

Legislative Analysis



PROHIBIT FIREARMS IN THE STATE CAPITOL AND CERTAIN STATE LEGISLATIVE OFFICE BUILDINGS

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Senate Bill 858 (S-1) as passed by the Senate

Sponsor: Sen. Rosemary Bayer

House Committee: [Placed on second reading]

Senate Committee: Civil Rights, Judiciary, and Public Safety

Complete to 12-18-24

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

SUMMARY:

Senate Bill 858 would amend the Michigan Penal Code to generally prohibit (with some exceptions) possessing a firearm on the premises of any of the following:

- The Michigan State Capitol Building.
- The Anderson House Office Building.
- The Binsfeld Senate Office Building.

The Michigan Penal Code currently specifies certain areas, commonly called gun-free zones, where a person is prohibited from possessing a firearm. The bill would prohibit a person from possessing a firearm on the premises of the Michigan State Capitol, the Anderson House Office Building, or the Binsfeld Senate Office Building. This prohibition would not apply to any of the following:

- A peace officer.
- A person who owns the Michigan State Capitol, the Anderson House Office Building, or the Binsfeld Senate Office Building and who possesses the firearm to provide security services for that entity.
- A person who is employed or contracted by the Michigan State Capitol, the Anderson House Office Building, or the Binsfeld Senate Office Building and who possesses the firearm to provide security services for that entity.
- An individual who is licensed to carry a concealed pistol and is serving as a state representative or state senator.

MCL 750.234d

BACKGROUND:

The Michigan Penal Code prohibits a person from possessing a firearm on the premises of any of the following:

- A depository financial institution (e.g., a bank) or its subsidiary or affiliate.
- A church or other house of religious worship.
- A court.
- A theatre.
- A sports arena.
- A day care center.
- A hospital.
- An establishment licensed under the Liquor Control Code.

The above provisions do not apply to any of the following:¹

- A person licensed by this state or another state to carry a concealed weapon.
- A person who owns, or is employed or contracted by, an entity described above who possesses a firearm to provide security for that entity.
- A peace officer.
- A person who possesses a firearm on the premises of an entity described in subsection with the permission of the owner or an agent of the owner of that entity.

An individual who violates the above provisions is guilty of a misdemeanor punishable by imprisonment for up to 90 days or a fine of up to \$100, or both.

FISCAL IMPACT:

The bills would have an indeterminate fiscal impact on the state and on local units of government. The number of convictions that would result under provisions of the bills is not known. Violations would be misdemeanors, and new misdemeanor convictions would result in increased costs related to county jails and/or local misdemeanor probation supervision. Costs of local incarceration in county jails and local misdemeanor probation supervision, and how those costs are financed, vary by jurisdiction. The fiscal impact on local court systems would depend on how provisions of the bill affected court caseloads and related administrative costs. It is difficult to project the actual fiscal impact to courts due to variables such as law enforcement practices, prosecutorial practices, judicial discretion, case types, and complexity of cases. Any increase in penal fine revenue would increase funding for public and county law libraries, which are the constitutionally designated recipients of those revenues.

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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.

¹ These exceptions apply to the current provisions of the code. They would not apply to the bill, which provides for its own exceptions.