

How do I transport my pistol in a vehicle?

Per **MCL 750.231a (1)(d)&(e)**: Without a CPL, if transporting a pistol for a lawful purpose that is licensed by the owner or occupant of the motor vehicle in compliance with MCL 28.422(2), the pistol must be unloaded in a closed case designed for the storage of firearms in the trunk of the vehicle. If there is no trunk the pistol must be unloaded in a closed case and not readily accessible to the occupants of the vehicle.

What is Brandishing?

It is our opinion, since we literally* wrote the definition, that Open Carry is **not** brandishing. **MCL 750.222 (c)** defines Brandishing and says: *“Brandish” means to point, wave about, or display in a threatening manner with the intent to induce fear in another person.*

If it is necessary to draw your firearm for self-defense, **MCL 750.234e (2)(b)** contains a relevant exemption for *“A person lawfully acting in self-defense or defense of another under the self-defense act, 2006 PA 309, MCL 780.971 to 780.974.”*

* Brandish was defined in Public Acts 27 & 28 of 2015 which MOC helped author and pass.

Do I have to provide ID if stopped?

A person openly carrying a firearm on foot in a legal manner when approached by a police officer and questioned, where the only reason for the questioning is because of the openly carried firearm, need not give that officer their name or address. No license or ID is required to openly carry a firearm. It is your option to provide ID/CPL.

Each situation is different. We recommend you cooperate with all lawful requests and ask the officer if you are being detained. If no, politely continue on your way. If yes, ask if it is for the

legal Open Carry of a firearm. Remember the officer can arrest you for anything, do not resist. If the situation continues or escalates, remember your 5th Amendment right to remain silent.

MSP Legal Update #86:

“Officers are reminded that the Fourth Amendment protects citizens from unreasonable searches and seizures. Carry a non-concealed firearm is generally legal. Officers may engage in a consensual encounter with a person carrying a non-concealed pistol; however, in order to stop a citizen, officers are required to have reasonable suspicion that crime is afoot. For example, officers may not stop a person on the mere possibility the person may be carrying an unregistered pistol. Officers must possess facts rising to the level of reasonable suspicion to believe the person is carrying an unregistered pistol.

“Officers are also reminded there is no general duty for a citizen to identify himself or herself to a police officer unless the citizen is being stopped for a Michigan Vehicle Code Violation.”

ADVISORY NOTE: Before carrying a handgun we recommend that you become familiar with all state and federal laws in regards to firearms and the use of deadly force. The information contained herein is not meant to be legal advice. It is solely intended as a starting point for further research. You are responsible for determining the accuracy of all information. If you have further questions it is advisable to seek out an attorney that is well versed in firearm law.

FOR MORE INFO VISIT:

**www.miopencarry.org/faq
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YES YOU CAN

LAWFULLY CARRY A HANDGUN OPENLY IN MICHIGAN

Any law-abiding person 18 years of age or older who owns a legally registered handgun may openly carry (in a fully visible holster) said firearm in all places not explicitly prohibited by law. Private property rules still apply.



**www.miopencarry.org
www.facebook.com/MichiganOpenCarry**

Why carry a firearm openly?

Personal

Comfort: For many people, carrying their preferred firearm openly is more comfortable. Different body types better facilitate different methods of carry.

Preference: Seasonal clothing choices, destination, and ease of carry may cause someone to prefer Open Carry.

Cost: Obtaining the required training and licensing to lawfully conceal comes at a cost some cannot pay or are unwilling to pay.

Practical

Deterrent: Shown to deter crime before it starts as opposed to stopping crime after it has already started.

Faster Access: With less between you and your firearm, there is less to slow or prevent you from getting your firearm into action.

Larger Firearm: Larger capacity, caliber and sight radius.

Age: Open Carry is legal at age 18. Concealed carry doesn't become an option until age 21.

Political

Desensitize: Open Carry desensitizes the public to the sight of a gun and destigmatizes gun owners. The public learns that their friends and neighbors are lawful gun owners and **good guys have guns too.**

Visibility: A cause no one notices is a cause no one will care about. Open Carry increases activity amongst supporters as well as alerts new supports to the cause.

Mainstream: Ultimately, Open Carry brings gun ownership out of the closet and into the mainstream.

Won't this scare people?

We have found that most people don't notice or, if they do, they are mostly just curious. They quickly see we are regular people and there is no reason to be concerned. Law enforcement dispatchers have been and continue to be trained on how to handle calls from concerned citizens.

What places are off limits to firearms without a CPL? (MCL 750.234d)

(1) Except as otherwise provided in subsection (2), a person shall not possess a firearm on the premises of any of the following:

- a) A bank or credit union
- b) A church
- c) A court
- d) A theatre
- e) A sports arena
- f) A day care center
- g) A hospital
- h) An establishment licensed under the Michigan liquor control act. (e.g., Meijer, Rite Aid, or Speedway in addition to bars and restaurants).

(2) This section does not apply to any of the following:

- a) Owners or employees for security purposes.
- b) A peace officer.
- c) **A person licensed by this state or another state to carry a concealed weapon.**
- d) **A person with permission.**

MCL 750.237a prohibits all weapons on school property. It also contains exemptions for CPL holders and those with permission.

What about local ordinances?

Ignore them! In 1990, the Michigan Legislature enacted **MCL 123.1102** which provides, in pertinent part: *"A local unit of government shall not impose special taxation on, enact or enforce any ordinance or regulation pertaining to, or regulate in any other manner the ownership, registration, purchase, sale, transfer, transportation, or possession of pistols or other firearms [...] except as otherwise provided by federal law or a law of this state."*

Won't Open Carry make me a target?

While there is no such thing as a talisman to ward off crime, data shows that criminals avoid victims they know are armed, even going so far as to fear them more than police.

What places are off limits to concealed pistols with a CPL? (MCL 28.425o)

(1) An individual licensed under this act to carry a concealed pistol shall not carry a concealed pistol on the premises of any of the following:

- a) School. In your vehicle while picking up or dropping off your child is OK.
- b) Day care center, child caring agency, or child placing agency.
- c) Sports arena or stadium.
- d) A bar where the primary source of income is the sale of alcoholic liquor by the glass for consumption on the premises.
- e) Any property or facility owned or operated by a religious institution.
- f) An entertainment facility with a seating capacity of 2,500 or more, or has such a sign above each public entrance.
- g) A hospital.
- h) A dormitory or classroom of a community college, college, or university.

(4) As used in subsection (1), "premises" does not include parking areas of the places identified under subsection (1).

This is not an exhaustive list. There may be other places where firearms are restricted, such as casinos, federal buildings, and courts.

Does having a CPL provide any benefits to carrying openly?

Yes! The Michigan State Police issued a legal update on October 26, 2010. **MSP Legal Update #86** specifically talks about the legality of Open Carry with a CPL in 28.425o zones. It says:

"Note, the above statute [28.425o] applies to CPL holders carrying a concealed pistol. If the CPL holder is carrying a non-concealed pistol, the statute does not apply. As noted [to the left], the unlawful premises listed in MCL 750.234d do not apply to persons with a valid CPL. Therefore, a person with a valid CPL may carry a non-concealed pistol in the areas described in MCL 28.425o and MCL 750.234d."