

SUBSTITUTE FOR
HOUSE BILL NO. 4155

A bill to amend 1927 PA 372, entitled

"An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,"

by amending section 5e (MCL 28.425e), as added by 2000 PA 381.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5e. (1) The department of state police shall create and
2 maintain a computerized database of individuals who apply under
3 this act for a license to carry a concealed pistol. The database

1 shall contain only the following information as to each individual:

2 (a) The individual's name, date of birth, address, and county
3 of residence.

4 (b) If the individual is licensed to carry a concealed pistol
5 in this state, the license number and date of expiration.

6 (c) Except as provided in subsection (2), if the individual
7 was denied a license to carry a concealed pistol after ~~the~~
8 ~~effective date of the amendatory act that added this subdivision,~~
9 **JULY 1, 2001**, a statement of the reasons for that denial.

10 (d) A statement of all criminal charges pending and criminal
11 convictions obtained against the individual during the license
12 period.

13 (e) A statement of all determinations of responsibility for
14 civil infractions of this act pending or obtained against the
15 individual during the license period.

16 (2) If an individual who was denied a license to carry a
17 concealed pistol after ~~the effective date of the amendatory act~~
18 ~~that added this subsection~~ **JULY 1, 2001** is subsequently issued a
19 license to carry a concealed pistol, the department of state police
20 shall delete from the computerized database the previous reasons
21 for the denial.

22 (3) The department of state police shall enter the information
23 described in subsection (1)(a) and (b) into the law enforcement
24 information network.

25 (4) Information in the database ~~, compiled under subsections~~
26 ~~(1) through (3), is confidential, is not subject to disclosure~~
27 ~~under the freedom of information act, 1976 PA 442, MCL 15.231 to~~

~~15.246, and shall not be disclosed to any person except for purposes of this act or for law enforcement purposes. The information compiled under subsection (5) is subject to disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.~~ **SHALL ONLY BE ACCESSED AND DISCLOSED ACCORDING TO AN ACCESS PROTOCOL THAT INCLUDES THE FOLLOWING REQUIREMENTS:**

(A) THAT THE REQUESTOR OF THE FIREARMS RECORDS IDENTIFY HIMSELF OR HERSELF IN A LOG THAT MAINTAINS A RECORD OF THE REQUESTOR'S IDENTITY, TIME, AND DATE THAT THE REQUEST WAS MADE.

(B) THAT THE REQUESTOR OF THE FIREARMS RECORDS ATTEST THAT THE FIREARMS RECORDS ARE BEING SOUGHT UNDER 1 OF THE LAWFUL PURPOSES PROVIDED IN SECTION 1B(2) .

(5) The department of state police shall file an annual report with the secretary of the senate and the clerk of the house of representatives setting forth all of the following information for each county concealed weapon licensing board:

(a) The number of concealed pistol applications received.

(b) The number of concealed pistol licenses issued.

(c) The number of concealed pistol licenses denied.

(d) Categories for denial under subdivision (c) .

(e) The number of concealed pistol licenses revoked.

(f) Categories for revocation under subdivision (e) .

(g) The number of applications pending at the time the report is made.

(h) The mean and median amount of time and the longest and shortest amount of time used by the federal bureau of investigation to supply the fingerprint comparison report required in section

1 ~~5b(11).~~ **5B(10)**. The department may use a statistically significant
2 sample to comply with this subdivision.

3 (i) The number of charges of state civil infractions of this
4 act or charges of criminal violations, categorized by offense,
5 filed against individuals licensed to carry a concealed pistol that
6 resulted in a finding of responsibility or a criminal conviction.
7 The report shall indicate the number of crimes in each category of
8 criminal offense that involved the brandishing or use of a pistol,
9 the number that involved the carrying of a pistol by the license
10 holder during the commission of the crime, and the number in which
11 no pistol was carried by the license holder during the commission
12 of the crime.

13 (j) The number of pending criminal charges, categorized by
14 offense, against individuals licensed to carry a concealed pistol.

15 (k) The number of criminal cases dismissed, categorized by
16 offense, against individuals licensed to carry a concealed pistol.

17 (l) The number of cases filed against individuals licensed to
18 carry a concealed pistol for criminal violations that resulted in a
19 finding of not responsible or not guilty, categorized by offense.

20 (m) For the purposes of subdivisions (i), (j), (k), and (l),
21 the department of state police shall use the data provided under
22 section 5m.

23 (n) The number of suicides by individuals licensed to carry a
24 concealed pistol.

25 (o) Actual costs incurred per permit for each county.

26 **(P) THE NUMBER OF TIMES THE DATABASE WAS ACCESSED, CATEGORIZED**
27 **BY THE PURPOSE FOR WHICH THE DATABASE WAS ACCESSED.**

1 Enacting section 1. This amendatory act does not take effect
2 unless all of the following bills of the 97th Legislature are
3 enacted into law:

4 (a) Senate Bill No.____ or House Bill No._5325 (request no.
5 04850'14).

6 (b) Senate Bill No.____ or House Bill No._5327 (request no.
7 04851'14).

8 (c) Senate Bill No.____ or House Bill No._5324 (request no.
9 04852'14).

10 (d) Senate Bill No.____ or House Bill No._5328 (request no.
11 04853'14).

12 (e) Senate Bill No.____ or House Bill No._5326 (request no.
13 04854'14).

14 (f) Senate Bill No. 49.

15 (g) Senate Bill No.____ or House Bill No._5329 (request no.
16 00974'13 a).