

Legislative Analysis



TRANSPORTING FIREARMS, BOWS, AND ARROWS

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5408 (Substitute H-1)

Sponsor: Rep. Tim Moore

Committee: Conservation, Forestry, and Outdoor Recreation

First Analysis (3-9-06)

BRIEF SUMMARY: The bill specifies that a person can transport a firearm without a hunting license when the gun is unloaded, and either in its case, or carried in the trunk of a vehicle. In the case of a bow or crossbow, the weapon must be unstrung, and either in its case or carried in the trunk of a vehicle.

FISCAL IMPACT: There would be no fiscal impact on the state or on local governmental units.

THE APPARENT PROBLEM:

Currently under the game laws, owners of firearms, crossbows, and bows and arrows are prohibited from transporting them without having their hunting licenses in their possession. This prohibition is at odds with, and yet preempts, other laws allowing the transport of firearms under certain conditions.

Gun owners report that taking a gun to a shop for repair or transporting it to a range for target practice is a violation of the law, unless they carry a hunting license.

To make the laws concerning firearm transport uniform, and to protect the rights of gun owners to transport their lawfully registered firearms, legislation has been introduced.

THE CONTENT OF THE BILL:

House Bill 5408 (H-1) would amend the Natural Resources and Environmental Protection Act to add to the provisions that describe when a person may carry, transport, or possess a firearm, a slingshot, a bow and arrow, or a crossbow without a hunting license.

The bill specifies that a person may carry, transport, or possess a *firearm* without a hunting license if the firearm is unloaded in both barrel and magazine, and either enclosed in a case or carried in the trunk of a vehicle.

The bill also specifies that a person may carry, transport, or possess a *slingshot, bow and arrow, or crossbow* without a hunting license if the weapons are unstrung, and either enclosed in a case or carried in the trunk of a vehicle.

MCL 324.43510 et al.

ARGUMENTS:

For:

Occasionally gun owners find it necessary to transport their firearms to repair shops, or to practice at a firing range. Under the game laws of Michigan, gun owners must carry a hunting license to transport the firearms legally. This bill would make it clear that a firearm (and other hunting weapons) could be transported if they were unloaded (or unstrung), and placed either in a closed case or in the trunk of a car.

Against:

Law enforcement officers sometimes stop and search vehicles of those they have reason to believe are suspicious characters. Presently, if the search reveals the person is transporting a firearm, but has no hunting license, he or she can be taken into a police station for further questioning. Under this bill, the police could no longer charge a suspected criminal with the illegal transport of a weapon.

POSITIONS:

The Department of Natural Resources supports the bill. (3-9-06)

The Michigan Coalition of Responsible Gun Owners supports the bill. (3-9-06)

Legislative Analyst: J. Hunault
Fiscal Analyst: Kirk Lindquist

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