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Senate Bill 11 (as introduced 1-13-21)
Sponsor: Senator Lana Theis
Committee: Regulatory Reform

(enrolled version)

Date Completed: 2-16-21

CONTENT

The bill would amend the handgun licensure law to do the following:

- **Specify that an executive order issued under the Emergency Management Act (EMA) or Public Act 302 of 1945, or an emergency order issued under the Public Health Code, would not affect a county clerk's duty to issue a concealed pistol license (CPL) or CPL renewal, provide fingerprinting services for the purposes of the law, or provide a personal identification number to an individual so that he or she could submit his or her renewal online.**
- **Prohibit an executive order or emergency order described above from affecting a law enforcement agency's duty to provide fingerprinting for the purposes of the law.**
- **Allow the Michigan State Police (MSP) to provide a personal identification number to an individual during that emergency or disaster so that the individual could submit his or her renewal license online.**

CPL Issuance

Section 5b of the law requires an individual to apply to the county clerk in the county in which he or she resides to obtain a CPL. The applicant must file the application with the county clerk in the county in which the applicant resides during the county clerk's normal business hours. The county clerk must issue and send by first-class mail a license to an applicant to carry a concealed pistol within the period required under the law if the county clerk determines that certain circumstances exist.

An individual, after submitting an application and paying the prescribed fee, must request that classifiable fingerprints be taken by a county clerk, the MSP, a county sheriff, a local police agency, county sheriff, local police agency, or other entity provides fingerprinting capability for the purposes of the law. The county clerk, MSP, county sheriff, local police agency, or other entity must take the fingerprints within five business days of the request.

Under the bill, an executive order issued under the EMA or Public Act 302 of 1945 (which authorizes the Governor to proclaim a state of emergency), or an emergency order issued under Section 2253 or 2453 of the Public Health Code, would not affect a county clerk's duty to do any of the following:

- Issue a concealed pistol license.
- Provide fingerprinting services for the purposes of the law.

An executive order issued under the EMA or Public Act 302 of 1945, or an emergency order issued under Section 2253 or 2453 of the Public Health Code, would not affect the MSP's, a county sheriff's, or a local police agency's duty to provide fingerprinting services for the purposes of the law.

(Section 2253 of the Public Health Code authorizes the Director of the Department of Health and Human Services (DHHS) to issue an emergency order prohibiting the gathering of individuals and to establish procedures to insure continuation of essential public health services during an epidemic if the Director determines that control of an epidemic is necessary to protect the public health. Section 2453 of the Code allows a local public health officer to issue an emergency order under the same circumstances and for the same purposes described under Section 2253.)

CPL Renewal

Section 5I of the law specifies that a CPL, including a renewal license, is valid until the applicant's date of birth that falls not less than four years or more than five years after the license is issued or renewed. A county clerk must notify the licensee that his or her license is about to expire and may be renewed as provided in Section 5I.

An application to renew a CPL may be submitted not more than six months before the expiration of the current license. The MSP must provide a system for an applicant to submit his or her application to renew a license to carry a concealed pistol online or by first-class mail and must accept those applications on behalf of a county clerk as required under the law at no additional charge.

Under the bill, an executive order issued under the EMA or Public Act 302 of 1945, or an emergency order issued under Section 2253 or 2453 of the Public Health Code, would not affect a county clerk's duty to do either of the following:

- Issue a renewal license.
- Provide a personal identification number to an individual so that he or she could submit their renewal license online.

If the Governor issued or declared a state of emergency or state of disaster under the EMA or Public Act 302 of 1945, or the Director of the DHHS or local public health officer issued an emergency order, the MSP could provide a personal identification number to an individual during that emergency or disaster so that the individual could submit his or her renewal license online.

MCL 28.425b & 28.425I

Legislative Analyst: Christian Schmidt

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Bruce Baker

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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.