

Michigan Supreme Court Rules That New CCW Law Goes Into Effect Immediately

July 17, 2001

The Michigan Supreme Court has held that Public Act 381, otherwise known as the new Carrying Concealed Weapon ("CCW") law, is not subject to referendum and became law effective July 1, 2001. The Court, in a 4-3 decision, reversed a recent unanimous Michigan Court of Appeals decision suspending the CCW law due to the successful petition drive conducted by various opposition groups. Opposition groups had obtained enough signatures to subject the law to a statewide vote in November 2002.

Public Act 381 contains a \$1 million appropriation provision to be allocated to the Michigan State Police to administer various components of the law. The Michigan Constitution expressly states that the power of referendum "does not extend to acts making appropriations for state institutions." The Michigan Supreme Court therefore ruled that because the Legislature, in enacting Public Act 381, provides an appropriation to a state institution, the law is not subject to referendum.

The new CCW law makes it easier for Michigan residents to obtain a CCW permit. Under the law, county gun boards are required to issue CCW permits to any citizen at least 21 years old who has no felony convictions or any history of mental illness. Applicants with misdemeanor convictions must wait, depending on the seriousness of the misdemeanor, between three to eight years before receiving a CCW permit. All applicants must complete an 8-hour pistol safety training course and submit to a comprehensive background check.

Although the number of Michigan residents obtaining CCW permits is expected to dramatically increase under Public Act 381, the law expressly permits employers to prohibit employees from carrying a concealed firearm while at work.

We would like to remind employers that they should adopt written policies prohibiting their employees from carrying a concealed weapon while on company property or on company business and that such policies should be inserted in the company's employee handbook. Furthermore, the policy should be part of a larger, comprehensive program to prevent workplace violence. Such a program may reduce the possibility of serious workplace violence, and help an employer avoid expensive litigation. It would, of course, be prudent to have the company's workplace violence program and CCW policy reviewed by legal counsel before implementation.

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