

Legislative Analysis



CONCEALED PISTOL LICENSE RENEWAL

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House Bill 4643 as passed by the House

Sponsor: Rep. Rick Jones

Committee: Conservation, Forestry, and Outdoor Recreation

Second Analysis (9-15-05)

BRIEF SUMMARY: The bill would extend a concealed pistol license for up to 180 days if its renewal or denial were not completed in 60 days.

FISCAL IMPACT: The fiscal impact of the bill cannot be determined as it would depend on the number of renewals within each county.

THE APPARENT PROBLEM:

A permit to carry a concealed pistol is valid for five years and is renewed by filing an application at the offices of county government, where it is reviewed by the county gun board. The review of a renewal application generally takes 45 days, during which time an applicant's fingerprints are checked against files maintained by the Michigan State Police.

For example, according to the Kent County clerk, the renewal process in that county requires a review of the application by the clerk, sheriff, prosecutor, state police, and FBI before it is returned to the clerk and the applicant is once again licensed. Because it takes time to process the renewal application, some permit holders file their paperwork weeks or months in advance. However, some counties will not accept a re-application earlier than six months before the permit is set to expire; then if they are slow to renew, as is said to be the case in Oakland and Wayne counties, the permits lapse. See Background Information below.

In order to ensure that a permit is extended until it is either reissued or denied, legislation has been introduced to allow permit holders to carry their expired permit, together with their receipt from the county clerk indicating they have filed for their license to be renewed.

THE CONTENT OF THE BILL:

House Bill 4643 would amend Public Act 372 of 1927, which concerns the regulation and licensing of firearms, to extend a concealed pistol license for up to 180 days if its renewal or denial is not completed in 60 days.

Specifically, the bill would require a concealed weapon licensing board to issue or deny a license renewal within 60 days after an application had been properly submitted. Under the bill, the county clerk would issue a receipt for the renewal application at the time it

was submitted by the applicant. The receipt would state the name of the licensee, the date the receipt was issued, the amount paid, a statement that the receipt was for a license renewal, the name of the county in which the receipt was issued, and an impression of the county seal. If the concealed weapon licensing board did not issue or deny a renewal license within the 60-day period, the period of the original license would be extended 180 days, or until the renewed license was issued or denied, whichever occurred first.

Under the bill, a person carrying a concealed pistol after the license expired would be required to keep the receipt issued by the county, as well as the expired license, and have them in possession at all times when carrying the pistol. Until the license renewal was acted upon, the receipt would be considered part of the license to carry a concealed pistol. Failing to have the expired license and receipt, or failing to display it to a peace officer upon request, would be a violation of the act.

Currently under the law, a concealed pistol license issued before July 1, 2003 is valid for three years, while a license issued after that date is valid for five years.

MCL28.4251

BACKGROUND INFORMATION:

In addition to the variation in the length of time it can take to process a concealed pistol permit, there also is some variation in the dates county officials designate as renewal and expiration dates. For example, in some counties the month and day of the permit renewal corresponds to the expiration day of the old permit; in others it is the day the license is picked up from the offices of county government; and in yet others, the permit expiration date begins the day the permit is approved by the county gun board.

Earlier in this legislative session, the House passed House Bill 4186 to systematize the date permits expired, so that one standard is used statewide. That bill, now under consideration in the Senate Judiciary Committee specifies that renewed permits would expire on the same month and day as did the old permit.

ARGUMENTS:

For:

Currently, those who are licensed to carry concealed pistols often apply to renew their five-year licenses early, to ensure they do not lapse. Their renewal applications are reviewed by county gun boards, and include a finger-print check completed by the Department of State Police. Customarily the renewal process takes 45 days, although some counties having high population and many permit holders are reported to take as long as six to eight months to complete the renewal process. In counties where the wait for a renewed permit is long, this legislation would help to ensure that licenses would not lapse during the renewal application process.

POSITIONS:

Great Lakes Shooting Sports supports the bill. (6-23-05)

The Michigan Coalition for Responsible Gun Owners supports the bill in concept. (6-23-05)

The Shooters Alliance for Firearm Rights supports the bill. (6-23-05)

The Michigan Association of County Clerks is neutral on the bill. (6-23-05)

The Department of State Police opposes the bill. (6-23-05)

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