

PISTOL LICENSE: EXPAND EXEMPTIONS

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House Bill 4876 (proposed H-1 Substitute)

Sponsor: Rep. Tristan Cole

Committee: Judiciary

Complete to 9-25-17

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

BRIEF SUMMARY:

The bill would exempt certain persons from the requirement to obtain a pistol license before purchasing, carrying, possessing, or transporting a pistol within the state and would add a definition to the Handgun Licensing Law for the term "person".

DETAILED SUMMARY:

House Bill 4876 would amend the Handgun Licensing Law (Public Act 372 of 1927). Under Section 2 of the act (MCL 28.422), a person must obtain a pistol license before he or she can purchase, carry, possess, or transport a pistol within the state, though a person who has a concealed pistol license (CPL) can buy a pistol without first obtaining a pistol license. Section 2 also lists the qualifications that an applicant for a pistol license must meet in order to be approved for a license.

Section 12 of the act lists individuals and entities exempt from the requirements in Section 2 regarding the need to obtain a pistol license. Currently, the exemption applies to a Michigan, federal, or local police agency; branches of the U.S. armed forces and authorized military organizations; organizations authorized to purchase or receive weapons from the U.S. or the state; a member of any of these entities for a pistol while engaged in the course of his or her duties with that entity; a U.S. citizen holding a CPL issued by another state; possession and transportation of a pistol as merchandise by a licensed dealer or agent of a firearms manufacturer; and purchasing, owning, carrying, possessing, using, or transporting an antique firearm.

House Bill 4876 would add 2 more exemptions to the list of individuals and entities currently exempted from the requirements of Section 2, as follows:

- A spouse, family member, or guest of a person who is licensed to possess or carry a pistol when the spouse, family member, or guest is present in the licensed person's domicile. (The bill does not specify if the exemption only applies if the person licensed to possess or carry a pistol is also present in the domicile.)
- A person that is or has previously been approved, permitted, or licensed in Michigan to purchase, carry, possess, or transport a pistol. (As written, the bill would appear to extend an exemption from the licensing requirements even if the person's previous pistol or CPL license had since expired.)

In addition, the bill would place a definition for "person" in the act and define the term to mean an individual, trust, partnership, corporation, association, or other legal entity. The bill would also add "trust" to a definition of "person" that applies only to Section 15 of the act. Section 15 pertains to sales of firearms by federally licensed firearms dealers.

MCL 28.421 et al.

FISCAL IMPACT:

This bill would likely have no fiscal impact on the Department of State Police or local law enforcement agencies.

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