

CCW RENEWAL APPLICATIONS

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5989 (Substitute H-1)

Sponsor: Rep. Gene DeRossett

Committee: Conservation and Outdoor Recreation

First Analysis (11-30-04)

BRIEF SUMMARY: The bill would 1) require that an application to renew a concealed weapon license be denied or approved by a county concealed weapons licensing board within 30 days after it is submitted, and 2) remove the fingerprinting requirement for renewal applications.

FISCAL IMPACT: The fiscal impact of the bill cannot be determined, as it would depend on the number of renewals within each county.

THE APPARENT PROBLEM:

Under the state's concealed weapons (CCW) law, an individual must have a set of fingerprints taken both when making an initial application for a concealed weapons license and when applying for a renewal of the license. The fingerprints are taken by the county sheriff or local police agency (if the local police have fingerprinting capability). The fingerprints are forwarded for analysis to the Department of State Police and the Federal Bureau of Investigation. The fingerprints from a CCW applicant are not kept on file, so a new fingerprinting is required when an individual seeks to renew an application.

There is a \$105 fee both for the original application and for the renewal; this fee includes the cost of fingerprinting. The fee is disbursed as follows: \$26 to the county clerk, \$15 to the county sheriff, and \$64 to the state police. The state police use its disbursement to process fingerprints and reimburse the Federal Bureau of Investigation for its costs. (The FBI charges a \$24 fee to conduct a comprehensive national background check.) If fingerprints are taken by the local police agency, the applicant must pay an additional \$15 fee. Some people contend that having a set of fingerprints taken for renewal applications is unnecessary because a set has already been taken for the initial license and the applicant's identity can now be established by photo identification. The renewal fee could be reduced if fingerprinting was not required.

Furthermore, critics say that it is sometimes difficult to get a set of "classifiable" prints from a CCW licensee who is renewing a license; that is, the prints taken cannot be used to identify the individual. This can occur due to the condition of an applicant's skin (fingerprints can be worn away). This is a problem because the CCW law allows the local concealed weapons licensing board to deny a license if an applicant's fingerprints are not classifiable by the FBI. Sometimes classifiable prints can be obtained on a subsequent attempt. But it is expensive to take and process several sets of fingerprints from renewal applicants. Each time the county and state process fingerprints, the cost is

about \$79. When the prints are returned as being unclassifiable, a new set of fingerprints must be taken and processed, at the expense of the county sheriff and state police. Also, if a CCW licensee has a set of fingerprints taken by the local police agency, he or she is assessed a fee of \$15. When fingerprints are taken repeatedly, the CCW licensee must pay the local extra fee each time. Since these individuals are already license holders, this process seems unnecessary.

A concealed weapons licensing board has 45 days after receiving the results of a fingerprint check from the state police to approve or disapprove a renewal application. This length of time presents a problem for a CCW licensee who re-applies within few weeks or a month of the expiration of the current license because carrying a concealed pistol without a valid license is a felony punishable by a fine of up to \$2,500 and/or imprisonment of up to five years.

Legislation eliminating the fingerprint requirement for renewal applications and requiring faster decisions on renewal applications has been introduced.

THE CONTENT OF THE BILL:

The bill would amend the concealed weapons law within the Firearms Act to require that a concealed weapons licensing board approve or deny an application to renew a CCW license within 30 days after the application is properly submitted. At the time of the application, the county clerk would have to issue a receipt stating the date and time the application was submitted. If the board does not issue or deny the application within the required time, the current license would be extended for a period of 180 days or until the application for a renewal license is issued or denied by the board, whichever occurs first.

In addition, the bill would waive the fingerprinting requirements for applications to renew a CCW license, and would require that the \$105 application fee be adjusted accordingly to reflect that the fingerprints would no longer be taken and processed for renewal applications.

MCL 28.4251

ARGUMENTS:

For:

By automatically extending a CCW license for six months if a renewal is not acted upon in a timely manner, the bill ensures that a CCW licensee will continue to lawfully possess a weapon. Currently, many CCW holders have to wait a period of several months for a license to be renewed. A license can expire during the renewal process if there are long delays. Some individuals possess a CCW license for their own personal protection and safety. If the person's license expires, it could jeopardize his or her safety. Moreover, a person who carries a concealed pistol after the license has expired is committing a felony.

Response:

The current time period granted a CCW licensing board should be kept in place and not shortened. In most instances, the county licensing board meets monthly. If a person submits an application a few days before the board's meeting, the application is not likely to be reviewed until the following month. Also, the current 45-day review period for renewal applications is consistent with the review period for initial applications provided under current law. [The CCW law provides that the board must approve or deny an application within 45 days after receiving the results of the fingerprint check from the state police.]

For:

Supporters of the legislation believe that the current fingerprint requirement for renewal applications is unnecessary and costly. Fingerprints are taken for initial applications, and that set of fingerprints ought to be used. For renewals, other forms of identification should be adequate. In addition, when a renewal applicant's fingerprints are returned as being unclassifiable, a duplicate set must be taken. This increases the costs to analyze the prints and increases the length of time to approve an application. In the case of renewals, this seems an unnecessary inconvenience.

Response:

The set of fingerprints taken for the initial license are not retained by the state, county clerk, or county sheriff. So, law enforcement cannot run another fingerprint check on a renewal application with the set taken for the initial license.

Against:

The principal purpose of the fingerprinting requirement is to ensure that a CCW license is not issued to an individual who has committed a crime or is otherwise ineligible to possess a concealed weapon. Once fingerprints are taken, the state police run a check for convictions in Michigan and then transmits the report and the fingerprints to the FBI to check for convictions outside the state. This is the only way the state can check for convictions that occur elsewhere. Fingerprint checks are generally the only way to accurately determine a person's identity and criminal history. These checks can turn up crimes committed by an individual after the license was approved.

Because the initial fingerprints are not maintained by law enforcement, removing the fingerprint requirement for renewal applications could allow individuals who have become ineligible to renew a license.

POSITIONS:

The Michigan Coalition of Responsible Gun Owners supports the bill. (11-10-04)

The Shooters Alliance for Firearms Rights supports the bill. (11-10-04)

The Great Lakes Shooting Sports Association supports the bill. (11-10-04)

The Department of State Police opposes the bill. (11-10-04)

The Michigan Domestic Violence Prevention and Treatment Board opposes the bill. (11-10-04)

The Michigan Sheriff's Association opposes the bill. (11-10-04)

Legislative Analyst: Mark Wolf
Fiscal Analyst: Jan Wisniewski

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