



Senate Fiscal Agency
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BILL



ANALYSIS

Telephone: (517) 373-5383
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House Bill 5225 (Substitute H-4 as reported without amendment)

House Bill 5498 (Substitute H-1 as reported without amendment)

House Bill 5499 (Substitute S-1 as reported)

Sponsor: Representative Paul Opsommer (H.B. 5225)

Representative Richard LeBlanc (H.B. 5498)

Representative Ray A. Franz (H.B. 5499)

House Committee: Judiciary

Senate Committee: Judiciary

CONTENT

House Bill 5225 (H-4) would repeal Section 2 of the handgun licensure law, which generally prohibits a person from purchasing, carrying, possessing, or transporting a pistol in Michigan without first having obtained a license for the pistol. Section 2 also outlines the terms of eligibility for a license and the process for buyers and sellers to comply with licensure requirements, including record-keeping and reporting requirements.

The bill also would repeal the following sections of the handgun licensure law:

- Section 2a, which exempts individuals licensed to carry a concealed pistol and federally licensed firearms dealers from the requirement to obtain a license under Section 2.
- Sections 9a and 9b, which require the Michigan Department of State police (MSP) to approve, print, and distribute to licensing entities a pamphlet on basic pistol safety; and Section 9c, which requires licensing entities to give the pamphlet free of charge to each person who requests a copy.
- Section 11, which requires the MSP to provide a system for the expeditious review of the criminal histories of individuals who purchase firearms.
- Section 12, which identifies individuals and entities that are exempt from the licensure requirements under Section 2.
- Section 12b, which provides that Section 2 does not apply to a signaling device that is approved by the U.S. Coast Guard.

(The bill would *not* repeal Section 5b, which requires a license to carry a concealed pistol.)

Within six months after the bill's effective date, the MSP Director, the sheriff of each county, and the commissioner or chief of police of each city, village, and township police department would have to destroy all records held by or under the control of that law enforcement agency that were received, compiled, or retained under Section 2, 2a, or 11. This requirement would not apply to a record that was being held as evidence in a criminal prosecution or civil proceeding that had been initiated and was pending on the bill's effective date. The record, however, would have to be destroyed within 30 days after it was no longer held as evidence in the proceeding.

Each law enforcement agency would have to give a report of its compliance with the record destruction requirement to the Secretary of the Senate and the Clerk of the House of Representatives within 30 days after the six-month period had expired. The report would have to identify separately the number of records and copies retained as evidence. By January 1 of each year, each agency also would have to give the Secretary and the Clerk a

report of the number of records and copies retained or destroyed during that year, until all of the records and copies were destroyed in compliance with the bill.

House Bill 5498 (H-1) would amend the Code of Criminal Procedure to delete sentencing guidelines designations for violations that House Bills 5225 (H-4) and Bill 5499 (S-1) would eliminate.

House Bill 5499 (S-1) would amend the Michigan Penal Code to delete provisions that refer to portions of the handgun licensure law that House Bill 5225 (H-4) would repeal, or that specify penalties for violations that the bill would eliminate. House Bill 5499 (S-1) also would repeal Section 231b of the Code, which exempts certain entities from a section that prescribes various penalties.

House Bill 5498 (H-1) is tie-barred to House Bills 5225 and 5499. House Bill 5499 (S-1) is tie-barred to House Bill 5225.

MCL 28.422 et al. (H.B. 5225)
777.11b & 777.16m (H.B. 5498)
750.223 et al. (H.B. 5499)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would eliminate the current requirements that a person obtain a license to own a pistol and that a record of the license be kept within a State database. This would reduce costs for law enforcement in general and for the Department of State Police in particular. Without the responsibility of providing licensing forms and maintaining a State pistol registry, the State Police reports that savings from its firearms record unit would include approximately 2.0 FTEs and \$300,000 to \$400,000.

In eliminating the requirement to obtain a license to own a pistol, the bills also would eliminate several crimes associated with the violation of this requirement. For example, knowingly selling a pistol without ensuring that the buyer is complying with the licensing requirement, and purchasing a pistol without complying with the licensing requirement, both 90-day and/or \$100-fine misdemeanors, would be eliminated. Additionally, forgery of a license or making a false material statement on an application for a license to purchase a pistol, both felonies with maximums of four years and/or \$2,000 fines, also would be eliminated. In the five-year period from 2006 to 2010, there were two felony dispositions for forging a license to purchase a pistol; both defendants received probation. Due to the limited number of individuals charged with crimes associated with the licensing requirement, the savings to the criminal justice system from eliminating these felonies and misdemeanors would likely be marginal, or perhaps negligible. Likewise, the elimination of these crimes could result in a marginal amount of forgone penal fine revenue, which would reduce funding contributed to public libraries.

Date Completed: 8-16-12

Fiscal Analyst: Bruce Baker
Dan O'Connor

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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.