



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bills 760, 761, and 762 (as enacted)
Sponsor: Senator Mike Green (S.B. 760)
Senator Mike Kowall (S.B. 761)
Senator Dave Robertson (S.B. 762)

Senate Committee: Judiciary
House Committee: Judiciary

Date Completed: 7-6-12

PUBLIC ACTS 242, 243, & 244 of 2012**CONTENT**

Senate Bills 760, 761, and 762 amend the Michigan Penal Code, the handgun licensure law, and the Revised Judicature Act, respectively, to reduce the maximum length of a firearm in the definition of "pistol". Senate Bills 760 and 762 also revise provisions pertaining to the sale and use of certain pistols.

Senate Bills 760 and 761 specify that a person may lawfully own, possess, carry, or transport, as a pistol, a firearm greater than 26 inches long if the person registered the firearm as a pistol under the handgun licensure law, before January 1, 2013. The person also must maintain the pistol registration after that date, without lapse, and possess a copy of the pistol license or record.

All of the bills were tie-barred and will take effect on January 1, 2013.

Senate Bill 760

Under Chapter 37 (Firearms) of the Michigan Penal Code, the definition of "pistol" includes a loaded or unloaded firearm that is 30 inches or less in length. The bill instead refers to a loaded or unloaded firearm that is 26 inches or less in length.

In addition, under Chapter 37, it is a misdemeanor punishable by up to 90 days' imprisonment and/or a maximum fine of \$500 for a person knowingly to sell a firearm

more than 30 inches long to a person under 18 years of age. A second or subsequent violation is a felony punishable by up to four years' imprisonment and/or a maximum fine of \$2,000. Under the bill, those penalties will apply to a person who knowingly sells a firearm longer than 26 inches to someone under 18.

Senate Bill 761

The handgun licensure law regulates the sale, purchase, possession, and carrying of pistols. The law's definition of "pistol" includes a loaded or unloaded firearm that is 30 inches or less in length. The bill instead refers to a loaded or unloaded firearm that is 26 inches or less in length.

Senate Bill 762

Under the Revised Judicature Act, a person who uses an approved signaling device is strictly liable for any damage caused to person or property by that use unless the person reasonably believes that using the device is necessary for his or her safety, or that of another person, on Michigan waters or in an aircraft emergency situation.

The Act defines "approved signaling device" as a pistol that is a signaling device approved by the U.S. Coast Guard. The Act's definition of "pistol" includes a loaded or unloaded firearm that is 30 inches or less in length. The bill instead refers to a loaded or unloaded firearm that is 26 inches or less in length.

The bill also deletes the reference to "emergency situation" from the exception to strict liability, leaving the reference to an aircraft.

MCL 750.222 et al. (S.B. 760)
28.421 (S.B. 761)
600.2951 (S.B. 762)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills will have an indeterminate, but likely negligible, fiscal impact on State and local government. To the extent that the revised definitions in the bills lead to a reduction in the number of misdemeanor and felony convictions related to the sale of pistols, the State and local units of government may experience a reduction in correctional costs. Any foregone penal fine revenue will affect public libraries, which are the recipients of that revenue.

Fiscal Analyst: Dan O'Connor

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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.