

# Legislative Analysis



## **PISTOL RESIDENCY REQUIREMENT DOES NOT AFFECT EXEMPTION FOR MILITARY PERSONNEL**

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**House Bill 5470**

**Sponsor: Rep. Jeff Mayes**

**Committee: Tourism, Outdoor Recreation and Natural Resources**

**Complete to 10-19-09**

### **A SUMMARY OF HOUSE BILL 5470 AS INTRODUCED 9-25-09**

The bill would amend Section 5b of Public Law 372 of 1927, MCL 28.425b, concerning the requirements for obtaining a concealed pistol license (CPL), to clarify that the residency requirement of Section 5b does not impose a concealed pistol license requirement on a member of the U.S. armed forces who is otherwise exempt from needing one.

[The bill would also make a number of what appear to be technical, cleanup amendments to Section 5b.]

Generally speaking, an applicant for a concealed pistol license must have resided in Michigan for at least the six months immediately preceding the date of the application, although this residency requirement can be waived if the applicant or the applicant's family are in danger or if the applicant holds a valid CPL issued by another state. If an applicant holds a valid CPL issued by another state, the concealed weapon licensing board must immediately issue a temporary license to the applicant that remains valid until the board makes a decision on the person's application for a Michigan CPL.

Michigan residency can be established by (1) having a valid, lawfully-obtained Michigan driver license or official state personal identification card; (2) being lawfully registered to vote in Michigan; (3) having a military home of record in Michigan, even though on active duty status with the U.S. armed forces outside of Michigan; or (4) being permanently stationed in Michigan on active duty status with the U.S. armed forces, even though the person's home of record is in another state.

Under the bill, the residency requirement subdivision is not to be construed as requiring a member of the U.S. armed forces to obtain a concealed pistol license if he or she is exempt under Section 12a (MCL 28.432a) from needing to meet the otherwise applicable requirements for obtaining a concealed pistol license. Under that section, the law's requirements for obtaining a CPL do not apply to numerous categories of individuals including persons who hold a CPL from another state and members of the armed forces who carry a concealed pistol in the line of duty.

[Persons exempt under Section 12a. Generally speaking, the following persons are exempt under Section 12a from needing a concealed pistol license:

- Certain federal, state, and local peace officers except township constables.
- Certain MCOLES-trained and certified constables.
- Certain local corrections officers trained in the use of force and authorized in writing by the county sheriff to carry a concealed pistol while on duty.
- Certain regularly-employed city jail or lockup employees who are trained in the use of force and who are authorized in writing by the chief of police or the county sheriff to carry a concealed pistol while on duty.
- A member of the United States Army, Air Force, Navy, or Marine Corps while carrying a concealed pistol in the line of duty.
- A member of the National Guard, armed forces reserves, or other duly authorized military organization while on duty or drill or while going to or returning from the place of assembly or practice or while carrying a concealed pistol for purposes of that military organization.
- A person licensed by another state to carry a concealed pistol.
- The regular and ordinary transportation of a pistol as merchandise by an authorized agent of a person licensed to manufacture firearms.
- A person while carrying a pistol unloaded in a wrapper or container in the trunk of his or her vehicle or, if the vehicle does not have a trunk, from transporting that pistol unloaded in a locked compartment or container that is separated from the ammunition for that pistol from the place of purchase to his or her home or place of business or to a place of repair or back to his or her home or place of business, or in moving goods from one place of abode or business to another place of abode or business.
- A Canadian peace officer or law enforcement officer.]

#### **FISCAL IMPACT:**

The bill would have no fiscal impact on the state or local governmental units.

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