

Legislative Analysis



DEFINITION OF FEDERALLY LICENSED FIREARMS DEALER

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Senate Bill 60 (Substitute S-2)
Sponsor: Sen. Mike Green
House Committee: Natural Resources
Senate Committee: Judiciary

(Enacted as Public Act 3 of 2013)

Complete to 2-15-13

A SUMMARY OF SENATE BILL 60 AS REPORTED FROM HOUSE COMMITTEE ON 2-12-13

The bill would amend the Handgun Licensure Law to revise the definition of "federally licensed firearms dealer" as contained in the section that exempts such dealers from having to obtain a license to purchase, carry, possess, use, or transport a pistol.

Current law defines a "federally licensed firearms dealer" as an individual who holds a type 01 dealer license under [federal law] 18 USC 923. Under the bill, that definition would be effective before December 18, 2012. Beginning on that date, "federally licensed firearms dealer" would mean a person licensed to sell firearms under [federal law] 18 USC 923. "Person" would be defined as an individual, partnership, corporation, association, or other legal entity.

The bill would be retroactive and would be effective as of December 18, 2012.

MCL 28.422a

FISCAL IMPACT:

A fiscal analysis is in process.

BACKGROUND INFORMATION AND DISCUSSION:

Among other things, Public Act 377 of 2012 eliminated the requirement that an individual obtain a pistol purchase permit to purchase a pistol from a federally licensed firearms dealer. However, as defined in statute, "federally licensed firearms dealer" contained a reference to a specific class of dealer (type 01) and would still require individuals that purchase firearms from non-type 01 dealers to have a permit. According to testimony, 268 federally licensed firearms dealers in the state that are not type 01 have thousands of incomplete sales because they were unaware that they had not been included under the provisions of Public Act 377, as had been the original intent. The bill is intended to include all 11 types of federally licensed firearms dealers in the definition.

POSITIONS:

Michigan State Police supports the bill. (2-12-13)

Michigan United Conservation Clubs supports the bill. (2-12-13)

A representative of the Michigan Association of Firearms Retailers testified in support of the bill. (2-12-13)

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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.