



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

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 4490 (Substitute S-2 as reported by the Committee of the Whole)
House Bill 4491 (Substitute S-1 as reported by the Committee of the Whole)
Sponsor: Representative Paul Opsommer (S.B. 4490)
Representative Joel Sheltroun (S.B. 4491)
House Committee: Tourism, Outdoor Recreation, and Natural Resources
Senate Committee: Judiciary

CONTENT

House Bill 4490 (S-2) would amend the handgun licensure Act to do the following:

- Repeal Section 9, which requires a person within Michigan who owns or comes into possession of a pistol to present it for a safety inspection to the commissioner or chief of police of the city, township, or village, or to the sheriff of the county, where the person resides.
- Require a purchaser to return two copies of a completed license to a licensing authority within 10 days after the date the pistol was purchased (as currently required) or acquired.
- Allow a purchaser to return the copies of the license to the licensing authority in person or by first-class or certified mail sent within the 10-day period.
- Provide that a purchaser who failed to return copies of the license would be responsible for a State civil infraction and could be fined up to \$250.
- Require the court to notify the State Police of a State civil infraction determination.
- Allow a licensee to carry, use, possess, and transport the pistol only while he or she was in possession of his or her copy of the license, for 30 days beginning on the date of purchase or acquisition.
- Require licensing authorities with the ability to enter data electronically into the pistol entry database to enter license information required by the Department of State Police into the database; and require those without the ability to enter data electronically to provide that information to the State Police in a manner required by the Department.
- Allow purchasers to obtain a copy of the information in the database to verify its accuracy.
- Require licensing authorities to continue to provide to the State Police pistol descriptions required under Section 9 of the Act.
- Prohibit a person from possessing a pistol in this State without first having obtained a license for it.

House Bill 4491 (S-1) would repeal Section 228 of the Michigan Penal Code, which makes it is a misdemeanor punishable by up to 90 days' imprisonment and/or a fine of up to \$100 to fail to have a pistol inspected as required under Section 9 of the handgun licensure Act.

The bills are tie-barred to each other and to Senate Bill 370, and would take effect 180 days after the date they were enacted. (Senate Bill 370 (H-4), as passed by the House, would amend the handgun licensure Act to require an individual licensed to carry a concealed weapon who purchased or otherwise acquired a pistol, to forward two copies of the sales record to the police department of the city, village, or township, or to the sheriff of the county, in which the purchaser resided within 10 days following the purchase or acquisition;

and require the police department or sheriff to forward a copy to the State Police within 48 hours after receiving the copies. The bill also would exempt a State court judge or a retired State court judge from provisions under which concealed pistols may not be carried on certain premises (no-carry zones). In addition, the bill would include certain motor carrier officers and security personnel employed by the State as peace officers, in provisions requiring individuals to have their license to carry with them when carrying a concealed pistol, to show their license to a peace officer upon request, and to disclose that they are carrying a concealed pistol when stopped by a peace officer; and authorizing peace officers to seize pistols carried in violation of these requirements.)

MCL 28.422 et al. (H.B. 4490)
750.224b & 750.231a (S.B. 4491)

Legislative Analyst: Craig Laurie

FISCAL IMPACT

House Bill 4490 (S-2) would result in minor fiscal savings for local and State law enforcement agencies by reducing administrative duties concerning the inspection of firearms and associated record-keeping, in an amount that cannot be determined.

House Bill 4491 (S-1) would have an indeterminate fiscal impact on local government. There are no data to indicate how many offenders will be convicted of failing to have a pistol inspected as currently required, absent the bill. To the extent that the bill would result in decreased convictions, local governments would incur decreased costs of incarceration in local facilities, which vary by county. Public libraries would receive less penal fine revenue.

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Fiscal Analyst: Bruce Baker
Lindsay Hollander

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Analysis available @ <http://www.michiganlegislature.org>

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.