 THAT PISTOL.

8 (4) A PEACE OFFICER WHO HAS PROBABLE CAUSE TO BELIEVE AN
9 INDIVIDUAL IS CARRYING A CONCEALED PISTOL IN VIOLATION OF THIS
10 SECTION MAY REQUIRE THE INDIVIDUAL TO SUBMIT TO A CHEMICAL ANALY-
11 SIS OF HIS OR HER BREATH, BLOOD, OR URINE.

12 (5) BEFORE AN INDIVIDUAL IS REQUIRED TO SUBMIT TO A CHEMICAL
13 ANALYSIS UNDER SUBSECTION (4), THE PEACE OFFICER SHALL INFORM THE
14 INDIVIDUAL OF ALL OF THE FOLLOWING:

15 (A) THE INDIVIDUAL MAY REFUSE TO SUBMIT TO THE CHEMICAL
16 ANALYSIS, BUT IF HE OR SHE CHOOSES TO DO SO, ALL OF THE FOLLOWING
17 APPLY:

18 (i) THE OFFICER MAY OBTAIN A COURT ORDER REQUIRING THE INDI-
19 VIDUAL TO SUBMIT TO A CHEMICAL ANALYSIS.

20 (ii) THE REFUSAL MAY RESULT IN HIS OR HER LICENSE TO CARRY A
21 CONCEALED PISTOL BEING REVOKED.

22 (B) IF THE INDIVIDUAL SUBMITS TO THE CHEMICAL ANALYSIS, HE
23 OR SHE MAY OBTAIN A CHEMICAL ANALYSIS DESCRIBED IN SUBSECTION (4)
24 FROM A PERSON OF HIS OR HER OWN CHOOSING.

25 (6) THE COLLECTION AND TESTING OF BREATH, BLOOD, AND URINE
26 SPECIMENS UNDER THIS SECTION SHALL BE CONDUCTED IN THE SAME
27 MANNER THAT BREATH, BLOOD, AND URINE SPECIMENS ARE COLLECTED AND

1 TESTED FOR ALCOHOL-RELATED DRIVING VIOLATIONS UNDER THE MICHIGAN
2 VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923.

3 (7) IF A PERSON REFUSES TO TAKE A CHEMICAL TEST AUTHORIZED
4 UNDER THIS SECTION, THE PEACE OFFICER SHALL PROMPTLY REPORT THE
5 REFUSAL IN WRITING TO THE CONCEALED WEAPON LICENSING BOARD THAT
6 ISSUED THE LICENSE TO THE INDIVIDUAL TO CARRY A CONCEALED
7 PISTOL.

8 (8) IF A PERSON TAKES A CHEMICAL TEST AUTHORIZED UNDER THIS
9 SECTION AND THE TEST RESULTS INDICATE THAT THE INDIVIDUAL HAD ANY
10 BODILY ALCOHOL CONTENT WHILE CARRYING A CONCEALED PISTOL, THE
11 PEACE OFFICER SHALL PROMPTLY REPORT THE VIOLATION IN WRITING TO
12 THE CONCEALED WEAPON LICENSING BOARD THAT ISSUED THE LICENSE TO
13 THE INDIVIDUAL TO CARRY A CONCEALED PISTOL.

14 (9) AS USED IN THIS SECTION, "ANY BODILY ALCOHOL CONTENT"
15 MEANS AN ALCOHOL CONTENT OF NOT LESS THAN 0.02 GRAMS PER 100 MIL-
16 LILITERS OF BLOOD, PER 210 LITERS OF BREATH, OR PER 67 MILLILI-
17 TERS OF URINE.

18 Enacting section 1. This amendatory act takes effect
19 January 1, 1999.

20 Enacting section 2. This amendatory act does not take
21 effect unless all of the following bills of the 89th Legislature
22 are enacted into law:

23 (a) Senate Bill No. _____ or House Bill No. _____ (request
24 no. 00241'97 ***).

25 (b) Senate Bill No. _____ or House Bill No. _____ (request
26 no. 00241'97 a ***).

1 (c) Senate Bill No. _____ or House Bill No. _____ (request
2 no. 00241'97 b ***).

3 (d) Senate Bill No. _____ or House Bill No. _____ (request
4 no. 03890'97 **).

5 (e) Senate Bill No. _____ or House Bill No. _____ (request
6 no. 04589'97 **).

7 (f) Senate Bill No. _____ or House Bill No. _____ (request
8 no. 04590'97 **).

9 (g) Senate Bill No. _____ or House Bill No. _____ (request
10 no. 04591'97 **).

11 (h) Senate Bill No. _____ or House Bill No. _____ (request
12 no. 05184'97 *).