

Legislative Analysis



CONCEALED PISTOL LICENSE RENEWAL

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House Bill 4643 as enrolled

Public Act 92 of 2006

Sponsor: Rep. Rick Jones

House Committee: Conservation, Forestry, and Outdoor Recreation

Senate Committee: Judiciary

Third Analysis (8-15-06)

BRIEF SUMMARY: Beginning July 1, 2006, the bill would, under certain circumstances, extend a concealed pistol license for up to 180 days, or until the renewal license was issued, if its renewal or denial were not completed in 60 days.

FISCAL IMPACT: The fiscal impact of the bill cannot be determined as it would depend on the number of renewals within each county.

THE APPARENT PROBLEM:

A permit to carry a concealed pistol is valid for five years and is renewed by filing an application at the offices of county government, where it is reviewed by the county gun board. The review of a renewal application generally takes 45 days, during which time an applicant's fingerprints are checked against files maintained by the Michigan State Police.

For example, according to the Kent County clerk, the renewal process in that county requires a review of the application by the clerk, sheriff, prosecutor, state police, and FBI before it is returned to the clerk and the applicant is once again licensed. Because it takes time to process the renewal application, some permit holders file their paperwork weeks or months in advance. However, some counties will not accept a re-application earlier than six months before the date that the permit is set to expire; then if they are slow to renew, as is said to be the case in Oakland and Wayne counties, the permits lapse. See Background Information below.

In order to ensure that a permit is extended until it is either reissued or denied, legislation has been introduced to allow permit holders to carry their expired permit, together with their receipt from the county clerk indicating they have filed for their license to be renewed.

THE CONTENT OF THE BILL:

The bill would amend Public Act 372 of 1927, the handgun licensure act, to do the following:

**** Require a concealed weapon licensing board to issue or deny a renewal license within 60 days after a licensee properly applied for renewal.**

- ** Extend the original license period if the board did not meet the 60-day requirement.
- ** Require the county clerk to issue the applicant a receipt for his or her renewal application at the time it was submitted.

If the concealed weapon licensing board failed to deny or issue a renewal license to the person within 60 days, the expiration date would be extended by 180 days or until the renewal license was issued, whichever occurred first. This provision would not apply unless the person paid the renewal fee at the time the renewal application was submitted and had submitted a receipt confirming that he or she had requested a background check.

A person carrying a concealed pistol after the license expired would have to keep the receipt issued by the county clerk and the expired license in his or her possession at all times when carrying the pistol. For purposes of the handgun licensure law, the receipt would be considered to be part of the license to carry a concealed pistol until a renewal license was issued or denied. Failing to possess the receipt and expired license while carrying a concealed pistol or failing to display the receipt to a peace officer upon request would be a violation of the law.

A receipt issued under the bill would have to contain the time and date of application and other information listed in the bill.

The bill would take effect on July 1, 2006.

MCL 28.4251

BACKGROUND INFORMATION:

In addition to the variation in the length of time it can take to process a concealed pistol permit, there has been some variation in the dates county officials designate as renewal and expiration dates. For example, in some counties the month and day of the permit renewal corresponded to the expiration day of the old permit; in others it was the day the license was picked up from the offices of county government; and in yet others, it was the day the permit was approved by the county gun board.

Public Act 262 of 2005 (House Bill 4186) amended the handgun licensure act to set the issuance date of a concealed pistol permit as the same day as the expiration of the preceding permit, if the permit were renewed prior to its expiration date (meaning there would be no gap in license coverage). That act also has a July 1, 2006 effective date.

ARGUMENTS:

For:

Currently, those who are licensed to carry concealed pistols often apply to renew their five-year licenses early, to ensure they do not lapse. Their renewal applications are reviewed by county gun boards, and include a finger-print check completed by the Department of State Police. Customarily the renewal process takes 45 days, although some counties having high population and many permit holders are reported to take as long as six to eight months to complete the renewal process. In counties where the wait

for a renewed permit is long, this legislation would help to ensure that licenses would not lapse during the renewal application process.

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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.