

## Michigan's New Concealed Weapon Law Referendum Petition Drive Under Way

*“As bishops, we support measures that control the sale and use of firearms and make them safer (especially efforts that prevent their unsupervised use by children or anyone other than the owner), and reiterate our call for sensible regulation of handguns.”*

**Responsibility, Rehabilitation and Restoration,  
U.S. Catholic Bishops, 2000**

On January 1, 2001 Governor John Engler signed into law Public Act 381. This new law liberalizes the current mechanisms an individual could use to obtain a concealed weapon (CCW) permit. The new law removes the requirement that an applicant for a CCW permit demonstrate a need for a concealed weapon and removes the discretion of the local county concealed weapon licensing board in making a decision on an application. It converts Michigan from a “may issue” state to a “shall issue” state.

### **Legislative History**

During the Michigan legislature's lame duck session, legislation was passed that altered the existing mechanisms an individual could use to obtain a concealed weapon permit. This legislation had been in the works since the previous legislative session. It was put on hold for political reasons more than once, as incidences of gun violence reared their ugly heads at inopportune times for passage. The Michigan Catholic Conference urged defeat of the legislation since its inception.

Under current Michigan law, a person over 18 years of age wishing to carry a concealed weapon must apply to his or her county concealed weapon licensing board for a permit. An individual must indicate a good reason to fear injury to his or her person or property or have “other proper reasons” and must be a “suitable person to be licensed.” Further, a person cannot have a felony conviction in the past 8 years, or a pending felony charge, and receive a permit. The county board maintains the ultimate authority/discretion to issue a license.

***The recently enacted law turns Michigan into a “shall issue” state from a “may issue” state by removing the discretion that a county licensing board can exercise.*** If an individual meets the following criteria, then a county concealed weapon licensing board shall issue a permit:

- Must be at least 21 years old
- Must not have mental health condition
- Must not have ever been convicted of a felony or have a felony charge pending
- Must not have been convicted of a misdemeanor violation of certain enumerated misdemeanors 8 years prior to application for a permit
- Complete 8 hours of training in the safe use and handling of a pistol

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The most significant change under the new law is that the requirement of a “demonstration of need” for a CCW permit is no longer in the law.

Certain facilities would be “gun-free” zones, including houses of worship, schools (though you may carry a concealed weapon in your vehicle when you pick up your children outside of school), day-care centers, hospitals, bars, sports arenas or stadiums, entertainment facilities with a 2,500 or more seating capacity and college dormitories or classrooms.

Businesses and government agencies may not ban guns from their premises.

## **Arguments - Pro and Con**

Proponents of the legislation offer several arguments as to why the present system for issuing permits needs to be changed. Chief among these reasons is the perceived arbitrary manner in which CCW permits are issued. Opponents of the new law argue that the projected increase in the number of concealed weapons in society will only contribute to greater violence. Below is a summary of some of the arguments being used in the debate:

**Pro:** The Michigan Constitution guarantees the right to keep and bear arms.

**Con:** The Constitutional right to bear arms is not being challenged. The exercise of the right should be subject to reasonable regulation and discretion of the local concealed weapon licensing board in order to protect the health, safety, and welfare of the public. The liberalization of standards to obtain a permit to conceal a handgun potentially, unnecessarily, and recklessly endangers the public.

**Pro:** Statewide standards enable the state to establish a uniform and standardized system for the issuance of permits. This would eliminate the subjectivity currently in place, which causes uneven results in where CCW permits are issued.

**Con:** The discretionary powers of county concealed weapon licensing boards are necessary for the reasonable application of varying community standards. Current permit denials are based on reasonable decision-making authority of local boards and are not arbitrary. A 1994 review by the State Police of 14 counties showed a 90% permit approval rating.

**Pro:** The increased likelihood that an intended victim could be carrying a gun would act to deter would-be criminals. According to crime trend reports in some “shall issue” states, state homicide rates have decreased 25-35%.

