

Legislative Analysis



HOLDERS OF OUT-OF-STATE PISTOL LICENSES: NO CARRYING PISTOLS IN PROHIBITED PLACES

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House Bill 5471

Sponsor: Rep. Jennifer Haase

Committee: Tourism, Outdoor Recreation and Natural Resources

Complete to 10-20-09

A SUMMARY OF HOUSE BILL 5471 AS INTRODUCED 09-25-09

In recent years, additional categories of persons have been exempted from the requirements for obtaining a concealed pistol license (CPL) under Section 12a of Public Act 372 of 1927 (MCL 28.432a). Section 12a currently lists 11 different exemptions in subdivisions (1)(a) through (k). The bill would make technical corrections to the act relating to these expanded exemptions.

Implied consent to chemical analysis. Section 5k of the act provides that acceptance of a CPL implies consent to a chemical analysis under that section, and that this implied consent provision also applies to persons exempt from the requirements for obtaining a CPL under Section 12a(a)-(f). The bill would update Section 5k to make it apply to persons exempt under Section 12a(a)-(k), rather than Section 12a(a)-(f). [This reference should probably read Section 12a(1)(a)-(k).]

Prohibited places. Section 5o(1) of the act provides that, subject to certain exceptions, neither a Michigan CPL holder nor a person exempt from licensure under 12a(1)(f) may carry a concealed pistol on the premises of any of the prohibited places listed in the act, which include schools, day care centers, sports arenas, hospitals, and college dormitories and classrooms. The bill would change the reference in 5o from a person exempt from licensure under Section 12a(1)(f) to a person exempt under Section 12a(1)(h). Section 12a(1)(h) refers to a person licensed in another state to carry a concealed pistol. The effect of this change would be to clarify that neither a Michigan CPL holder nor a holder of a CPL from another state may carry a concealed pistol in prohibited place.

Casinos. The bill would also change the reference in Section 5o(2) of the act to clarify that neither a Michigan CPL holder nor a holder of a CPL from another state may carry a concealed pistol in violation of a specified rule (R 432.1212 or its successor) promulgated under the Michigan Gaming Control and Revenue Act prohibiting firearms and other weapons from being carried in casinos.

FISCAL IMPACT:

The bill would not have a fiscal impact on the state or local government.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.