



Senate Fiscal Agency
P. O. Box 30036
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BILL ANALYSIS

Telephone: (517) 373-5383
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Senate Bill 834 (Substitute S-1 as reported)
Senate Bill 881 (Substitute S-1 as reported)
House Bill 4155 (Substitute S-2 as reported)
House Bill 5325 (Substitute S-1 as reported)
House Bill 5327 (Substitute S-1 as reported)
House Bill 5328 (Substitute S-1 as reported)
Sponsor: Senator Phil Pavlov (S.B. 834)
Senator Goeff Hansen (S.B. 881)
Representative Aric Nesbitt (H.B. 4155)
Representative Hugh Crawford (H.B. 5325)
Representative Bruce R. Rendon (H.B. 5327)
Representative Kevin Cotter (H.B. 5328)

Senate Committee: Judiciary
House Committee: Judiciary (H.B. 4155, 5325, 5327, & 5328)

CONTENT

Each of the bills would amend the handgun licensure law to revise or add provisions regarding firearms records, disclosure of those records, or access to information about concealed pistol license applicants.

House Bill 5327 (S-1) specifies that firearms records would be confidential, would not be subject to disclosure under the Freedom of Information Act (FOIA), and could not be disclosed to any person except as provided below.

Firearms records could be disclosed, and access to the records could be gained, only by a peace officer or authorized system user as follows:

- The individual whose firearms records were the subject of disclosure posed a threat to himself or herself or other individuals, including a peace officer.
- The individual whose firearms records were the subject of disclosure had committed an offense with the pistol that violated a law of this State, another state, or the United States.
- The pistol that was the subject of the firearms records search could have been used during the commission of an offense that violated a law of this State, another state, or the United States.
- To ensure the safety of a peace officer.
- For purposes of the handgun licensure law.
- A peace officer or an authorized user had reason to believe that access to firearms records was necessary within the commission of his or her lawful duties, and entered and recorded the specific reason in the system according to the procedures in Section 5e (the section that House Bill 4155 (S-2) would amend).

A person who intentionally violated the access and disclosure restrictions described above would be responsible for a State civil infraction and could be ordered to pay a civil fine of up to \$500.

House Bill 5325 (S-1) would define "firearms records" as any form, information, or record required for submission to a government agency under Sections 2, 2a, 2b, and 5b of the handgun licensure law, or any form, permit, or license issued by a government agency under the law.

(Section 2 prohibits a person from buying, carrying, possessing, or transporting a pistol without first having obtained a license, and includes requirements regarding the sale of pistol. Section 2a exempts certain people from the requirements of Section 2, and prescribes requirements regarding the sale of a pistol. Section 2b requires the State Police to notify the person who is the subject of an order or disposition described in that section (which Senate Bill 834 (S-1) would amend), upon entry of that order or disposition into the Law Enforcement Information Network. Section 5b contains requirements for securing a license to carry a concealed pistol.)

Senate Bills 834 (S-1) and 881 (S-1) and House Bill 5328 (S-1) would delete provisions of the handgun licensure law that exempt particular records from disclosure under FOIA.

House Bill 4155 (H-3) would allow access to information in a Michigan Department of State Police (MSP) database of applicants for a concealed pistol license to be given only according to an access protocol that met certain conditions. The bill also would require an annual MSP report to include the number of times people gained access to the MSP database.

The handgun licensure law requires the MSP to create and maintain a computerized database of people who apply for a license to carry a concealed pistol. Information in the database is confidential, is not subject to disclosure under FOIA, and may not be disclosed to any person except for purposes of the law or for law enforcement purposes. Under the bill, instead, access to information in the database could be gained, and the information could be disclosed, only according to an access protocol that did the following:

- Required the requestor of the records to use the Law Enforcement Information Network or another system that maintained a record of the requestor's identity, time, and date that the request was made.
- Required the requestor in an intentional query by name of the firearms records to attest that the records were sought for a lawful purpose.

The law requires the MSP to file an annual report with the Secretary of the Senate and the Clerk of the House of Representatives regarding concealed pistol licensing. The bill would require the MSP also to post the annual report on its website, and would require that the report include the number of times access to the database was gained, categorized by the purpose of the access.

All of the bills would take effect 180 days after their enactment.

Senate Bills 834 (S-1) and 881 (S-1), and House Bills 4155 (S-2), 5325 (S-1), and 5328 (S-1), are tie-barred to each other and to Senate Bill 49. (Senate Bill 49 would amend the handgun licensure law to specify that certain records regarding the purchase, transport, or carrying of a pistol would be confidential, would not be subject to disclosure under the FOIA, and could not be disclosed to any person except for purposes of the licensure law or law enforcement.)

House Bill 5327 (S-1) is tie-barred to Senate Bills 834 and 881, and to House Bills 4155, 5325, and 5328.

MCL 28.422b (S.B. 834)
28.425o (S.B. 881)
28.425e (H.B. 4155)
28.421 (H.B. 5325)

Legislative Analyst: Patrick Affholter

Proposed MCL 28.421b (H.B. 5327)
MCL 28.425b (H.B. 5328)

FISCAL IMPACT

The bills would have no fiscal impact on State or local government, except to the extent that State civil infraction fine revenue benefited public libraries.

Date Completed: 4-23-14

Fiscal Analyst: Bruce Baker

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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.