

Legislative Analysis



PISTOL LICENSE: EXEMPT PEACE OFFICERS

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House Bill 4535 as enacted
Public Act 6 of 2016
Sponsor: Rep. Lana Theis
House Committee: Judiciary
Senate Committee: Judiciary
Complete to 7-20-16

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY: The bill would allow a peace officer to use an MCOLES certificate number in lieu of obtaining a pistol license before purchasing, carrying, possessing, using, or transporting a pistol.

FISCAL IMPACT: The bill would not have a significant fiscal impact on the state or local units of government.

THE APPARENT PROBLEM:

When a Michigan police officer won a handgun in a drawing at a charity event, he found that he could not take possession of the pistol without first obtaining a handgun purchase permit. If he had possessed a concealed pistol license, he could have used the CPL in lieu of the handgun purchase permit. However, under state and federal laws, qualified active law enforcement officers are exempt from prohibitions on carrying concealed pistols. Because the officer did not have a CPL, and even though he was certified by the Michigan Commission on Law Enforcement Standards (MCOLES) as a law enforcement officer (and thus qualified to carry and use a handgun), he had to go through the handgun purchase permit process which includes passing a background check. It has been suggested that the law be amended to allow an active duty law enforcement officer to use an MCOLES certification in lieu of obtaining a handgun purchase permit, much as a CPL holder is able to use that license in place of obtaining a permit to buy or possess a pistol.

THE CONTENT OF THE BILL:

The bill amends Section 2a of the Handgun Licensing Act to exempt a currently employed police officer certified under the Commission on Law Enforcement Standards (MCOLES) Act from having to obtain a license to purchase, carry, possess, use, or transport a pistol. Under the bill's provisions, if a police officer purchases or otherwise acquires a pistol, the seller must include the police officer's MCOLES certificate number, in addition to other required information, on the form that sellers are required to complete. In addition, the bill requires MCOLES to provide certificate information to the Department of State Police to verify the requirements of Section 2a.

[The certificate is a numbered document issued by MCOLES to a person who meets the law enforcement officer minimum standards to be employed as a MCOLES certified law enforcement officer and who is authorized to be employed as a law enforcement officer.]

The bill took effect May 2, 2016.

MCL 28.422a

ARGUMENTS:

For:

The bill solves a conundrum faced by police officers when trying to purchase a handgun. Though they have completed comprehensive training and obtained MCOLES certification—which means they are qualified to be employed as law enforcement officers—they must go through the same process in place for civilians unless they also have a concealed pistol license. However, since under state and federal laws active law enforcement officers do not have to have a CPL to carry a concealed pistol, many do not obtain one.

The bill addresses the issue by allowing active police officers to use their MCOLES certification number in place of obtaining a pistol purchase permit in much the same way that CPL holders are able to use their CPL number to buy a handgun. The bill only applies to currently employed police officers. Retired or unemployed police officers would have to apply either for a CPL or a handgun purchase permit before purchasing or carrying a handgun. The restriction to currently employed officers recognizes that active officers are vetted on a regular basis—at least every two years—and so any conduct that would disqualify them from obtaining a handgun would be readily identified and verified.

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