

CONCEALED PISTOL LICENSING: REVISIONS

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Senate Bill 219 (reported as Substitute H-1)

Sponsor: Sen. Mike Green

House Committee: Judiciary

Senate Committee: Judiciary

Complete to 6-14-17

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

The bill amends the Handgun Licensing Law to make numerous changes, many of which are technical in nature, to provisions pertaining to a concealed pistol license (CPL). These include:

- ❖ Remove the restriction limiting only one application for a CPL to be submitted in a calendar year to allow multiple applications.
- ❖ Specify that the \$100 application and licensing fee for a concealed pistol license would be nonrefundable.
- ❖ Require a county sheriff to notify the county clerk if the sheriff determines that an individual is ineligible for an emergency CPL under the same list of disqualifying circumstances that make a person ineligible for a CPL (e.g., felony conviction or pending felony charges, certain misdemeanor convictions, currently the subject of a PPO for domestic violence or stalking, legal incapacity, was found guilty but mentally ill of any crime, or had been involuntarily committed due to mental illness, among other specified circumstances).
- ❖ Specify that if an individual does not complete a pistol training course and apply for a CPL within 10 business days of applying for an emergency license, the emergency license would no longer be valid.
- ❖ Require a county clerk's determination whether there are certain statutory disqualifiers pertaining to issuing or denying an application for a CPL or emergency CPL to be based solely on the report received from the Department of State Police (MSP). [The MSP is required to conduct a criminal background check and issue a report to the county clerk on each applicant for an emergency CPL or CPL using the state Law Enforcement Information Network (LEIN) and the National Instant Criminal Background Check System (NICS), which is used by authorized persons to determine whether a prospective buyer is eligible to buy firearms.]
- ❖ Specify that a county clerk cannot issue a CPL *unless* the MSP or the county sheriff has determined through the federal NICS that the applicant is not prohibited under federal law from possessing or transporting a firearm *and, if* the applicant is not a

U.S. citizen, the MSP has verified through the U.S. Immigration and Customs Enforcement (ICE) databases that the applicant is not an illegal alien or a nonimmigrant alien.

- ❖ Revise a provision requiring a county clerk to suspend, revoke, or reinstate a CPL if ordered by a court or notified of a change of the licensee's eligibility to carry a concealed pistol to specify that the notification may be by a law enforcement agency, prosecuting official, or court.
- ❖ Provide for the surrender and replacement of a CPL for a licensee who had been exempt from the no-carry zone prohibition because he or she was a member of a sheriff's posse, an auxiliary officer, or a reserve officer once the individual no longer holds that status.
- ❖ Allow a county clerk to distribute copies of the compilation of firearm laws compiled by the MSP to applicants for a CPL, as well as forms to appeal statutory disqualifications or license suspensions or revocations, in an electronic format.
- ❖ Require a name index for the record of a CPL application to be maintained in the database created by the MSP. (Currently, a county clerk must keep a copy of each CPL application as an official record. The clerk may destroy the record one year after the CPL expires and only maintain a name index of the record.)
- ❖ Allow a county clerk to deliver a replacement license by first-class mail if the individual submits a written request and a copy of his or her Michigan driver license or personal ID card (as well as the \$10 replacement fee).
- ❖ Add a peace officer who holds a CPL to the list of individuals exempted from the prohibition on carrying a concealed pistol in a no-carry zone and allow the officer's employee identification as acceptable proof of qualifying for the exemption.
- ❖ Allow not more than one petition to restore the right to possess, use, transport, sell, purchase, or carry a firearm or ammunition to be submitted in any 12-month period (rather than one per calendar year).
- ❖ Require the original handwritten signature of the course instructor to be on the certificate of completion issued by a pistol training or safety program.
- ❖ Revise the information required to be on the receipt for an application for a renewal license depending on whether the license had already expired.
- ❖ Revise the definition of "retired police officer" or "retired law enforcement officer" to include maintaining an equivalent state certification or license from another state for at least 10 consecutive years when establishing if an officer retired in good standing.

- ❖ Repeal Section 232 of the Michigan Penal Code, which makes it a misdemeanor for a person engaged in the retail sale of firearms or firearm silencers to fail to keep a register of purchasers and make it open to the inspection of peace officers. (Reportedly, this is a federal requirement and thus the state mandate is redundant.)
- ❖ Delete numerous obsolete provisions.
- ❖ Specify the bill would take effect 90 days after enactment.

MCL 28.421 et al.

FISCAL IMPACT:

Senate Bill 219 would likely have no fiscal impact on the Department of State Police or local units of government.

POSITIONS:

A representative of the Michigan State Police testified in support of the bill. (5-30-17)

The Michigan Association of County Clerks indicated support for the bill. (5-30-17)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.