

PNEUMATIC GUN: INCLUDE BOLTS AND ARROWS

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House Bill 4332 as introduced

Sponsor: Rep. Beau Matthew LaFave

Committee: Natural Resources and Outdoor Recreation

Complete to 6-14-19

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

SUMMARY:

House Bill 4332 would amend the Natural Resources and Environmental Protection Act (NREPA) to expand the definition of pneumatic gun to include devices that shoot bolts or arrows by spring, gas, or air.

Pneumatic Guns

1990 PA 319 defines a pneumatic gun as any implement, designed as a gun, that will expel a BB or pellet by spring, gas, or air, including a paintball gun that expels plastic balls filled with paint to mark the point of impact. This is the definition of used in the Michigan Penal Code. This definition is also currently used to define pneumatic guns as firearms for the purposes of Part 401 (Wildlife Conservation) of NREPA—except that paintball guns are specifically excluded from being considered firearms under that part.

House Bill 4332 would define *pneumatic gun* in Part 401 of NREPA to mean an implement, designed as a gun, that will expel a BB, bolt, arrow, or pellet by spring, gas, or air. The new definition would still exclude paintball guns from being considered pneumatic guns or firearms for purposes of Part 401.

The bill would allow the Natural Resources Commission to issue orders allowing an individual to take game with a pneumatic gun during any open season in which a firearm may be used for taking that game. [Note: Pneumatic guns are defined as firearms under both current law and the bill.]

The bill would also allow the Department of Natural Resources (DNR) to issue a permit to an *individual with a disability or physical limitation* to take game with a pneumatic gun during an open season in which a bow may be used for taking game if that individual submits a certification from a physician, physical therapist, occupational therapist, or other medical professional stating that after examination he or she has determined that due to a physical disability or limitation, the individual is unable to hold, aim, and shoot a bow or crossbow. The DNR would have to develop a certification form and make it available to the public.

Under the bill, *individual with a disability or physical limitation* would mean an individual who is determined by a physician, physician assistant, or optometrist to have one or more of the following:

- Blindness (this condition may be determined by an optometrist or a physician assistant as well as by a physician).
- The inability to walk more than 200 feet without having to stop and rest.
- Both the inability to use 1 or both legs or feet and the inability to walk without the assistance of another person or the use of a wheelchair, walker, crutch, brace, prosthetic, or other device.

- A lung disease from which the person's forced expiratory volume for 1 second, when measured by spirometry, is less than 1 liter, or from which the person's arterial oxygen tension is less than 60 mm/hg of room air at rest.
- A cardiovascular condition that causes the person to measure between 3 and 4 on the New York heart classification scale, or that renders the person incapable of meeting a minimum standard for cardiovascular health that is established by the American Heart Association and approved by the Department of Health and Human Services.
- An arthritic, neurological, or orthopedic condition that severely limits the person's ability to walk.
- The persistent reliance upon an oxygen source other than ordinary air.

Other Amendments

NREPA currently allows the DNR to issue, to an individual who is unable to walk because the individual is a paraplegic, an amputee, or permanently disabled, a permit that authorizes the individual to take game from or upon a standing vehicle, if the game is in season and the individual holds a license for it and complies with all other laws and rules for taking it.

The bill would allow the DNR to issue such a permit to such an individual, and would further change the qualifying threshold from the inability to walk (at all) to the inability to walk through a dense wooded area or to walk 200 feet in field conditions due to a permanent or temporary disability or a medical condition.

NREPA also currently allows the DNR to issue, to a disabled individual who has full use of only one arm and is unable to hold, aim, and shoot a bow, a permit that authorizes the individual to take game using a modified bow that may be held, aimed, and shot with one arm, if the game is in season and the individual holds a license for it and complies with all other laws and rules for taking it. The bill also would remove a provision that now authorizes the Natural Resources Commission to issue an order regarding bows that are modified as described above (i.e., to be held, aimed, and shot with one arm).

The bill would take effect 90 days after its date of enactment.

MCL 324.40102 et seq.

FISCAL IMPACT:

House Bill 4332 would have an indeterminate fiscal impact on the DNR. It is unclear whether the expanded definition of pneumatic gun in NREPA or the expansion of hunting opportunities for persons with disabilities would result in an increase in permit revenue for the department. It is also unclear whether these new provisions, as well as the mandate for the DNR to issue a permit to a person unable to walk through a dense wooded area due to disability, would affect departmental costs. These changes would be unlikely to affect local government revenues or costs.

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