



**House
Legislative
Analysis
Section**

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**CCW EXEMPTIONS FOR RETIRED,
RESERVE, PART-TIME POLICE
OFFICERS**

House Bill 6108

Sponsor: Rep. Jim Howell

House Bill 6109

Sponsor: Rep. Steve Vear

House Bill 6110

Sponsor: Rep. Cameron Brown

House Bill 6111

Sponsor: Rep. Laura Toy

House Bill 6112

Sponsor: Rep. Larry Julian

House Bill 6113

Sponsor: Rep. Andrew Raczkowski

**Committee: Civil Law and the Judiciary
Complete to 5-21-02**

House Bill 6108-6113 (5-21-02)

A SUMMARY OF HOUSE BILLS 6108-6113 AS INTRODUCED 5-21-02

The bills would amend the handgun licensure act and the Michigan Penal Code to provide exemptions from certain requirements concerning concealed pistols licensure for former police officers, reserve police officers, and part-time police officers.

Exemption from firearm safety training. Public Act 381 of 2000 amended the act to change the procedures by which citizens can apply for and receive a license to carry a concealed pistol. Among the requirements imposed on persons seeking a CCW license, the 2000 legislation requires that applicants complete a firearm safety course, covering topics such as the safe use and handling of a pistol, ammunition, pistol shooting, legal issues concerning firearms, avoiding criminal attack and controlling violent confrontations, and Michigan laws concerning carrying a concealed weapon. Public Act 381 specified that a peace officer or former peace officer who held a general nonrestricted license on July 1, 2001 was exempt from the educational requirements. House Bill 6109 would amend the act (MCL 28.425*l*) to delete the requirement that, to qualify for an exemption, a peace officer or former peace officer must have held a license on July 1, 2001; instead, under the bill, the exemption would apply to all peace officers and former peace officers. House Bill 6108 would amend another section of the act (MCL 28.425*j*) to specify that the educational requirements would not apply to a peace officer or former peace officer. (In both bills, a “peace officer or former peace officer” would be defined to mean an individual who is certified or was certified as a police officer or law enforcement officer by the Michigan Law Enforcement Officers Training Council or the Commission on Law Enforcement Standards, and who is [or was] employed full-time or part-time as a peace officer by the state or a political subdivision.)

Exemption from restricted premises. Public Act 381 of 2000 prohibits carrying a concealed pistol on the premises of certain institutions, including a school or school property, a child care facility, a sports arena or stadium, a bar, a place of worship, an entertainment facility with a seating capacity of 2,500 or more, a hospital, and a dormitory or classroom of a college or university. The 2000 legislation exempted peace officers and certain others from these restrictions. House Bill 6110 would amend the act (MCL 28.425y) to specify that the restrictions would not apply to a reserve or part-time peace officer while on duty at a location designated by the chief law enforcement officer of the employing police agency. (The bill does not define “reserve or part-time peace officer”.) House Bill 6112 would amend the act (MCL 28.425z) to exempt former peace officers from the restrictions. (The bill contains definitions of “peace officer” and “former peace officer” that differ from the definition contained in House Bills 6108 and 6109 [see above]. Under House Bill 6112, a “former peace officer” would mean a person who was employed as a peace officer for five years or more and who is otherwise eligible to possess a firearm under the act. A “peace officer” would include a county sheriff or deputy; a police officer of the Department of State Police or of a city, village, or township; a police officer or public safety officer of a junior college, college, or university who is authorized to enforce the general criminal laws of the state and who is authorized by the employing entity to carry a firearm in the course of duty; a conservation officer of the Department of Natural Resources or the Department of Environmental Quality who is authorized to carry a firearm in the course of duty; and a federal law enforcement officer who is authorized to carry a concealed pistol in the course of duty.)

Exemption from prohibition on certain weapons. The Michigan Penal Code prohibits carrying a concealed weapon without a license, and prohibits possession of certain specified weapons, including automatic firearms, mufflers and silencers, bombs or bombshells, and gas ejecting devices. In addition, the penal code contains restrictions on transporting or possessing a loaded firearm in a vehicle or boat. Peace officers are exempt from these prohibitions. House Bill 6111 would amend the penal code (MCL 750.231) to also provide an exemption from these prohibitions for a regularly employed reserve police officer. (The bill does not define “reserve police officer” or “regularly employed”.)

Exemption from alcohol restrictions. Public Act 381 prohibits a person from carrying a concealed pistol while under the influence of alcohol or a controlled substance, or while having a bodily alcohol content above certain levels. The act also specifies that acceptance of a license to carry a concealed pistol constitutes implied consent to submit to chemical analysis (collection of blood, breath, or urine for testing). These provisions currently apply to license holders as well as to those *exempted* from licensure (peace officers, constables, certain Department of Corrections employees, on-duty military personnel, members of the national guard or reserves while on duty or drill, and nonresidents who are licensed in their home state to carry a concealed pistol. House Bill 6113 would amend the handgun licensure act (MCL 28.425k) to specify instead that the restrictions on alcohol would apply only to those required to be licensed under the act, and to nonresidents who hold licenses in other states, and *not* to the other persons listed as exempt from licensure (peace officers, DOC employees, etc.).

Analyst: D. Martens

■ 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.