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Senate Bill 34 (Substitute S-1 as reported)
Senate Bill 35 (as reported without amendment)
Sponsor: Senator Mike Green
Committee: Judiciary

CONTENT

Senate Bill 34 (S-1) would amend the handgun licensure law to do the following:

- Eliminate county concealed weapon licensing boards effective October 1, 2015, and require the boards to transfer all license applications and official documents to the county clerks.
- Reduce the timeline for processing an initial or renewal concealed pistol license (CPL) application.
- Revise procedures for applying for and obtaining a CPL.
- Require the Michigan Department of State Police (MSP) to verify, through the Law Enforcement Information Network and a national criminal background check, the requirements for an applicant to receive a CPL and report any statutory disqualification to the county clerk.
- Require each county to establish a concealed pistol licensing fund for administration of the law.
- Reduce the application and licensing fee for a CPL from \$105 to \$100, effective October 1, 2015, and revise requirements for the distribution of fee revenue.
- Revise the fingerprinting requirements for a CPL applicant, and require the entity providing fingerprint services to issue a receipt to an applicant.
- Provide that, if a CPL or notice of statutory disqualification were not issued within 45 days after the fingerprinting receipt was issued, the receipt would temporarily serve as a CPL.
- Delete a requirement that a licensing board deny a CPL to an applicant who was not qualified under the law to receive a license, and instead require the county clerk to send a notice of statutory disqualification to an applicant who was not qualified.
- Revise provisions related to the appeal of a license denial.
- Delete provisions for the awarding of a temporary CPL.
- Provide for an emergency CPL for an applicant who had obtained a domestic violence or stalking personal protection order or if the county sheriff determined that the applicant or a household or family member was endangered by the applicant's inability to immediately obtain a CPL.
- Revise procedures for the renewal of a CPL, including requiring an application and licensing fee of \$115.
- Require the county clerk to notify a licensee before his or her CPL expired.
- Require the MSP to establish, by October 1, 2018, a system for submitting renewal applications online or by first class mail.
- Revise procedures and the basis for suspension or revocation of a CPL.
- Specify that a person could voluntarily surrender his or her CPL without explanation.
- Revise requirements for the pistol safety training course required for a CPL.
- Revise provisions prohibiting a CPL holder from carrying a concealed pistol or taser while he or she is under the influence of alcohol and/or a controlled substance.

- Require the Secretary of State to make a digitized photograph from a driver license or personal ID card available for use on the CPL, and require a CPL to be constructed of plastic laminated paper or hard plastic.
- Revise information that must be included in a database maintained, and an annual report to the Legislature submitted, by the MSP.

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

- Require a prosecuting attorney to notify the appropriate licensing board of a criminal charge against, or conviction of, a CPL holder.
- Allow a licensing board to issue a license for the use of gas ejecting devices to protect premises, vehicles, people, and property from criminal assaults.

Section 5x of the bill, which would require each county to establish a concealed pistol licensing fund, would take effect on April 1, 2015. The rest of the bill would take effect on October 1, 2015.

Senate Bill 35 would amend the Code of Criminal Procedure to revise citations to provisions of the handgun licensure law, reflecting changes proposed by Senate Bill 34 (S-1).

The bill would take effect on October 1, 2015, and is tie-barred to Senate Bill 34.

MCL 28.421 et al. (S.B. 34)
777.11b (S.B. 35)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Senate Bill 34 (S-1) would transfer the responsibilities of existing county concealed weapon licensing boards to county clerks and the MSP, resulting in 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, 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.

Under the bill, the MSP would be responsible for verifying whether a CPL applicant was statutorily eligible for licensure. The MSP estimates that this evaluation, performed by its Criminal Justice Information Center, would require 13.0 FTEs and \$1,450,000 in annual funding not including the fixed costs of necessary data-based information systems. This function would replace the duty under current law of investigating the background of each applicant by the 249 members of county concealed weapon licensing boards throughout the State. The cost of the MSP's current responsibilities is approximately the same as estimated under the proposed bill. The MSP estimates the average number of CPL application renewals submitted annually in recent years is 112,000. This number rose to 136,767 in 2013, but predicting how many are expected in future years is difficult. In addition, the bill would require the MSP to provide a system of CPL license renewal online or by mail by October 1, 2018; the cost of this responsibility cannot be determined at this time.

On the revenue side, the bill would continue the CPL application fee of \$105 until October 1, 2015, with \$15 of that amount going to county sheriffs, \$26 to a county's CPL fund, and \$64 to the MSP. After October 1, 2015, a new application fee of \$100 would be established,

with \$26 going to a county's CPL fund and \$74 to the MSP. License renewal applications would cost \$115, with \$36 of that fee going to a county's CPL fund and \$79 to MSP. With \$46.50 of each application fee directed to the MSP being the actual cost of fingerprint check analysis, the MSP is unsure at this time whether its portion of the fees would cover all of its true costs under the proposed CPL licensing program. At the same time, it is not known whether the revenue credited to a local concealed pistol licensing fund would be sufficient to cover the duties of county clerks as assigned under the bill.

Senate Bill 35 would have no fiscal impact on State or local government.

Date Completed: 1-29-15

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.