

## CPL & NO-CARRY ZONE REVISIONS

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### Senate Bill 516 (H-1) as reported from House committee

**Sponsor: Sen. Rick Jones**

**House Committee: Judiciary**

**Senate Committee: Judiciary**

**Complete to 11-3-15**

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

### SUMMARY:

Briefly put, the bill, which is a companion bill to House Bill 4159, amends the Handgun Licensure Law to add several definitions, including a definition for "acceptable proof" of the qualifications needed for active and retired individuals of several law enforcement-related occupations to be exempt from the prohibition on carrying a concealed pistol in a no-carry zone. The bill also revises the process by which a concealed pistol license is suspended if the holder is charged with a criminal offense and is reinstated if the individual is acquitted or the charges dropped.

The bill is tie-barred to House Bill 4159, currently pending action on the Senate floor. That bill would expand the exemptions on carrying a concealed pistol in a no-carry zone to include a retired corrections officer of a county sheriff's department; an active or retired parole, probation, or corrections officer, or absconder recovery unit member, of the Department of Corrections; and an active or retired probation officer of any state court.

Senate Bill 516 amends the Handgun Licensure Law, Public Act 372 of 1927. Under provisions of Public Act 3 of 2015 (enrolled Senate Bill 34), beginning December 1, 2015, county clerks will assume responsibility for issuing concealed pistol licenses (CPL). The county clerk will be required to include an indication on the license if an individual is exempt from the prohibitions against carrying a concealed pistol on premises described in Section 5o of the act as no-carry zones *if* the applicant for the CPL provides *acceptable proof* that he or she qualifies for the exemption. The bill adds what would constitute acceptable proof for applicants in the following occupations:

- ❖ *Active corrections officer of a county sheriff's department*—a letter stating that the individual has received county sheriff-approved weapons training (this in addition to employee identification, which is currently required).
- ❖ *Retired corrections officer of a county sheriff's department*—a letter from the county sheriff's office stating that the individual retired in good standing and received county sheriff-approved weapons training.
- ❖ *Active corrections officer or absconder recovery unit member of the Department of Corrections*—the individual's employee identification and proof of obtaining a DOC weapons permit.
- ❖ *Retired parole, probation, or corrections officer, or retired absconder recovery unit member, of the DOC*—a letter from the DOC that the individual retired in good standing and proof of obtaining a DOC weapons permit.

License suspensions. Currently, if a CPL holder is charged with a felony or misdemeanor offense, the court must immediately order the county clerk of the county issuing the CPL to suspend the individual's license until there is a final disposition in the case. If the charges are dismissed or the individual is acquitted, the court must notify the county clerk who is then required to automatically reinstate the CPL if not expired and the individual is otherwise qualified to carry a concealed pistol (as verified by the Department of State Police, MSP).

The bill would no longer require a court to order the county clerk to suspend the license when a CPL holder is charged with a criminal offense; the county clerk would have to immediately suspend the license upon notification by a law enforcement agency, prosecuting official, or court that a CPL holder is charged with a felony or misdemeanor.

In addition, instead of the court notifying the county clerk to reinstate the license if the criminal charges were dismissed or the person acquitted, the CPL holder would have the responsibility of notifying the clerk.

Further, the bill would eliminate a provision requiring the court to notify the county clerk of each statutory provision with which the individual had been charged and a provision requiring, in certain circumstances, a written complaint and an opportunity to request the county clerk to conduct a review of a court-ordered suspension or revocation of a license before the license could be suspended or revoked.

Definitions. "Parole or probation officer" of the DOC would mean any individual employed by the DOC to supervise felony probationers or parolees or that individual's immediate supervisors.

"Retired corrections officer" of the DOC would mean an individual who was a corrections officer of the DOC and who retired in good standing from employment as a corrections officer of the DOC.

"Retired parole or probation officer" of the DOC means an individual who was a parole or probation officer of the department and who retired in good standing from his or her employment as a parole or probation officer of the DOC.

"Local corrections officer" means that term as defined in Section 2 of the Local Corrections Officers Training Act.

MCL 28.421 et al.

## **FISCAL IMPACT:**

Senate Bill 516 would impose indeterminate, but likely nominal, costs on the Department of Corrections and local sheriff's offices. These would include the costs of processing letters indicating proof of approved weapons training, having obtained a Department of Corrections weapons permit, and retirement in good standing. The extent of these costs

would be determined by the number of individuals who subsequently request these documents. This bill would also reduce costs to local courts by an indeterminate, but likely nominal amount by removing the requirement that courts notify county clerks to reinstate suspended concealed pistol licenses when charges against a CPL holder are dropped or the individual is acquitted.

**POSITIONS:**

The Michigan Association of County Clerks indicated support for the H-1 version of the bill. (11-3-15)

Michigan Corrections Organization indicated support for the bill. (11-3-15)

A representative of the Michigan Gun Owners, Inc. testified the organization is neutral on the bill. (11-3-15)

A representative of Michigan Open Carry testified in opposition to the bill. (11-3-15)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.