



Senate Fiscal Agency  
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## BILL ANALYSIS



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Senate Bills 225 and 226 (as passed by the Senate)  
Sponsor: Senator Dayna Polehanki (S.B. 225)  
Senator Rosemary Bayer (S.B. 226)  
Committee: Civil Rights, Judiciary, and Public Safety

Date Completed: 10-3-25

**RATIONALE**

Currently, the Michigan Capitol Commission prohibits weapons in the State Capitol following a 2020 incident in which armed protestors entered the building, some of whom demanded and were denied access to the Senate floor.<sup>1,2</sup> According to testimony before the Senate Committee on Civil Rights, Judiciary, and Public Safety, this is one of many examples of political violence in recent years. Others include the Federal Bureau of Investigation arresting 13 men suspected of participating in a plot to kidnap Governor Gretchen Whitmer in 2020 and armed protestors attacking the United States Capitol to overturn the results of the 2020 presidential election on January 6, 2021. The latter incident resulted in the injury of 140 law enforcement officers, one of whom died as a result.<sup>3</sup> Testimony also indicates that lawmakers and others involved in politics increasingly face violent rhetoric online. Due to the rising threat of political violence, it has been suggested that the State codify the Commission's Capitol weapons ban and extend the ban to legislative buildings.

**CONTENT**

**Senate Bill 225 would amend the handgun licensure law to prohibit an individual from carrying a concealed pistol in the Michigan State Capitol Building, the Anderson House Office Building, and the Binsfeld Senate Office Building unless that individual was a serving member of the Michigan Senate or Michigan House of Representatives who had a concealed pistol license (CPL).**

**Senate Bill 226 would amend the Michigan Penal Code to prohibit an individual from possessing a firearm in the Michigan State Capitol Building, the Anderson House Office Building, and the Binsfeld Senate Office Building unless that individual was a serving member of the Michigan Senate or Michigan House of Representatives who had a CPL.**

**Senate Bill 225**

Generally, the handgun licensure law prohibits a person who has a CPL, or who is exempt from licensure, from carrying a concealed pistol on the premises, excluding the parking lots, of any of the following:

<sup>1</sup> "New Procedure for Security in the Michigan State Capitol Building", Michigan State Capitol Commission. September 23, 2023.

[https://cdn.prod.website-files.com/65c44bbccb9a41d80dd87dc3/66045f3da40f1f800b466732\\_Security-Procedure.pdf](https://cdn.prod.website-files.com/65c44bbccb9a41d80dd87dc3/66045f3da40f1f800b466732_Security-Procedure.pdf)

<sup>2</sup> "Michigan Bans Open Carry of Guns Inside State Capitol" PBS News. Retrieved 11-23-24.  
<https://www.pbs.org/newshour/politics/michigan-bans-open-carry-of-guns-inside-state-capitol>

<sup>3</sup> Dreisbach, Tom, "As Trump rewrites history, victims of the Jan. 6 riot say they feel 'betrayed'", *NPR*, January 5, 2025.

- A school or school property, except for a student's parent or legal guardian while in a vehicle on school property, if he or she is dropping off or picking up the student.
- A public or private child care center or day care center, child caring institution, or child placing agency.
- A sports arena or stadium.
- A licensed bar or tavern whose primary source of income is the sale of liquor by the glass for on-premises consumption.
- Any property or facility owned or operated by a church, synagogue, mosque, temple, or other place of worship, unless its presiding official or officials permit the carrying of a concealed pistol on the property or facility.
- An entertainment facility with a seating capacity of 2,500 or more that the person knows or should know has such a seating capacity or that has a sign stating that capacity.
- A hospital.
- A dormitory or classroom of a community college, college, or university.

A violation is a State civil infraction punishable by a fine of up to \$500 and a six-month suspension of the individual's CPL. A second violation is a misdemeanor punishable by a fine of up to \$1,000 and CPL revocation. A third or subsequent violation is a felony punishable by up to four years' imprisonment or a fine of up to \$5,000, or both, and CPL revocation.

Under the bill, the provisions above would apply to the premises of the Michigan State Capitol Building, the Anderson House Office Building, or the Binsfeld Senate Office Building. The bill would exempt from its provisions an acting member of the Michigan House of Representatives or the Michigan Senate who had a CPL.

### **Senate Bill 226**

Under the Michigan Penal Code, a person is prohibited from possessing a firearm on the premises of any of the following:

- A depository financial institution or a subsidiary or affiliate of such an institution.
- 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 Michigan Liquor Control Code.

A violation is a misdemeanor punishable by up to 90 days' imprisonment or a maximum fine of \$100, or both. Under the bill, the provisions above would apply to the premises of the Michigan State Capitol Building, the Anderson House Office Building, and the Binsfeld Senate Office Building. The bill would exempt from its provisions an acting member of the Michigan House of Representatives or the Michigan Senate who had a CPL.

