

HOUSE BILL No. 5408

November 8, 2005, Introduced by Reps. Moore, Drolet, Hildenbrand, Elsenheimer, Booher, Taub, Baxter, Mayes, Hansen, Miller, Gosselin, Vander Veen, Proos, Meyer, Casperson, Sheltroun, Stahl, Farhat, Gleason, Polidori, Caswell, Van Regenmorter, Kahn and Hummel and referred to the Committee on Conservation, Forestry, and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 43510, 43511, 43513, and 43516 (MCL 324.43510, 324.43511, 324.43513, and 324.43516), sections 43510 and 43516 as amended by 2004 PA 129, section 43511 as added by 1995 PA 57, and section 43513 as amended by 1998 PA 129.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 43510. (1) Subject to subsection (2) **AND EXCEPT AS**
 2 **PROVIDED IN SECTION 43513**, a person shall not carry or transport a
 3 firearm, slingshot, bow and arrow, crossbow, or a trap while in any
 4 area frequented by wild animals unless that person has in his or
 5 her possession a license as required under this part.

1 (2) This act or a rule promulgated or order issued by the
2 department or the commission under this act shall not be construed
3 to prohibit a person from transporting a pistol or carrying a
4 loaded pistol, whether concealed or not, if either of the following
5 applies:

6 (a) The person has in his or her possession a license to carry
7 a concealed pistol under 1927 PA 372, MCL 28.421 to 28.435.

8 (b) The person is authorized under the circumstances to carry
9 a concealed pistol without obtaining a license to carry a concealed
10 pistol under 1927 PA 372, MCL 28.421 to 28.435, as provided for
11 under any of the following:

12 (i) Section 12a of 1927 PA 372, MCL 28.432a.

13 (ii) Section 227, 227a, 231, or 231a of the Michigan penal
14 code, 1931 PA 328, MCL 750.227, 750.227a, 750.231, and 750.231a.

15 (3) Subsection (2) does not authorize an individual to take or
16 attempt to take a wild animal except as provided by law.

17 Sec. 43511. (1) ~~During~~ **SUBJECT TO SUBSECTION (2), AND EXCEPT**
18 **AS PROVIDED IN SECTION 43513, DURING** the open season for the taking
19 of deer or elk with a firearm, ~~other than the muzzle-loading deer~~
20 ~~season,~~ a person shall not transport or possess a shotgun with
21 buckshot, slug load, ball load, or cut shell or a rifle other than
22 a .22 caliber rim fire, unless the person has in his or her
23 possession a license to hunt deer or elk with a firearm.

24 **(2) SUBSECTION (1) DOES NOT APPLY DURING MUZZLE-LOADING DEER**
25 **SEASON.**

26 Sec. 43513. (1) A person may carry, transport, or possess a
27 firearm, a bow and arrow, or a crossbow without a hunting license

1 while at or going to and from a recognized rifle or target range,
2 trap ~~—~~ or skeet shooting ground, or archery range if the firearm,
3 ~~or~~ bow and arrow, or crossbow, while being carried or transported,
4 is as follows:

5 (a) The firearm is unloaded in both barrel and magazine and
6 either enclosed in a case or carried in the trunk of a vehicle.

7 (b) The bow or crossbow is unstrung, enclosed in a case, or
8 carried in the trunk of a vehicle.

9 (2) A PERSON MAY CARRY, TRANSPORT, OR POSSESS A FIREARM, A BOW
10 AND ARROW, OR A CROSSBOW WITHOUT A HUNTING LICENSE UNDER THE
11 FOLLOWING CIRCUMSTANCES, AS APPLICABLE:

12 (A) THE FIREARM IS UNLOADED IN BOTH BARREL AND MAGAZINE AND
13 CARRIED IN THE TRUNK OF A VEHICLE.

14 (B) THE BOW OR CROSSBOW IS CARRIED IN THE TRUNK OF A VEHICLE.

15 (3) ~~—(2)—~~ Regardless of whether the person has a license or it
16 is open season for the taking of game, a person may carry,
17 transport, possess or discharge a firearm, a bow and arrow, or a
18 crossbow if all of the following apply:

19 (a) The person is not taking or attempting to take game but is
20 engaged in 1 or more of the following activities:

21 (i) Target practice using an identifiable, artificially
22 constructed target or targets.

23 (ii) Practice with silhouettes, plinking, skeet, or trap.

24 (iii) Sighting-in the firearm, bow and arrow, or crossbow.

25 (b) The person is, or is accompanied by or has the permission
26 of, either of the following:

27 (i) The owner of the property on which the activity under

1 subdivision ~~(a)(i), (ii), or (iii)~~ **(A)** is taking place.

2 (ii) The lessee of that property for a term of not less than 1
3 year.

4 (c) The owner or lessee of the property does not receive
5 remuneration for the activity under subdivision ~~(a)(i), (ii), or (iii)~~
6 **(A)**.

7 **(4)** ~~(3)~~ A person may carry or possess an unloaded weapon at
8 any time if the person is traveling to or from or participating in
9 an **A** historical reenactment.

10 Sec. 43516. (1) A person who has been issued a hunting,
11 fishing, or fur harvester's license ~~, when hunting, fishing, or~~
12 ~~trapping or, subject to section 43510(2), in the possession of~~
13 ~~firearms or other hunting, fishing, or trapping apparatus in an~~
14 ~~area frequented by wild animals or fish,~~ shall carry the license
15 and shall exhibit the license upon the demand of a conservation
16 officer, a law enforcement officer, or the owner or occupant of the
17 land ~~—~~ **IF EITHER OR BOTH OF THE FOLLOWING APPLY:**

18 **(A) THE PERSON IS HUNTING, FISHING, OR TRAPPING.**

19 **(B) SUBJECT TO SECTION 43510(2) AND EXCEPT AS PROVIDED IN**
20 **SECTION 43513, THE PERSON IS IN POSSESSION OF FIREARMS OR OTHER**
21 **HUNTING, FISHING, OR TRAPPING APPARATUS IN AN AREA FREQUENTED BY**
22 **WILD ANIMALS OR FISH.**

23 (2) Subject to section 43510(2), a person shall not carry or
24 possess afield a shotgun with buckshot, slug loads, or ball loads;
25 a bow and arrow; a muzzle-loading rifle or black powder handgun; or
26 a centerfire handgun or centerfire rifle during firearm deer season
27 unless that person has a valid firearm deer license, with an unused

1 kill tag, if issued, issued in his or her name. The person shall
2 exhibit an unused kill tag, if issued, upon the request of a
3 conservation officer, a law enforcement officer, or the owner or
4 occupant of the land.