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BILL ANALYSIS



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Senate Bill 516 (Substitute S-2 as reported)
House Bill 4159 (Substitute S-4 as reported)
Sponsor: Senator Rick Jones (S.B. 516)
Representative Joel Johnson (H.B. 4159)
Senate Committee: Judiciary
House Committee: Judiciary (H.B. 4159)

CONTENT

The bills would amend the handgun licensure law to exclude retired county corrections officers and certain Department of Corrections (DOC) and court officers who held a concealed pistol license (CPL) from provisions prohibiting a licensee from carrying a concealed pistol or taser on certain premises. Senate Bill 516 (S-2) also would revise procedures for suspension of a CPL when a licensee is charged with a felony or misdemeanor and for reinstatement of the license when a person is acquitted or charges are dismissed. The bills are tie-barred and would take effect on December 1, 2015.

House Bill 4159 (S-4) would expand the list of individuals to whom the "no-carry zone" prohibition does not apply. The law prohibits a person who holds a CPL, or who is exempt from licensure, from carrying a concealed pistol or taser on certain premises (commonly called no-carry zones). The law lists individuals to whom the no-carry zone prohibition does not apply, including a licensee who is a corrections officer of a county sheriff's department. Under the bill, the prohibition would not apply to a CPL holder who was a currently employed or retired sheriff's department corrections officer, if he or she had received weapons training approved by the county sheriff.

In addition, the no-carry zone prohibition currently does not apply to a licensee who is a DOC parole or probation officer. Under the bill, the prohibition would not apply to a licensee who was a currently employed or retired DOC parole, probation, or corrections officer, or absconder recovery unit member, if he or she had obtained a DOC weapons permit. The bill also would exempt a currently employed or retired court probation officer from the no-carry zone prohibition.

Senate Bill 516 (S-2) would define "acceptable proof" of qualification for an exemption from the licensure law's no-carry zone prohibition for the DOC, county sheriff, and court employees and retirees who would be exempt from that prohibition under House Bill 4159 (S-4).

Beginning December 1, 2015, the county clerk must indicate on a person's CPL if that person is exempt from the no-carry zone prohibition, if the applicant provides acceptable proof that he or she qualifies for the exemption. The law defines "acceptable proof" for various people exempted from the no-carry zone provision. Under the bill, acceptable proof also would include the following:

- For an individual who was a retired corrections officer of a county sheriff's department, a letter from the sheriff's office stating that the person retired in good standing and that he or she had received weapons training approved by the county sheriff.

- For a retired DOC parole, probation, or corrections officer, or absconder recovery unit member, a letter from the DOC stating that the person retired in good standing and proof that he or she obtained a DOC weapons permit.
- For a court probation officer, the officer's employee identification.
- For a retired court probation officer, a letter from the court stating that he or she retired in good standing.

In addition, for a DOC parole or probation officer, acceptable proof currently means his or her employee identification. Under the bill, for a DOC parole, probation, or corrections officer or absconder recovery unit member, acceptable proof would mean his or her employee ID and proof that the person had obtained a DOC weapons permit. Under the law, for an individual who is a sheriff's department corrections officer, acceptable proof means his or her employee identification. The bill also would require a letter stating that the person had received weapons training approved by the county sheriff.

Under the law, if a CPL holder is charged with a felony or misdemeanor, the court must order the county clerk to suspend his or her license until there is a final disposition of the charge. The court must notify the county clerk of each statutory provision with which the person has been charged. The bill would delete the requirement that the court notify the clerk and order the clerk to suspend the license. Instead, if a county clerk were notified by a law enforcement agency, prosecuting official, or court that a CPL holder was charged with a felony or misdemeanor, the clerk would have to suspend the license until there was a final disposition.

Currently, if a court orders a license to be suspended and the person is acquitted or the charge is dismissed, the court must notify the county clerk, who must reinstate the license. The bill instead specifies that if a county clerk suspended a license and the person were acquitted or the charge dismissed, the person whose CPL was suspended would have to notify the clerk and the clerk would have to reinstate the license.

MCL 28.421 et al. (S.B. 516)
28.425o (H.B. 4159)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Senate Bill 516 (S-2) would reduce local courts' costs by a minimal amount by removing a requirement that a court notify the county clerk of a felony or misdemeanor charge against a CPL holder. County sheriffs could incur increased costs to provide letters for current or retired county corrections officers that verified that an individual had received county sheriff-approved weapons training and had retired in good standing. This cost would depend on the number of requests for documentation and the availability of the records. The bill would have no fiscal impact on State government.

House Bill 4159 (S-4) would have no fiscal impact on State or local government.

Date Completed: 10-12-15

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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.