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BILL ANALYSIS



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Senate Bill 516 (as introduced 9-24-15)
Sponsor: Senator Rick Jones
Committee: Judiciary

Date Completed: 9-29-15

CONTENT

The bill would amend the handgun licensure law to do the following:

- **Define "acceptable proof" of qualification for an exemption from concealed pistol license (CPL) no-carry zone provisions for certain Department of Corrections (DOC), county sheriff, and court retirees, and current DOC and court employees.**
- **Revise the 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 bill would take effect on December 1, 2015.

No-Carry Zone Exemptions

The handgun licensure law prohibits a person who is licensed to carry a concealed pistol, or who is exempt from licensure, from carrying a concealed pistol or taser on certain premises. These areas are commonly called weapon-free or no-carry zones. Section 5o lists various individuals to whom the no-carry zone prohibition does not apply.

Beginning December 1, 2015, the county clerk must indicate on a person's CPL if that person is exempt from the prohibition against carrying a concealed pistol in a no-carry zone, 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, such as corrections officers, private investigators, and retired police officers.

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.
- 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 the DOC Director authorized the person to carry a concealed pistol during the performance of his or her duties or while going to or returning from his or her duties.
- 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, under the law, for a DOC parole or probation officer, acceptable proof means his or her employee identification. The bill would include a DOC corrections officer or absconder recovery unit member in that provision and also would require proof that the person was

authorized by the DOC Director to carry a concealed pistol during the performance of his or her duties or while going to or returning from his or her duties.

Suspension of CPL

Under the law, if a CPL holder is charged with a felony or misdemeanor, the court must immediately order the clerk of the county in which the person's license was issued 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 county clerk and order the clerk to suspend the person's 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 immediately suspend the person's license until there was a final disposition of the charge.

Currently, if a court orders a license to be suspended and the person is acquitted of the charge or the charge is dismissed, the court must notify the county clerk, who must automatically reinstate the license if it has not expired and the person is otherwise qualified to receive a CPL. 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 automatically reinstate the license if it had not expired and the person were otherwise qualified to receive it.

MCL 28.421 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill 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. The bill would have no fiscal impact on State government.

Fiscal Analyst: Elizabeth Pratt

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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.