

PISTOL RESIDENCY REQUIREMENT: NO IMPACT ON EXEMPTION FOR MILITARY PERSONNEL

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

House Bill 5472

Sponsor: Rep. Kate Segal

Committee: Tourism, Outdoor Recreation and Natural Resources

Complete to 10-19-09

A SUMMARY OF HOUSE BILL 5472 AS INTRODUCED 9-25-09

Generally speaking, unless a person holds a concealed pistol license or is exempt from licensure, he or she must obtain a license under Section 2 of Public Act 372 of 1927, known as "purchase license," before purchasing or otherwise acquiring a pistol in Michigan (or bringing one into Michigan). People on leave from active duty in the United States armed forces or who have been discharged from active duty are given a more leeway — they have 30 days after arriving in Michigan with a pistol to obtain a license for it.

To obtain a purchase license for a pistol, the applicant must be a legal resident of Michigan, which can be established by having a valid, lawfully-obtained Michigan driver license or official state personal identification or by being lawfully registered to vote in Michigan. Persons on active duty status with the U.S. armed forces can show Michigan residency for purposes of a purchase license by having either a Michigan "home of record" or by being permanently stationed here, although having home of record outside of Michigan.

House Bill 5472 would specify that these residency provisions are not to be construed to require a member of the United States armed forces to obtain a purchase license for a pistol if the person is exempt under Section 12a from needing to fulfill requirements for a concealed pistol license for a pistol. In other words, if a member of the U.S. armed forces would be exempt from needing a concealed pistol license for a pistol under Section 12a, they would also be exempt from needing a purchase license under Section 2.

[Persons exempt under Section 12a. Generally speaking, the following persons are exempt under Section 12a from needing a concealed pistol license:

- Certain federal, state, and local peace officers except township constables.
- Certain MCOLES-trained and certified constables.
- Certain local corrections officers trained in the use of force and authorized in writing by the county sheriff to carry a concealed pistol while on duty.

- Certain regularly-employed city jail or lockup employees who are trained in the use of force and who are authorized in writing by the chief of police or the county sheriff to carry a concealed pistol while on duty.
- A member of the United States Army, Air Force, Navy, or Marine Corps while carrying a concealed pistol in the line of duty.
- A member of the National Guard, armed forces reserves, or other duly authorized military organization while on duty or drill or while going to or returning from the place of assembly or practice or while carrying a concealed pistol for purposes of that military organization.
- A person licensed by another state to carry a concealed pistol.
- The regular and ordinary transportation of a pistol as merchandise by an authorized agent of a person licensed to manufacture firearms.
- A person while carrying a pistol unloaded in a wrapper or container in the trunk of his or her vehicle or, if the vehicle does not have a trunk, from transporting that pistol unloaded in a locked compartment or container that is separated from the ammunition for that pistol from the place of purchase to his or her home or place of business or to a place of repair or back to his or her home or place of business, or in moving goods from one place of abode or business to another place of abode or business.
- A Canadian peace officer or law enforcement officer.

FISCAL IMPACT:

The bill would have no fiscal impact on the state or local governmental units.

Legislative Analyst: Shannan Kane
Fiscal Analyst: Jan Wisniewski

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