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BILL ANALYSIS



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Senate Bill 516 (as enacted)
House Bill 4159 (as enacted)
Sponsor: Senator Rick Jones (S.B. 516)
Representative Joel Johnson (H.B. 4159)
Senate Committee: Judiciary
House Committee: Judiciary

PUBLIC ACT 207 of 2015
PUBLIC ACT 206 of 2015

Date Completed: 10-26-16

CONTENT

House Bill 4159 amended the handgun licensure law to exclude retired county corrections officers and certain Department of Corrections officers and retired officers who hold a concealed pistol license (CPL) from provisions prohibiting a licensee from carrying a concealed pistol or taser on certain premises.

Senate Bill 516 amended the handgun licensure law to do the following:

- Define "acceptable proof" of qualification for an exemption from concealed pistol license no-carry zone provisions for certain Department of Corrections and county sheriff employees and retirees.
- 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 bills took effect on December 1, 2015.

House Bill 4159

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 the premises of any of the following (commonly called weapon-free or no-carry zones), excluding the parking areas:

- A school or school property, except for a student's parent or legal guardian while in a vehicle on school property, if he or she is dropping off or picking up the student.
- A public or private child care center or day care center, child caring institution, or child placing agency.
- A sports arena or stadium.
- A licensed bar or tavern whose primary source of income is the sale of liquor by the glass for on-premises consumption.
- Any property or facility owned or operated by a church, synagogue, mosque, temple, or other place of worship, unless its presiding official or officials permit the carrying of a concealed pistol on the property or facility.
- An entertainment facility with a seating capacity of 2,500 or more that the person knows or should know has such a seating capacity or that has a sign stating that capacity.
- A hospital.
- A dormitory or classroom of a community college, college, or university.

A violation is a State civil infraction punishable by a maximum fine of \$500, and a mandatory six-month suspension of the individual's license to carry a concealed pistol. A second violation is a misdemeanor punishable by a maximum fine of \$1,000, and revocation of the individual's license to carry a concealed pistol. A third or subsequent violation is a felony punishable by up to four years' imprisonment and/or a maximum fine of \$5,000, and license revocation.

The law lists individuals to whom the prohibition described above does not apply. The list previously included a licensee who was a corrections officer of a county sheriff's department. Under the bill, the prohibition does not apply to an individual who is licensed under the law and is a corrections officer of a county sheriff's department or is a retired corrections officer of a county sheriff's department, if he or she has received county sheriff-approved weapons training.

In addition, the prohibition previously did not apply to a licensee who was a Department of Corrections (DOC) parole or probation officer. Under the bill, the prohibition does not apply to a licensee who is a currently employed or retired DOC parole, probation, or corrections officer, or absconder recovery unit member, if he or she has obtained a DOC weapons permit.

Senate Bill 516

No-Carry Zone Exemptions

The law requires a county clerk to 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, for an individual who is a corrections officer of a county sheriff's department, "acceptable proof" means his or her employee identification and a letter stating that he or she has received county sheriff-approved weapons training. Previously, the term meant the county corrections officer's employee identification.

For an individual who is a DOC parole, probation, or corrections officer or an absconder recovery unit member, the bill defines "acceptable proof" as his or her employee identification and proof that he or she obtained a DOC weapons permit. Previously, for a DOC parole or probation officer, the term meant the officer's employee identification.

Also, the bill includes the following as "acceptable proof":

- For an individual who is 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 county sheriff-approved weapons training.
- 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.

Suspension of CPL

Previously, if a CPL holder had been charged with a felony or misdemeanor, the court was required to immediately order the clerk of the county in which the person's license was issued to suspend his or her license until there was a final disposition of the charge. The court had to notify the county clerk of each statutory provision with which the person was charged.

The bill deleted these requirements. Instead, if a county clerk is notified by a law enforcement agency, prosecuting official, or court that a CPL holder has been charged with a felony or

misdemeanor, the clerk must immediately suspend the person's license until there is a final disposition of the charge.

Previously, if a court ordered a license to be suspended and the person was acquitted of the charge or the charge was dismissed, the court was required to notify the county clerk, who had to automatically reinstate the license if it had not expired and the person was otherwise qualified to receive a CPL. The bill instead specifies that if a county clerk suspends a license and the person is acquitted or the charge dismissed, the person whose CPL was suspended must notify the clerk and the clerk must automatically reinstate the license if it has not expired and the person is otherwise qualified to receive it.

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

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Senate Bill 516

The bill will 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 may incur increased costs to provide letters for current or retired county corrections officers that verify that an individual has received county sheriff-approved weapons training and has retired in good standing. This cost depends on the number of requests for documentation and the availability of the records. The bill will have no fiscal impact on State government.

House Bill 4159

The bill will have no fiscal impact on State or local government.

Fiscal Analyst: John Maxwell
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.