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Senate Bills 760, 761, and 762 (as introduced 10-19-11)

Sponsor: Senator Mike Green (S.B. 760)

Senator Mike Kowall (S.B. 761)

Senator Dave Robertson (S.B. 762)

Committee: Judiciary

Date Completed: 10-31-11

### **CONTENT**

**Senate Bills 760, 761, and 762 would 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 would revise provisions pertaining to the sale and use of certain pistols.**

The bills are tie-barred and would take effect on January 1, 2012.

#### **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 would refer 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 would apply to a person who knowingly sold 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 would refer 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 its use 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 would refer to a loaded or unloaded firearm that is 26 inches or less in length.

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

MCL 750.222 & 750.223 (S.B. 760)  
28.421 (S.B. 761)  
600.2951 (S.B. 762)

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

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

Fiscal Analyst: Matthew Grabowski

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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.