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BILL



ANALYSIS

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Senate Bill 49 (as reported without amendment)  
Sponsor: Senator Tom Casperson  
Committee: Judiciary

Date Completed: 3-27-13

### **RATIONALE**

In December 2012, a newspaper in the state of New York published an interactive online map that contained the names and addresses of thousands of gun permit holders in two New York counties. The newspaper evidently obtained the information through that state's Freedom of Information Law. The disclosure of this information prompted controversy and discussions nationwide regarding access to gun-ownership data. After this incident, New York enacted a new gun safety law that includes a provision allowing permit holders to request their information to be excluded from public databases. It has been suggested that Michigan codify a similar exemption for gun permit holders.

### **CONTENT**

**The bill would amend the handgun licensure law to specify that certain records regarding the purchase, transport, or carrying of a pistol would be confidential, would not be subject to disclosure under the Freedom of Information Act (FOIA), and could not be disclosed to any person except for purposes of the licensure law or law enforcement.**

#### Pistol Licenses

Except as otherwise provided under the handgun licensure law, a person may not purchase, carry, possess, or transport a pistol in Michigan without first obtaining a license for the pistol. Applications for licensure must be signed under oath on forms provided by the Director of the Michigan Department of State Police (MSP).

Three copies must be delivered to the applicant by the licensing authority.

If an individual purchases or otherwise acquires a pistol, the seller must fill out license forms and the purchaser must sign the forms. The seller may retain a copy and the purchaser must receive two copies. The purchaser must give one copy to the licensing authority.

Within 10 days after receiving the license copy, the licensing authority must electronically enter information from the form into the MSP's pistol entry database, or provide that information to the MSP in another manner. Within 48 hours after providing the information to the MSP, the licensing authority must forward the copy of the license to the MSP.

The bill specifies that information received under those provisions would be confidential, would not be subject to disclosure under FOIA, and could not be disclosed except for purposes of the licensure law or for law enforcement purposes.

#### Exemptions from Licensure

The licensure law lists certain individuals who are not required to obtain a license to purchase, carry, possess, use, or transport a pistol. If one of those individuals purchases or otherwise acquires a pistol, the seller must complete a record in triplicate on a form provided by the MSP. The record must include certain information about the individual. The seller may retain one copy of the record. The purchaser must receive two

copies and forward one to the police department of the city, village, or township where he or she lives or, if the person does not live in a city, village, or township having a police department, to the county sheriff.

Within 10 days after receiving the record copy, the police department or county sheriff must enter the information electronically into the MSP's pistol entry database or provide that information to the MSP in another manner. Within 48 hours after providing the information to the MSP, the police department or county sheriff must forward the copy of the record to the MSP.

The bill specifies that information received under those provisions would be confidential, would not be subject to disclosure under FOIA, and could not be disclosed except for purposes of the licensure law or for law enforcement purposes.

MCL 28.422 & 28.422a

## **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

### **Supporting Argument**

Public disclosure of pistol permits and records can provide criminals with locations of pistol owners. Criminals could use this information to target certain homes in order to steal weapons. Thus, public disclosure of this information threatens law-abiding pistol owners. By preventing disclosure of personal information that should be considered private, the bill would protect permit holders, as well as others against whom the stolen guns could be used.

### **Opposing Argument**

The bill would prevent transparency in government because it would prevent the public from accessing government records regarding handgun ownership.

**Response:** The value of making personal information available to the public must be balanced against the interest of protecting permit holders. Many other pieces of personal information, such as Social Security numbers, are already exempt from FOIA.

Legislative Analyst: Glenn Steffens

## **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.