

Legislative Analysis



CONCEALED PISTOL PERMITS: RENEWAL DATE

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House Bill 4186 (Substitute H-1)

Sponsor: Rep. Tory Rocca

Committee: Conservation, Forestry, and Outdoor Recreation

First Analysis (3-14-05)

BRIEF SUMMARY: The bill would set the issuance date of a concealed pistol permit as the same day as the expiration of the preceding permit, if the permit were renewed prior to its expiration date.

FISCAL IMPACT: The bill should have no fiscal impact on state and local government.

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. Because it takes time to process the renewal application, 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.

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.

When the applications to renew permits are reviewed in a timely manner, and either the second or third option is utilized by county officials—that is, setting the expiration date as the month and day of pick-up, or setting the expiration date as the month and day of approval by the gun board—the permit holder must pay for his or her new five-year permit before the old permit expires.

To make the concealed pistol permit renewal process more consistent among counties, and to reduce the likelihood that permit holders hold "overlapping permits"—in essence paying for two since the old one had not expired before the renewed permit was issued—legislation has been introduced that would require new permits to expire on the same month and as did the old permit.

THE CONTENT OF THE BILL:

House Bill 4186 would amend Public Act 372 of 1927 (MCL 28.42451), which concerns the regulation and licensing of firearms, to establish the issuance date of a concealed pistol permit as the same day as the expiration of the preceding permit, if the permit was renewed prior to its expiration date.

The bill specifies that when a license is renewed before it expires, but not more than one year before the immediately preceding license term expired, it would have as its date of issue a date that is identical to the expiration date of the earlier license.

Currently under the law, a license to carry a concealed pistol issued after July 1, 2003 is valid for five years. A license issued before that date is valid for three years. The bill would retain these provisions.

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. When the renewed license is finally issued, counties set their expiration dates in different ways: some set the day at the time the county gun board gives its approval; some when the permit is picked-up by the applicant; and others set the expiration day on the same month and day the earlier license would have expired. If the day is set before the earlier license would have expired, licensees are, in effect, paying double for a permit during the period of weeks or months their old permit would have been valid. This legislation would systematize the renewal process, by requiring that all renewed permits expire on the same day as the earlier permit, eliminating the overlap in licensure.

POSITIONS:

The following organizations support the bill (3-10-05): the Michigan Association of County Clerks; the Great Lakes Shooting Association; the Michigan United Conservation Clubs; the Michigan Coalition for Responsible Gun Owners; and the Shooters' Alliance for Firearm Rights

The Department of State Police is neutral on the bill. (3-10-05)

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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.