



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 225 (as introduced 3-24-15)
Sponsor: Senator Mike Shirkey
Committee: Judiciary

Date Completed: 6-16-15

CONTENT

The bill would amend the handgun licensure law to revise provisions dealing with the purchase or acquisition of a pistol, and add restrictions that would apply to a seller or a federally licensed firearms dealer. The bill would do the following:

- **Require a license to purchase, carry, possess, and transport a pistol, and a seller's record of a sale to a person who is exempt from licensure, to be issued in duplicate, rather than triplicate.**
- **Delete requirements that a purchaser of a pistol return one of the copies of the license or the sales record to law enforcement, and that information from it be entered into the Michigan Department of State Police (MSP) pistol entry database.**
- **Revise provisions dealing with the transfer of ownership of pistols by inheritance, and restrict the ability of law enforcement to seize and dispose of a pistol it obtained as a result of nonqualified heirs or devisees.**
- **Prohibit a seller or federally licensed firearms dealer from creating a visible representation or biometric record of a person who purchased a firearm or ammunition.**
- **Prohibit a seller or federally licensed firearms dealer from linking a visible representation of a firearm or ammunition transaction to an individual, except at the request of law enforcement or pursuant to a court order.**

License to Purchase, Carry, Possess, or Transport a Pistol

Section 2 of the licensure law generally prohibits a person from purchasing, carrying, possessing, or transporting a pistol in Michigan without first having obtained a license for the pistol, and outlines the requirements and procedures for licensure.

Licenses must be executed in triplicate upon forms provided by the MSP Director and must be signed by the licensing authority. The bill would require licenses to be executed in duplicate.

Under the licensure law, the following people are not required to obtain a license to purchase, carry, possess, use, or transport a pistol:

- A person licensed to carry a concealed pistol.
- A federally licensed firearms dealer.
- A person who purchases a pistol from a federally licensed firearms dealer in compliance with Federal law.

If an individual described above purchases or otherwise acquires a pistol, however, the seller must complete a record in triplicate on a form provided by the MSP. The seller may retain one copy and the purchaser must receive two copies. The bill would require the form to be completed in duplicate, with the seller retaining one copy and the purchaser receiving the other copy.

The licensure law requires the purchaser of a pistol to return one copy of the license to the licensing authority within 10 days after the purchase or acquisition, and requires a purchaser who is exempt from licensure to forward one copy of the sales record to the police department of the city, village, or township where he or she lives, or to the county sheriff, within 10 days after the purchase or acquisition. Failure to comply is a civil infraction and the purchaser may be fined up to \$250. The court must notify the MSP if a purchaser is found responsible for that infraction. The bill would delete these provisions.

Within 10 days after receiving the copy of the license or sales record, the licensing authority must electronically enter the information into the pistol entry database as requested by the MSP if it has the ability to do so. If not, the licensing authority must give the information to the MSP in a manner it requires. Within 48 hours after entering or otherwise providing the information, the licensing authority must forward the copy of the license or sales record to the MSP. The bill would delete these requirements.

The law allows a purchaser to carry, use, possess, and transport the pistol for 30 days beginning on the date of the purchase or acquisition only while he or she possesses his or her copy of the license or the sales record. After that, the person is not required to have the license or record in his or her possession while carrying, using, possessing, or transporting the pistol. The bill would delete these provisions.

Inherited Pistol

Section 2 of the licensure law states that it does not prevent the transfer of ownership of a pistol that is inherited if the license to purchase is approved by the commissioner or chief of police, sheriff, or their authorized deputies, and signed by the personal representative of the estate or by the next of kin having authority to dispose of the pistol. Under the bill, Section 2 would not prevent the transfer of ownership of a pistol that was inherited if the individual who inherited the pistol qualified for and obtained a license as required in Section 2 and the license were signed by the personal representative of the estate or by the next of kin having authority to dispose of the pistol, including situations in which the next of kin was the person inheriting the pistol.

A pistol could not be seized or confiscated by law enforcement if an heir or devisee were not qualified for a license under Section 2, unless the estate did not choose to, or was unable to, retain possession or find temporary alternative storage for the pistol. A law enforcement agency could not sell, destroy, or otherwise dispose of or use any pistol that it obtained as a result of nonqualified heirs or devisees until the pistol remained unclaimed in their possession for one year. This time frame would not apply, and the pistol could not be sold, destroyed, or otherwise disposed of, if the heir or devisee were under 21 years of age or if any legal action regarding ownership of the pistol had been filed in any court and were pending.

Representation or Record of Purchaser

The bill would prohibit a seller or a federally licensed firearms dealer from doing either of the following:

- Creating a visible representation or a biometric record of an individual who purchased a firearm or ammunition, except for a visible representation created incidentally to the routine use of surveillance cameras.
- Linking a visible representation of a firearm or ammunition transaction to an individual, except at the request of law enforcement or pursuant to a court order.

A violation would be a misdemeanor punishable by up to one year's imprisonment, a maximum fine of \$500, or both.

MCL 28.422 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no impact on incarceration costs for State government as there would be no change to felony penalties. To the extent that there were violations for creating a visible representation or a biometric record offenses of firearms or ammunition purchases, there could be an increase in local court and incarceration costs. Additionally, any increase in fine revenue would be dedicated to public libraries.

The bill would have no fiscal impact on the Department of State Police.

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.