



Senate Fiscal Agency  
P.O. Box 30036  
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383  
Fax: (517) 373-1986

Senate Bill 79 (Substitute S-2 as reported)  
Senate Bill 80 (Substitute S-1 as reported)  
Sponsor: Senator Rosemary Bayer (S.B. 79)  
          Senator Kristen McDonald-Rivet (S.B. 80)  
Committee: Civil Rights, Judiciary, and Public Safety

## **CONTENT**

Senate Bill 79 (S-2) would amend the handgun licensure Act to do the following:

- Require an individual to comply with certain requirements for the safe storage of a firearm on a premise where a minor was present or was likely to be present.
- Prescribe penalties for violations of the bill.
- Require the Department of Health and Human Services (DHHS) to inform the public of the requirements and penalties of the bill.
- Require the DHHS to publish lethal means counseling literature and provide that literature to Federally licensed firearm dealers.
- Require Federally licensed firearm deals to include specified literature with the sale of a firearm
- Modify a provision requiring Federally licensed firearm dealers to post language about safe storage on points of sale on the premises where firearms are sold.
- Delete specified provisions, such as a provision specifying that a Federally licensed firearm dealer is not liable for damages arising from the use or misuse of a firearm if the sale complies with the State or Federal law and a provision prohibiting a political subdivision from bringing a civil action against any person who produces a firearm or ammunition, among other provisions pertaining to civil actions under the Act.

Senate Bill 80 (S-1) would amend Code of Criminal Procedure to add failing to store a firearm resulting in death or injury to the sentencing guidelines.

Senate Bill 80 is tie-barred to Senate Bill 79.

MCL 28.435 et al. (S.B. 79)  
777.11b (S.B. 80)

## **BRIEF RATIONALE**

Michigan law prohibits a minor from possessing a firearm unless under the direct supervision of an adult. Some contend that this prohibition fails to prevent some minors from gaining access to firearms and using them without the required supervision, which sometimes leads to injuries or fatalities. Accordingly, it has been suggested that individuals be required to store firearms in locked containers or with locking devices to prevent their unsupervised use by minors.

Legislative Analyst: Tyler P. VanHuyse

## **FISCAL IMPACT**

Senate Bill 79's criminal penalties could have a negative fiscal impact on the State and local government. Violations would be punishable as misdemeanors and felonies of varying

severity. More misdemeanor and felony arrests and convictions could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. The average cost to State government for felony probation supervision is approximately \$3,400 per probationer per year. For any increase in prison intakes, the average annual cost of housing a prisoner in a State correctional facility is an estimated \$45,700. Per diem rates range from \$98 to \$192 per day, depending on the security level of facility. Any associated increase in fine revenue would increase funding to public libraries.

Senate Bill 79 would lead to indeterminate minor costs for the Department of Health and Human Services (DHHS) resulting from the requirement that it publish lethal means counseling literature and provide that literature to Federally licensed firearms. Additionally, the DHHS would face an indeterminate increase in costs resulting from the requirement that the public be informed of the penalties proposed under the bill. The bill does not specify what means DHHS would need to use to inform the public. If the requirements could be fulfilled through making the information available on the Department's webpage, the cost would be minimal. However, if it is necessary that the Department implement a statewide media campaign, the costs could increase significantly.

Senate Bill 80 would have no fiscal impact on local government and an indeterminate fiscal impact on the State, in light of the Michigan Supreme Court's July 2015 opinion in *People v. Lockridge*, in which the Court ruled that the sentencing guidelines are advisory for all cases. This means that the addition to the guidelines under the bill would not be compulsory for the sentencing judge. As penalties for felony convictions vary, the fiscal impact of any given felony conviction depends on judicial decisions.

Date Completed: 3-14-23

Fiscal Analyst: Elyn Ackerman  
Joe Carrasco, Jr.

SAS\Floor\sb79

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.