MCL 28.425o (S.B. 225); 750.234d (S.B. 226)

### **PREVIOUS LEGISLATION**

*(This section does not provide a comprehensive account of previous legislative efforts on this subject matter.)*

Senate Bills 225 and 226 are reintroductions of Senate Bills 857 and 858 of the 2023-2024 Legislative Session, respectively. Senate Bills 857 and 858 passed the Senate but received no further action.

## **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

### **Supporting Argument**

Allowing firearms to enter the Capitol undermines the State's democratic process. Reportedly, many people fear firearms due to their association with violence. Their presence may trigger emotional or physical distress, leading some individuals to self-censor to avoid the perceived danger. Testimony also indicates that bad actors may use firearms intentionally to intimidate political officials. In either case, the presence of firearms stifles the political debate necessary to the democratic process. Additionally, testimony indicates that the presence of firearms often heightens tension and confrontation. Firearms are dangerous and could turn already-volatile situations violent. Legislators and staff should be able to conduct business, engage in debate, and pass laws without fearing for their lives. For this reason, the Capitol Commission banned the carry of firearms within the Capitol Building; however, the Capitol Commission consists of members appointed by the Governor. A Governor unsympathetic to the concerns of lawmakers could reverse the Commission's decision. The State should codify the Capitol Commission's practice to protect the State's democratic process across administrations.

### **Supporting Argument**

The State should codify the Capitol Commission's ban on firearms to ensure the safety of everyone in the Capitol Building. While legislators and legislative staff work in the buildings protected under the bill, tourists, schoolchildren, protestors, and more visit and tour Michigan's Capitol. According to the organization Choose Lansing, 115,000 people visit the Capitol each year.<sup>4</sup> If a bad actor threatened the Capitol, many people could be endangered. No one, including public officials, should be threatened by violence. For this reason, the State should codify the Capitol Commission's practice to protect lives.

**Response:** Armed protestors often visit the State Capitol, yet no incidences of violence have occurred there. Additionally, testimony indicates that laws banning the carry of firearms do not deter bad actors, who may target gun-free zones where the victims are unable to protect themselves. The bill would make those in the Capitol building vulnerable by restricting the carry of firearms to be used for self-defense.

### **Opposing Argument**

Some individuals believe that the Second Amendment of the U.S. Constitution, which protects the right to bear arms, should supersede any restriction on the carry of firearms. As such, codifying the Capitol Commission's ban on firearms would infringe on Michigan residents' rights to carry.

**Response:** Generally, the Supreme Court recognizes the constitutionality of certain firearms bans in "sensitive places", including government buildings.<sup>5</sup>

### **Opposing Argument**

The bill is inequitable, as it would allow lawmakers to carry firearms and not their constituents. State lawmakers are responsible for proposing, enacting, and upholding State law. They work for Michigan residents and should be bound by the same rights and restrictions. The bill would elevate lawmakers above their constituents and staff by providing them with a legal exemption to carry firearms within government buildings.

Legislative Analyst: Tyler VanHuyse

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<sup>4</sup> "Tour the Michigan State Capitol - Lansing, MI", Choose Lansing. Retrieved 10-2-25.  
<https://www.lansing.org/things-to-do/attractions/state-capitol/>.

<sup>5</sup> *District of Columbia v. Heller*, 554 U.S. 570 (2008).

## **FISCAL IMPACT**

### **Senate Bill 225**

The bill's criminal penalties could have a negative fiscal impact on State and local government. Violations of the bill would be punishable as misdemeanors and felonies of different severity. More misdemeanor and felony arrests and convictions could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. Misdemeanor convictions could increase county jail and local probation supervision costs, which vary by jurisdiction and are thus indeterminate. Based on 2023 data, the average cost to State government for felony probation supervision is approximately \$4,600 per probationer per year. For any increase in prison intakes the average annual cost of housing a prisoner in a State correctional facility is an estimated \$48,700. Per diem rates range from \$100 to \$431 per day (average per diem is \$135), depending on the security level of the facility. Additionally, any associated fine revenue would increase funding to public libraries.

### **Senate Bill 226**

The bill could have an indeterminate negative fiscal impact and an indeterminate positive fiscal impact on State and local government. New misdemeanor arrests and convictions under the bill could increase resource demands on law enforcement, court systems, community supervision, and jails; however, it is unknown how many people would be prosecuted under provisions of the bill. Local jail costs vary by jurisdiction and thus costs for local governments would vary. Local revenue to local libraries could increase under the bill as any additional revenue from imposed fines would go to local libraries.

Fiscal Analyst: Joe Carrasco, Jr.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.