



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 789 (Substitute S-1 as reported)
Senate Bill 790 (as reported without amendment)
Sponsor: Senator Mike Green
Committee: Judiciary

CONTENT

Senate Bill 789 (S-1) would amend the handgun licensure law to do the following:

- Eliminate county concealed weapon licensing boards, effective April 1, 2015, and require each board to transfer all license applications and official documents in its possession to the clerk of the county in which the board is located by midnight March 31, 2015.
- Require county clerks, rather than county concealed weapon licensing boards, to issue concealed pistol licenses (CPLs).
- Delete references to denial of a CPL, and refer instead to a statutory disqualification.
- Reduce the timeline for processing an initial or renewal CPL.
- Prohibit a county clerk from requiring an applicant for a CPL to submit additional forms, documents, letters, or other evidence of eligibility for obtaining a CPL except as specified in the law.
- Require each applicant to pay an application and licensing fee of \$90, rather than a nonrefundable fee of \$105, and specify that no other charge, fee, cost, or assessment could be required of an applicant except as specifically authorized in the law.
- Require each county to establish a concealed pistol licensing fund for administration of the law, and require the county treasurer to deposit \$26 of each application and license fee in the fund.
- Revise the conditions for issuing a temporary license; allow a county clerk to charge a fee of up to \$10 for a temporary license; and provide that a temporary license would be valid until the clerk issued a CPL or a notice of statutory disqualification (rather than for 180 days with an additional renewal period of 180 days).
- Authorize the Michigan Department of State Police (MSP) to investigate a CPL applicant and report to the county clerk all statutory disqualifications that applied to an applicant.
- Revise the requirement that an applicant not have a diagnosed mental illness at the time of application, by specifying that he or she could not have a diagnosis of mental illness that included an assessment that he or she would present a danger to himself or herself or to another person.
- Require an entity providing fingerprinting services for a CPL application to issue an applicant a receipt stating that the receipt would serve as a CPL if a license or notice of statutory disqualification were not issued within 45 days.
- Provide that a county clerk, county sheriff, county prosecuting attorney, police department, or the MSP would not be liable for civil damages as a result of the issuance of a license under the law to a person who later committed a crime or negligent act.
- Revise provisions related to the appeal of a license denial or notice of statutory disqualification.
- Provide that a court could order a county clerk to suspend or revoke a CPL, rather than ordering suspension or revocation itself, and otherwise revise provisions related to the suspension or revocation of a CPL.

- Require a notice of revocation to an individual whom a court determined was not eligible to receive a CPL to include the statutory reason for the revocation, the record supporting the revocation, the length of the revocation, and the process for correcting errors in the record, appealing the revocation, and reinstating the CPL.
- Revise requirements for the pistol safety training course required for a CPL.
- Require a county clerk to notify a licensee before his or her CPL expired.
- Allow a member of the armed forces who was on official assignment or deployment outside of Michigan to submit his or her CPL renewal application by first-class mail.
- Revise the information that must be included in an annual report to the Legislature by the MSP.

The bill also would repeal sections of the law that do the following:

- Require a prosecuting attorney to promptly notify a concealed weapon licensing board of a criminal charge against a license holder for a felony or specified criminal offense, and of the disposition of that charge, and if a crime for which a CPL holder was convicted involved the brandishing or use of a pistol or if a pistol was carried.
- Allow a concealed weapon licensing board to issue a license for the use of gas ejecting devices to protect premises, vehicles, people, and property from criminal assaults.

The bill would take effect on April 1, 2015.

Senate Bill 790 would amend the Code of Criminal Procedure to revise citations in the sentencing guidelines to provisions of the handgun licensure law, reflecting changes proposed by Senate Bill 789 (S-1).

Senate Bill 790 is tie-barred to Senate Bill 789.

MCL 28.421 et al. (S.B. 789)
777.11b (S.B. 789)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Senate Bill 789 (S-1) would transfer the responsibilities of existing county concealed weapon licensing boards to county clerks and the MSP, resulting in additional costs for both entities.

Currently, a county clerk's responsibility under the handgun licensure law is only to serve as clerk to the concealed weapon licensing board in the county, but under the bill the clerk would assume all the duties, functions, and responsibilities of the board--with the exception of investigative responsibility--including the authority to issue to an applicant a license to carry a concealed pistol and the requirement to maintain all the concealed weapons applications and official documents. This new responsibility could result in significant additional work load (and cost) for county clerk offices, depending upon the concealed weapon licensing activity of a county. Additional proposed responsibilities of the licensing authority, including notification of license holders of pending licensing expirations and a requirement for swifter action on license renewals, would contribute to the additional costs to counties, though to a degree that cannot be determined at this time.

The most significant fiscal impact on the MSP under the bill would result from the requirement that it assume the responsibility to investigate the background of each concealed weapon license applicant, a duty currently performed by the 249 members of county concealed weapon licensing boards throughout the State. The MSP suggests that this would require the dedication of a least one full-time investigative employee from each post--and in some areas, up to three--solely to conducting background investigations under the handgun licensure law. Overall, the MSP estimates that, with an average of two employees per 29 existing State Police posts at a cost of \$143,843 per employee, the

Department would require 58.0 FTEs at a total cost of \$8.4 million annually to fulfill the requirement to check the background of CPL applicants. The annual number of applicants is estimated to be 90,000, but the number rose to 136,767 in 2013.

On the revenue side, the bill would lower the CPL application fee from \$105 to \$90. Currently, the revenue from the \$105 fee is distributed in the following way: \$26 to a county clerk; \$15 to a county sheriff; and \$64 to the MSP (with \$46.50 for the actual costs of fingerprint check analysis). Under the bill, the \$15 dedicated for the county sheriff would be removed and the \$26 would be deposited in a county concealed pistol licensing fund. While it is clear that the revenue credited to the MSP would fall short of the Department's estimated costs incurred under the bill, the degree to which the revenue credited to a local concealed pistol licensing fund would or would not offset the additional costs incurred by a county clerk's office is not known.

Senate Bill 790 would have no fiscal impact on State or local government.

Date Completed: 3-27-14

Fiscal Analyst: Bruce Baker

SAS\Floor\sb789

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.