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BILL ANALYSIS

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Senate Bill 505 (as introduced 5-15-07)
Sponsor: Senator Roger Kahn, M.D.
Committee: Judiciary

Date Completed: 12-10-07

CONTENT

The bill would amend the handgun licensure Act to exclude a State court judge or retired judge who was licensed under the Act from provisions prohibiting an individual who is licensed to carry a concealed pistol, or who is exempt from licensure, from carrying a concealed pistol on certain premises.

The Act prohibits a person who is licensed to carry a concealed pistol, or who is exempt from licensure, from carrying a concealed pistol on the premises (excluding the parking areas) of any of the following:

- A school or school property, except in the case of 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 maximum fine of \$500, and the court must order the individual's license to carry a concealed pistol suspended for six months. A second violation is a misdemeanor punishable by a maximum fine of \$1,000, and revocation of the individual's license to carry a concealed pistol. A third or subsequent violation is a felony punishable by up to four years' imprisonment and/or a maximum fine of \$5,000, and license revocation.

Under the bill, the prohibition against carrying a concealed pistol on the premises listed above would not apply to a State court judge or State court retired judge who was licensed under the Act. The concealed weapon licensing board could require a retired judge to obtain and carry a letter from the Judicial Tenure Commission stating that he or she was in good standing, in order to qualify for this exemption. A State court judge would be a district, circuit, probate, or Court of Appeals judge, or a justice of the Supreme Court,

serving either by election or by appointment. A State court retired judge would be such a judge or justice who was retired.

Currently, the prohibition against carrying a concealed pistol in the no-carry zones described above does not apply to any of the following:

- A licensee under the Act who is a retired police officer or retired law enforcement officer.
- An individual licensed under the Act who is employed or contracted by an entity in a no-carry zone to provide security services and is required by his or her employer or the terms of a contract to carry a concealed firearm on the premises of the employing or contracting entity.
- An individual licensed as a private investigator or private detective.
- Any of the following who is licensed under the Act, while on duty and in the course of his or her employment: a corrections officer of a county sheriff's department; a Department of State Police motor carrier officer or Capitol security officer; a member of a sheriff's posse; a police or sheriff's department auxiliary officer or reserve officer; or a Department of Corrections parole or probation officer.

MCL 28.421 & 28.425o

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. There have been no felony convictions for carrying a concealed pistol on no-carry premises for a third or subsequent violation since the current penalties were enacted in 2000. There are no data on misdemeanor convictions. To the extent that the bill would reduce convictions, local governments would incur decreased costs of misdemeanor probation and incarceration in local facilities, which vary by county. The State would incur decreased costs of felony probation at an annual average cost of \$2,000, as well as the cost of incarceration in a State facility at an average annual cost of \$31,000.

Fiscal Analyst: Lindsay Hollander

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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.