

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 968 (as reported without amendment)
Sponsor: Senator Michael J. Bouchard
Committee: Hunting, Fishing and Forestry

Date Completed: 4-3-98

RATIONALE

The handgun licensure Act requires a license from local or county law enforcement officials to purchase, carry, or transport a pistol. It specifies that upon the sale of a pistol, the seller must fill out the license forms describing the pistol and the date of the sale, and both the seller and the licensee must sign in ink indicating the sale and purchase of the pistol. The licensee must return two copies of the license to the licensing authority within 10 days following the purchase. One copy of the license must be retained by the licensing authority as an official record for six years. The other copy of the license must be forwarded by the licensing authority within 48 hours to the Director of the Department of State Police. The Act specifies that a license is void unless it is used within 10 days after it is issued. Some people have suggested that the license should be used within 30 days of issuance, rather than within 10 days, so that a person could obtain a pistol without unnecessary inconvenience.

CONTENT

The bill would amend the handgun licensure Act to provide that a license for a pistol would be void unless it was used within 30 days after the date of issue. Currently, a license is void unless used within 10 days after its issue.

(A person is qualified for a license if the Law Enforcement Information Network has not recorded involuntary mental health treatment orders, legal incapacitation findings, domestic abuse and stalking restraining order, bail release conditions, or findings of not guilty by reason of insanity; the person is 18 years of age or older; a felony charge is not pending; and the person correctly answered 70% or more on a basic pistol safety review questionnaire.)

MCL 28.422

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bill would provide convenience and an economic benefit to a person who may wish to purchase a pistol at a gun show. Under the Act, unless a license is used within 10 days after it is issued, the license is void. Apparently, this 10-day license provision imposes an unreasonable restraint on a buyer who might not be able to purchase a particular pistol if the gun dealer is not present at a gun show. Allowing 30 days to buy a gun would give a person time to get the pistol of his or her choosing.

Response: Under the Act, the licensing procedure does not apply to the purchase of pistols from wholesalers by dealers regularly engaged in the business of selling pistols at retail. The Act further provides that the sale, barter, or exchange of pistols kept solely as relics, curios, or antiques also is excluded from the licensing provision.

Supporting Argument

The bill would provide necessary time for people who reside in townships where a police department does not exist. Evidently, the 10-day licensing period is inadequate to acquire all the necessary forms and perform the required procedures to obtain a license to purchase, carry, or transport a pistol.

Legislative Analyst: N. Nagata

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: B. 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.