

Legislative Analysis



WAIVE FIREARM TRAINING FOR VETERANS

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4522 as introduced

Sponsor: Rep. Joel Sheltrown

Committee: Conservation, Forestry, and Outdoor Recreation

First Analysis (6-27-05)

BRIEF SUMMARY: The bill would waive the firearm training requirement for a concealed weapons permit for individuals who have been honorably discharged from the armed forces.

FISCAL IMPACT: This would have an indeterminate fiscal impact since we don't know how many honorably discharged individuals would have taken the training in the first place and how many would actually apply for gun permits under this new law.

THE APPARENT PROBLEM:

In order for a person to receive a concealed weapons permit, the law requires an applicant to complete at least an eight-hour pistol training and safety program. (See Background Information.) The purpose of the training is to ensure the permit holder understands gun safety requirements and the laws governing the use of firearms for protection and other purposes.

Veterans of the armed forces are trained in the rules of engagement and the use of firearms. Customarily, their training far exceeds the training received by civilians, and often also exceeds the training required of those who work as police officers.

Currently retired police officers do not have to complete the eight-hour training requirement in order to get a concealed weapons permit (although the law requires police officers active on the force to do so). Legislation has been proposed to waive the training requirement for honorably discharged veterans of the armed forces, as well.

THE CONTENT OF THE BILL:

House Bill 4522 would amend Public Act 372 of 1927 (MCL 28.425j), which concerns the licensing of firearms, to waive the firearm training requirement for a concealed weapons permit for individuals who have been honorably discharged from the armed forces of this state, another state, or the United States.

BACKGROUND INFORMATION:

At MCL 28.425j, the law requires a pistol training or safety program that meets the requirements for knowledge or training in the safe use and handling of a pistol. That

program must include at least eight hours of instruction, and all of the following conditions must be met:

1) The program must be certified by the state or a national or state firearms training organization and provide five hours of instruction in all of the following:

- the safe storage, use, and handling of a pistol including the safe storage, use, and handling to protect child safety;

- ammunition knowledge, and the fundamentals of pistol shooting;

- pistol shooting positions;

- firearms and the law, including civil liability issues and the use of deadly force. This portion must be taught by an attorney or an individual trained in the use of deadly force;

- avoiding criminal attack and controlling a violent confrontation;

- all laws that apply to carrying a concealed pistol in Michigan.

2) The program must provide at least three hours of instruction on a firing range, and require firing at least 30 rounds of ammunition.

3) The program must provide a certificate of completion that states the program complies with the requirements described above, be signed and dated by the instructor, and confirm that the individual successfully completed the course.

ARGUMENTS:

For:

Veterans of America's armed forces are among the best trained soldiers in the world. Their preparation includes extensive firearms training with many weapons including pistols, as well as classes in which the soldiers learn when, where, against whom, and how military force should be used—a set of protocols generally referred to as the "rules of engagement." The kind of training a member of the armed forces receives far surpasses the eight-hour education program required when a person makes application to carry a concealed weapons permit. Consequently, the eight-hour program should be waived for honorably discharged veterans of the armed forces.

Against:

The bill is a good one, but it should be amended to ensure that all veterans seeking to waive the firearm training provision of the concealed weapons law have successfully completed adequate firearms training while in the military service. According to committee testimony, some people muster out of the armed services with little, and on

rare occasions, with no firearms training. These people should be required to take the eight-hour firearm training course before being licensed to carry a concealed weapon.

Against:

The eight-hour training course required under the law includes information about civil liability issues and the use of deadly force—a portion of the class generally taught by an attorney. This is valuable information and training for civilians who will carry and sometimes fire a pistol. The training differs significantly from the 'rules of engagement' learned while a member of the armed forces and participating in field operations.

POSITIONS:

The Michigan Coalition for Responsible Gun Owners supports the bill in concept. (6-23-05)

The Department of the State Police is neutral on the bill. (6-23-05)

Great Lakes Shooting Sports opposes the bill as written. (6-23-05)

The Shooters Alliance for Firearm Rights opposes the bill as written. (6-23-05)

Legislative Analyst: J. Hunault
Fiscal Analyst: Jan Wisniewski

■ 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.