



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 1118 (as introduced 9-16-20)
Sponsor: Senator Peter J. Lucido
Committee: Judiciary and Public Safety

Date Completed: 11-4-20

CONTENT

The bill would amend Public Act 372 of 1927, which governs the sale, possession, and transporting of certain firearms and other devices, to allow the purchaser of a pistol to electronically submit a copy of his or her pistol license and copy of the record of sale to the Michigan State Police (MSP), and require the MSP to provide a system for electronic submission.

Under Public Act 372 prohibits a person from purchasing, carrying, possessing, or transporting a pistol in the State without first having obtained a license for the pistol.

The commissioner or chief of police of a city, township, or village police department that issues licenses to purchase, carry, possess, or transport pistols, or his or her duly authorized deputy, or the sheriff or his or her duly authorized deputy, in the parts of a county not included within a city, township, or village having an organized police department, in discharging the duty to issue licenses must with due speed and diligence issue licenses to purchase, carry, possess, or transport pistols to qualified applicants unless he or she has probable cause to believe that the applicant would be a threat to himself or herself or to other individuals, or would commit an offense with the pistol that would violate a law of this or another state or of the United States.

The bill, instead, would require a *licensing agency* to issue, with due speed and diligence, licenses to purchase, carry, possess, or transport pistols to qualified applicants unless he or she has probable cause to believe that the applicant would be a threat to himself or herself or to other individuals, or would commit an offense with the pistol that would violate a law of this or another state or of the US. "Licensing agency" would mean any of the following:

- A city, township, or village police department that issues licenses to purchase, carry, possess, or transport pistols.
- A county sheriff's office in the parts of a county not included within a city, township, or village having an organized police department.

Under the Act, if an individual purchases or otherwise acquires a pistol, the seller must fill out the license forms describing the pistol, together with the date of sale or acquisition, and sign his or her name in ink indicating that the pistol was sold to or otherwise acquired by the purchaser. The purchaser also must sign his or her name in ink indicating the purchase or other acquisition of the pistol from the seller. The seller may retain a copy of the license as a record of the transaction. The purchaser must receive two copies of the license.

The purchaser must return one copy of the license to the licensing authority within 10 days after the date the pistol is purchased or acquired. The purchaser must return the copy to the licensing authority in person or by first-class mail or certified mail sent within the 10-day period to the proper address of the licensing authority.

Under the bill, the purchaser also could electronically submit one copy of the license to the Michigan State Police (MSP). The MSP would have to provide a system for a purchaser to electronically submit his or her copy of the license to the MSP.

The Act specifies that certain individuals are not required to obtain a license to purchase, carry, possess, use, or transport a pistol. If an individual exempted from having to obtain a license purchases or otherwise acquires a pistol, the seller must complete a record in triplicate on a form provided by the Michigan State Police. The purchaser must sign the record. The seller may retain one copy of the record. The purchaser must receive two copies of the record and forward one copy to the police department of the city, village, or township in which the purchaser resides, or, if the purchaser does not reside in a city, village, or township having a police department, to the county sheriff, within 10 days following the purchase or acquisition.

The purchaser must return of the copy to the police department or county sheriff in person or by first-class mail or certified mail sent within the 10-day period to the proper address of the police department or county sheriff.

Under the bill, the purchaser also could electronically submit one copy of the record to the MSP. The MSP would have to provide a system for a seller to electronically submit his or her copy of the record to the MSP.

MCL 28.422 & 28.422a

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would have a negligible fiscal impact on state and local law enforcement agencies.

Fiscal Analyst: Bruce 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.