

Legislative Analysis



NO CARRY ZONE PROVISIONS: EXPAND EXEMPTIONS

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House Bill 4159 (Reported from committee w/o amendment)
Sponsor: Rep. Joel Johnson
Committee: Judiciary

Analysis available at
<http://www.legislature.mi.gov>

Complete to 2-24-15

SUMMARY:

House Bill 4159 would allow the following individuals who had a license to carry a concealed pistol to carry that pistol in a "no-carry" zone:

- Retired corrections officer of a county sheriff's department.
- Active or retired corrections officer, active or retired absconder recovery unit member, or a retired parole or probation officer of the Department of Corrections.

Currently, even if a person holds a concealed pistol license (CPL), he or she cannot carry the concealed pistol into certain places such as day care centers or bars – known as *no-carry zones* or *weapon-free zones* – unless specifically allowed by statute (e.g., a retired police or law enforcement officer). Specifically, the bill would do the following:

House Bill 4159 would amend the Handgun License Act to specifically authorize an active or retired corrections officer or absconder recovery unit member of the Department of Corrections (DOC) who held a concealed pistol license (CPL) to carry a pistol in a no-carry zone. Probation and parole officers of the DOC, and corrections officers of a county sheriff's department, are currently allowed to carry a pistol under a CPL in a no-carry zone; the bill would extend this authority to a retired probation or parole officer or a retired corrections officer of a county sheriff's department. The concealed weapon licensing board could require a letter from a county sheriff's department or the DOC stating that the individual retired in good standing.

MCL 28.425o

BRIEF DISCUSSION OF THE ISSUES:

The bill expands the list of individuals who may carry a concealed pistol into a no carry zone to include individuals who work in or retired from professions that put them in greater contact with criminals and thus carry a greater risk of harm from someone seeking retribution. Proponents of the bill say that these individuals are most vulnerable when dropping their children off at day care or school, attending church, or when entering any of the current gun-free zones. The bill will enable them to protect themselves and their families, and also act as a deterrent for those who would endanger others by targeting them in no carry zones. Further, state and local corrections officers are similarly trained to other

exempt professionals. Reportedly, there have been several incidents over the past few years of corrections officers (active and retired) or their family members being the target of verbal and/or physical threats, including have shots fired at them. In 2012, a state corrections officer was shot and killed while on the way home. Had the officer been covered under the CPL no carry zone exemptions, he would most likely have had his concealed pistol with him and been able to defend himself.

Opponents to this piecemeal expansion of exemptions from the no carry zone prohibition say that all CPL holders should be able to carry their pistols at all times. They point out that most of the exempted individuals are not better shots than the average CPL holder and therefore should not get the exemption without demonstrated ability that would offer some assurance that bystanders would not be injured should they fire or return fire at an assailant. Further, it has been pointed out that there are no data to support that the individuals highlighted in the legislation are being targeted while in no carry zones. Most of the reported incidents happened outside of no carry zones such as while at home or were threats directed at other family members - none of whom would have been made safer by the provisions of these bills.

FISCAL IMPACT:

The bill would have no significant fiscal impact on the state or local units of government.

POSITIONS:

A representative of the Michigan Corrections Organization testified in support of the bill. (2-17-15)

The Barry County Sheriff indicated support for the bill. (2-10-15)

A representative of the Calhoun County Gun Owners testified in opposition to the bill. (2-17-15)

A representative of Michigan Open Carry testified in opposition to the bill. (2-17-15)

Shooters Alliance for Firearm Rights indicated opposition to the bill. (2-17-15)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.