



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

House Bill 5217 (Substitute H-1 as passed by the House)  
Sponsor: Representative Scott Hummel  
House Committee: Judiciary  
Senate Committee: Judiciary

Date Completed: 6-5-06

## **CONTENT**

**The bill would amend the handgun licensure Act to do all of the following:**

- Provide for the confidentiality of certain personal information on an application for a license to carry a concealed pistol.**
- Allow an applicant or licensee to be furnished with a copy of his or her own application.**
- Specify that the amended section would not prohibit the public distribution of lists of qualified pistol safety instructors.**
- Require a statement on an application to disclose whether the applicant had been convicted of specific misdemeanors, rather than any misdemeanor.**

### Confidentiality

Under Section 5b of the Act, to obtain a license to carry a concealed pistol, an individual must apply to the concealed weapon licensing board in the county where he or she lives. The application must include the applicant's legal name and date of birth, and the address of his or her primary residence, as well as the name of the police department where he or she lives if that city, village, or township has a police department. Under the bill, this information would be confidential and not subject to disclosure under the Freedom of Information Act. The information could not be disclosed to any person except for purposes of the Act or for law enforcement purposes.

The bill specifies, however, that an applicant or an individual licensed under the Act could be given a copy of his or her own application, upon request and the payment of a reasonable fee. The bill also specifies that Section 5b would not prohibit the concealed weapon licensing board from making public and distributing to the public, at no cost, lists of individuals who are certified as qualified instructors of a pistol training or safety program described in the Act (MCL 28.425j).

### Misdemeanor Convictions

The Act requires an application for a license to carry a concealed pistol to include a statement by the applicant regarding whether he or she has ever been convicted in Michigan or elsewhere for any felony or misdemeanor. The bill, instead, would require an application to include a statement regarding whether the applicant had ever been convicted of any felony or had been convicted of a misdemeanor listed in Section 5b(7)(h) or 5b(7)(i) of the Act, in the immediately preceding eight years.

Section 5b(7) requires a county concealed weapon licensing board to issue a license if certain conditions are met. Under Section 5b(7)(h), the applicant may not have been convicted of a misdemeanor violation of any of the following in the eight years immediately preceding the date of application:

- Drunk driving, second offense.
- Reckless driving.
- Driving with a suspended or revoked license, second or subsequent offense.
- Hindering or obstructing a weights and measures enforcement officer.
- Hindering, obstructing, assaulting, or injuring the Director of the Department of Agriculture or his or her authorized representative.
- Unauthorized possession of a controlled substance, controlled substance analogue, or official prescription form.
- Displaying sexually explicit material to minors.
- Assault or domestic assault.
- Aggravated assault or aggravated domestic assault.
- Fourth-degree child abuse.
- Accosting, enticing, or soliciting a child for immoral purposes.
- Vulnerable adult abuse.
- Solicitation to commit a felony.
- Impersonating a sheriff, conservation officer, coroner, constable, or police officer.
- Illegal sale of a firearm or ammunition.
- Illegal sale of a self-defense spray.
- Sale or possession of a switchblade.
- Improper transportation of a firearm.
- Failure to have a pistol inspected.
- Accepting a pistol in pawn.
- Failure to register the purchase of a firearm or a firearm component.
- Improperly obtaining a pistol, making a false statement on an application to purchase a pistol, or using false identification to purchase a pistol.
- Intentionally aiming a firearm without malice.
- Intentionally discharging a firearm without malice.
- Possessing a firearm on prohibited premises.
- Brandishing a firearm in public.
- Possession of a firearm by an individual under 18.
- Intentionally discharging a firearm aimed without malice causing injury.
- Being the parent of a minor who possessed a firearm in a weapon free school zone.
- Setting a spring gun or other such device.
- Possessing a firearm while under the influence of liquor or a drug.
- Committing a weapon free school zone violation.
- Stalking.
- Reckless, careless, or negligent use of a firearm resulting in injury, death, or property damage.
- Reckless discharge of a firearm.
- Violating a law of the United States, another state, or a local unit of government of this or another state substantially corresponding to a violation described above.

Under Section 5b(7)(i), the applicant may not have been convicted of a misdemeanor violation of any of the following in the three years immediately preceding the date of application, unless the violation is listed under Section 5b(7)(h):

- Operating a motor vehicle under the influence.
- Refusal of a commercial vehicle driver to submit to a chemical test.
- Negligently failing to comply with requirements of a manufacturer of an ignition interlocking device.

- Circumventing an ignition interlocking device.
- Operating a commercial vehicle with alcohol content.
- Operating an aircraft under the influence.
- Operating an ORV under the influence.
- Operating an ORV while visibly impaired.
- Operating a snowmobile under the influence.
- A controlled substance violation of Part 74 of the Public Health Code.
- Operating a locomotive under the influence.
- Being a disorderly person.
- Embezzlement.
- Using false pretenses to defraud or cheat.
- Larceny.
- Retail fraud.
- Larceny of a vacant building.
- Larceny by conversion.
- Defrauding a lessor.
- Malicious destruction of property.
- Failure to obey police direction.
- Receiving stolen property.
- Malicious use of telephones.
- A violation of a law of the United States, another state, or a local unit of government substantially corresponding to a violation listed above.

MCL 28.425b

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

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

Fiscal Analyst: Bruce 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.