

## **ALLOW FINGERPRINT FEE FOR CCW PERMIT APPLICATION**

**House Bill 4818 as introduced  
First Analysis (6-17-03)**

**Sponsor: Rep. Scott Hummel  
Committee: Judiciary**

### ***THE APPARENT PROBLEM:***

When a person applies for a permit to carry a concealed pistol (CCW), he or she must also submit a fingerprint card so that a criminal history check can be conducted. Currently, the fingerprinting must be done at the county sheriff's department. Apparently, people seeking a CCW permit have reported a waiting period before their fingerprints were taken due to a backlog at some sheriff's departments.

In an attempt to reduce the backlog, an amendment was added to House Bill 6337, which became PA 719 of 2002. As of July 1, 2003, when changes made by Public Act 719 take effect, an applicant will also be able to request a local police agency to take the fingerprints. Public Act 719 also increased the CCW permit application fee to \$105 and specified that \$15 of the fee is to be distributed to the credit of the county sheriff that provided the fingerprinting service. However, no comparable revenue was earmarked for a local police agency providing the service, and the CCW statutes prohibit any state or local governmental entity from charging or assessing a fee on top of the application fee. Therefore, in a short while, a local police agency may have to provide fingerprinting services upon request with no extra funding to support those services.

Legislation has been offered to provide a revenue source for police agencies providing fingerprinting services for CCW permit applicants.

### ***THE CONTENT OF THE BILL:***

The bill would require an applicant for a concealed pistol permit to pay a local police agency a \$15 fee for fingerprinting services. The bill would take effect July 1, 2003.

The bill would amend Public Act 372 of 1927 which regulates the selling, buying, and possession of certain firearms (including concealed pistols). The act requires an applicant for a permit to carry a concealed weapon (CCW) to have classifiable

fingerprints taken by the county sheriff, and beginning July 1, 2003, the act will allow them to be taken by a local police agency. (The fingerprints are then forwarded to the state police and Federal Bureau of Investigation for a state and national search of criminal data bases. Part of the application fee for a permit is forwarded to the state police to cover costs charged by the department and the FBI for conducting the fingerprint checks.)

Under the bill, an individual requesting a local police agency to take his or her fingerprints for the purpose of applying for a CCW permit would have to pay that policy agency a \$15 fee. The payment could be made by any method accepted by the governmental unit for payments of other fees and penalties. A person who had the fingerprinting done at the county sheriff's department would not pay this \$15 fee since a portion of the permit application fee is already earmarked for distribution to the sheriff's department to cover this service.

MCL 28.425b

### ***FISCAL IMPLICATIONS:***

According to the House Fiscal Agency, no information is available on the number of local agencies that maintain fingerprinting capabilities or the number of applicants that would opt to have fingerprints taken by a local agency rather than the county sheriff; therefore, the increase in revenue for local agencies under the bill is indeterminate. (6-12-03)

### ***ARGUMENTS:***

#### ***For:***

Public Act 719 of 2002 attempted to address a backlog of requests for fingerprinting for CCW permit applicants. An amendment added to the bill on the Senate floor shortly before the end of the legislative session will allow applicants to go to the

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local police agency if there is a waiting period at the county sheriff's department. However, the amendment did not contain language permitting the police agency to charge the CCW applicant a fee to cover costs involved with taking the fingerprints and forwarding them to the state police. Without such a provision, a police agency could not charge a fee because the act also states that all governmental agencies are prohibited from tacking on any additional charges to the permit application fee. The bill merely resolves an inequity that was overlooked at the time that police agencies were added to this provision and allows a police agency to collect the same fee from an applicant that the local sheriff receives for performing the same service.

***Response:***

As of July 1, applicants for a CCW permit will have to pay a higher fee (\$105 instead of \$55). This fee already includes \$15 that will automatically be disbursed to the local sheriff's department that took the applicant's fingerprints. However, if a person went to the local police agency, he or she would have to pay an additional \$15, and the county sheriff would still get \$15 even though that department did not take the fingerprints. It would seem that the fingerprinting portion of the fee should be able to be disbursed to whichever agency actually did the fingerprinting.

***Reply:***

There is only one sheriff's department in each county, whereas there are many local police agencies. Distributing revenue to a single department in each county is far simpler than to keep track of revenue needing to go to any one of several hundred police agencies. Obviously, to do so would result in a bureaucratic nightmare, not to mention a costly one. Besides, the choice to seek out a local police agency is entirely a personal one. If a person does not want to pay the additional \$15 fee, he or she can go to the county sheriff's department, as was originally intended for applicants to do. The provision allowing police agencies to provide this service was added to give CCW permit applicants an option in case their sheriff's department was experiencing a backlog in taking and processing the fingerprints.

***POSITIONS:***

There are no positions at this time.

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