**Con:** It has been estimated that the proposed changes could arm up to 200,000 more state residents. More guns on the streets further endanger innocent victims. Although the purpose of self-defense may validate liberalized gun laws, statistics show that homicides, suicides and accidental deaths out number self-defense deaths 40-1.

The “People Who Care About Kids” coalition is a registered ballot committee seeking to reject Public Act 381 using the referendum process as outlined in Michigan’s Constitution. The coalition wants to place this issue on the November 2002 ballot.

## **Referendum Process**

In order to have a law repealed using the referendum process, petitions must be circulated and signatures collected representing 5% of the total vote in the previous gubernatorial election. For this referendum 151,356 valid signatures must be obtained. The signatures must be collected within 90 days of the legislature adjourning sine die. In this instance the signatures must be collected and submitted by March 27, 2001. The submission and certification of the signatures postpones the effective date of the enacted law until the people of the state vote on the issue in November 2002.

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In a joint legislative conference committee an appropriation of \$1 million was added to the legislation to pay for trigger locks. Michigan law prohibits referendums on laws that include an appropriation. The placement of an appropriation on legislation in conference committee violates the rules of the legislature insofar as neither the House nor the Senate versions of these bills contained an appropriation. The addition of the appropriation is widely seen as merely an effort to frustrate referendum efforts. Some legislators have even admitted as such. This issue will have to be dealt with in the courts should the existence of appropriation language be used to block a referendum on the CCW law.

### **Rationale for Church Involvement**

*The basis for Church involvement in supporting referendum efforts on this issue must reside in the respect life ethic of Catholic social teaching.* The cost of violent crime to human life is enormous. The possibility of an increased presence of handguns in our communities can only lead to potential for more incidences of violence and death.

Handguns are the instruments most often used for violence in our society because they are relatively simple to use and can be concealed. While opposing the liberalization of the CCW law does not necessarily address the multiple forces that contribute to violence in our culture, it does send a powerful message that the Church recognizes the inherent dangers that an increase in the number of guns in our society poses.

In this sense, the Church puts the universal demands of social order, human safety and the common good ahead of the individual right to private property.

***To become involved in the petition drive please contact:***

### ***People Who Care About Kids***

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The freedom to possess and use handguns must give way to the rights of all people to safety and protection against those who wrongly use these weapons. While there is no simple solution or single root cause to our culture of violence, Catholics are on solid ground when we observe that our response to violence is first and foremost a spiritual issue. All citizens are called to prevent and reduce violence. As Catholics, we have a moral obligation to respond to violence as a test of our faith.

*“Our social fabric is being torn apart by a culture of violence that leaves children dead on our streets and families afraid in our homes. Our society seems to be growing numb to human loss and suffering. A nation born in a commitment to ‘life, liberty and the pursuit of happiness’ is haunted by death, imprisoned by fear and caught up in the elusive pursuit of protection rather than happiness.”*

**Confronting a Culture of Violence, U.S. Catholic Bishops, 1994.**

## **Referendum Coalition Members**

The Michigan Catholic Conference	The National Conference for Community and Justice
The Michigan Police Legislative Coalition	Detroit Police Lieutenants and Sergeants Association
The Police Officers Labor Council	Detroit Police Officers Association
Catalyst for Action	Michigan Association of Police
The Michigan Parent Teacher Association	Warren Police Officers Association
Michigan State Police Troopers Association	Million Mom March
Michigan State Police Command Officers Association, Inc.	Wayne County Prosecutor Michael Duggan
Michigan's Children	Saginaw County Prosecutor Michael Thomas
Michigan Library Association	Saginaw County Sheriff Charles Brown
The Michigan Municipal League	Barry County Sheriff Steve DeBoer
Michigan Association of Elementary and Middle School Principals	Bay County Prosecutor Joseph Sheeran
The Michigan Association of Non-Public Schools Parent Network	Former Eaton County Sheriff Patrick Hutting
The Michigan Partnership to Prevent Handgun Violence	Macomb County Prosecutor Carl Marlinga
Michigan Association of Theatre Owners	Michigan Attorney General Jennifer Granholm
Flint Police Officers Association	Dearborn Chief of Police Ron Diezel

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