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**SFA****BILL ANALYSIS**

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Senate Bills 983, 984, and 985 (as introduced 3-3-98)

Sponsor: Senator Bill Bullard, Jr. (S.B. 983)

Senator Virgil C. Smith, Jr. (S.B. 984)

Senator Loren Bennett (S.B. 985)

Committee: Hunting, Fishing and Forestry

Date Completed: 3-17-98

## **CONTENT**

**The bills would amend the handgun licensure Act to require each county to have a concealed weapon licensing board, repeal current licensure procedures and criteria, provide for a concealed weapon permit appeal procedure, and specify meeting times and notification procedures.** The bills would take effect January 1, 1999.

The bills are tie-barred to each other, as well as to Senate Bills 967, 986, 987, and 988, which pertain to concealed weapons, and several bills that have not yet been introduced.

### **Senate Bill 983**

#### **Concealed Weapon Licensing Boards**

The bill would require each county to have a concealed weapon licensing board consisting of the following members:

- The county prosecuting attorney or his or her designee, who would have to serve as chairperson of the board.
- The county sheriff or his or her designee.
- One individual who was not a member of a law enforcement agency and who was regularly engaged in teaching pistol safety and training programs or classes.
- Two individuals representing the general public appointed by the county board of commissioners, or the county executive or manager if one existed.

The county clerk would serve as clerk of the board. Three members of the board would constitute a quorum, and the business of the board would have to be conducted by a majority vote of all board members.

Under the bill, the board would be required to review each application submitted by a resident of that county for a license to carry a concealed pistol, determine whether to issue a license to the applicant, and perform other duties as required by law.

#### **Repealer**

The bill would repeal Section 6 of the Act, which sets forth the current procedures for issuing licenses to carry a pistol that is concealed on a person or to carry a pistol in a vehicle (MCL 28.426). Under this section, the prosecuting attorney, the sheriff, and the Director of the Department of State Police, or their authorized deputies, must constitute a board to issue a concealed weapon license to applicants in their county. An applicant must be at least 18 years old, a U.S. citizen, and a State resident for at least six months; must have a good reason to fear injury to his or her person or

property, or have “other proper reasons”; and must be “a suitable person to be licensed”. Further, an applicant must not have been convicted of or confined for a felony within the previous eight years, or have a pending felony charge; must not have been adjudged insane or legally incapacitated, or be under an order of involuntary commitment; and must not be the subject of an order entered into the Law Enforcement Information Network under various sections of law.

Under Section 6, if an applicant lives in a city, village, or township with an organized police department, a license may not be issued without the approval of the supervisor, commissioner or chief of police, or marshal of that local unit. If an applicant does not live in a city, village, or township with an organized police department, the application must be submitted to the township supervisor for approval or objection. In either case, if an application is not approved, the applicant may appeal to the concealed weapon licensing board in the county.

Section 6 requires an applicant to have two sets of fingerprints taken. A license may not be issued unless the board receives reports from the State Police and the FBI that the applicant was not convicted or confined for a felony within the eight-year period. In case of emergency, the board may grant a temporary license for up to 30 days pending the fingerprint reports.

An application must state each reason for the necessity or desirability of carrying a pistol concealed on the person or carrying a pistol in a vehicle. A license must limit the carrying of a pistol to the reason or reasons satisfactory to the board, and each restriction must appear on the license.

One copy of a license must be delivered to the applicant, one to the county clerk, and one to the State Police. The county clerk must collect a licensing fee of \$10 from the applicant for each license delivered to him or her (although a charter county may impose a different fee that does not exceed the cost of the service). A license is valid for a definite period, which may not exceed three years, and may not be renewed except upon the filing of a new application.

#### **Senate Bill 984**

The bill provides that if the concealed weapon licensing board denied or failed to issue a license to carry a concealed pistol, or issued a restricted license, the applicant could petition the district court in the applicant’s judicial district to review the denial or failure to issue the license, or the issuance of a restricted license. The review of the denial, failure to issue a license, or issuance of a restricted license would have to be made de novo.

Under the bill, the court would be required to order the board to pay the applicant’s actual and reasonable expenses including, but not limited to, actual and reasonable attorney fees, if the court determined that the board did the following improperly: denied the issuance of a license to carry a concealed pistol, failed to issue a license, or issued a restricted license.

#### **Senate Bill 985**

##### **Meeting Times and Notification**

The bill specifies that the concealed weapon licensing board would have to meet at least twice each month after 6 p.m. for at least four hours. The board would not be required to meet or continue meeting after 6 p.m. if there were no applications pending before the board.

The board would have to notify each applicant in writing that his or her application was to be considered by the board. The notice (specifying the time, place and location) would have to be sent by first-class mail to the applicant’s home at least seven days before the application was to be considered by the board.

The bill further provides that the board would have to post a conspicuous notice, specifying all applications that were to be considered, in an area of the county clerk's office accessible to the public and providing at least seven days' notice of each board meeting. The notice requirements, however, would not apply to a temporary license application.

#### Repealer

The bill would repeal a section of the Act pertaining to licensing fees for retired peace officers (MCL 28.432c). Currently, a licensing renewal fee is not required for an applicant who is a retired peace officer of a duly authorized State or local police agency. When applying for a license renewal, a retired officer must submit evidence of retirement to have the fee waived.

Proposed MCL 28.425 (S.B. 983)  
Proposed MCL 28.425e (S.B. 984)  
Proposed MCL 28.425a (S.B. 985)

Legislative Analyst: N. Nagata

#### **FISCAL IMPACT**

##### **Senate Bill 983**

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

##### **Senate Bill 984**

The bill would result in an indeterminate fiscal impact on county concealed weapon licensing boards. It is not known how frequently a local board would be liable for court and attorney costs associated with a successful court reversal of a denied weapons permit.

##### **Senate Bill 985**

The bill would require each county concealed weapon licensing board to meet a minimum of two times per month rather than a minimum of once each month, as now required. In counties where the board has only been routinely meeting once a month, additional salary cost of those local officials who are members of the board may be incurred.

Fiscal Analyst: B. Baker

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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.