

Legislative Analysis



PHOTO FOR CPL: ALLOW SOS TO FORWARD TO MSP

Phone: (517) 373-8080

<http://www.house.mi.gov/hfa>

House Bill 4203 (reported from committee w/o amendment)

Sponsor: Rep. Beau Matthew LaFave

Analysis available at

<http://www.legislature.mi.gov>

House Bill 4204 (reported from committee w/o amendment)

Sponsor: Rep. Triston Cole

Committee: Judiciary

Complete to 3-9-17

BRIEF SUMMARY: The bills authorize the Secretary of State (SOS) to forward to the Michigan Department of State Police (MSP) the digitized photograph taken for a person's state driver license or official state personal identification card, as provided for in a provision in the Handgun Licensing Law.

FISCAL IMPACT: The bills will have no fiscal impact to state or local governments.

THE APPARENT PROBLEM:

In 2015, the process by which a person obtains a concealed pistol license (CPL) was changed. Among many changes, that legislation allows a CPL applicant to use the driver license photograph or photograph on a state personal identification card instead of having to supply a passport-quality photograph when submitting the application (though an applicant who does not have or does not want to use a driver license or state ID photograph can still use this option). To facilitate this, the 2015 amendments to the Handgun Licensing Act require the Secretary of State (SOS) to forward an applicant's digitized photograph to the state police. However, other acts that restrict what the SOS may do with those photographs were not similarly amended. Thus, the SOS does not have the legal authority to forward the photographs to the state police for use in determining an applicant's eligibility to obtain a CPL and for inclusion on a CPL license. Legislation is being offered to correct this situation.

THE CONTENT OF THE BILLS:

The bills authorize the Secretary of State (SOS) to forward to the Michigan Department of State Police (MSP) the digitized photograph taken for a person's state driver license or official state personal identification card, as provided for in a provision in the Handgun Licensing Law.

House Bill 4203 amends Public Act 222 of 1972, which provides for an official state personal identification card, and House Bill 4204 amends the Michigan Vehicle Code to apply to the driver license.

Currently, the SOS may only use the photographs as specifically authorized in statute. The bills simply expand the circumstances under which the SOS may forward a person's driver license or state ID photograph to another agency to include the MSP when that agency is fulfilling its duties in investigating applicants for a concealed pistol license; those duties include providing an eligible applicant's photograph to the county clerk for inclusion on the applicant's concealed pistol license.

The bills each take effect 90 days after enactment.

MCL 28.292 (HB 4203)

MCL 257.307 (HB 4204)

ARGUMENTS:

For:

The bills make a technical correction to provide conformity between several different acts. Under provisions of Public Act 3 of 2015, the Michigan State Police handles all investigatory duties to determine an applicant's eligibility for a concealed pistol license (CPL); the license is issued by the clerk of the county in which the CPL applicant resides. These duties were previously performed by county gun boards. Among other things, Public Act 3 amended the Handgun Licensing Law to require the SOS to make a digitized photograph taken of an applicant for a driver license or official state personal identification card available to the MSP. The MSP is then required to provide the photograph to the county clerk for use on the person's concealed pistol license. If the person does not have a driver license or state ID card, the person may submit a passport-quality photograph to be used on the license.

However, provisions in the Michigan Vehicle Code and Public Act 222 of 1972 (which pertains to the official state personal ID card) do not currently authorize the SOS to forward the photographs to the MSP for that purpose. The bills simply provide that authority.

POSITIONS:

The Department of State Police indicated support for the bills. (2-28-17)

The Department of Secretary of State indicated support for the bills. (2-28-17)

The Michigan Association of County Clerks indicated support for the bills. (2-28-17)

Legislative Analyst: Susan Stutzky

Fiscal Analyst: Mike Cnossen

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.