

Open carry of a pistol...revisited

In the April 2007 edition of the Update we noted that openly (non-concealed) carrying a pistol in Michigan is generally legal. Here we will note a couple of things to keep in mind during open carry situations.

First, a person may not “open carry” a pistol in the passenger compartment of a vehicle. Once a person enters a passenger compartment with a pistol they are carrying it concealed in violation of [MCL 750.227](#). In order to carry in a passenger compartment, a person must either be licensed to carry a concealed pistol or otherwise be exempted from Section 227 (e.g., a police officer).

Second, in the April edition we noted that a pistol cannot be carried in public where it violates local ordinance. This is true, but only where the ordinance is specifically authorized by state law.

In *MRCGO v. Ferndale*, the Michigan Court of Appeals held that local units of government may not impose restrictions upon firearms possession. Therefore, officers should check with their prosecutors before enforcing an ordinance that imposes a general ban on openly carrying a pistol