



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



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 4611 (Substitute S-5 as reported by the Committee of the Whole)
House Bill 4612 (Substitute S-1 as reported by the Committee of the Whole)
Sponsor: Representative Rick Jones (H.B. 4611)
Representative John Espinoza (H.B. 4612)
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

House Bill 4611 (S-5) would create the "Michigan Law Enforcement Officer's Firearm Carry Act" to do all of the following:

- Require the Michigan Commission on Law Enforcement Standards (MCOLES) to establish requirements and procedures for a qualified retired law enforcement officer to be certified to carry a concealed firearm.
- Require an applicant for certification to submit to fingerprint-based identification and criminal history searches.
- Establish requirements for carrying a certificate and identification and disclosing that a certificate holder was carrying a concealed firearm.
- Require a certificate holder to report to MCOLES the circumstances of any arrest or conviction, lab result showing the bodily presence of alcohol or a controlled substance, or various court orders.
- Prohibit a certificate holder from carrying a concealed firearm while under the influence of alcohol or a controlled substance or while having a prohibited bodily alcohol content.
- Provide that acceptance of a certificate would constitute implied consent for chemical analysis of the blood, breath, or urine.
- Require MCOLES to create and maintain a computerized database of applicants for certificates, and give information in the database to the Department of State Police for dissemination through the Law Enforcement Information Network (LEIN).
- Specify civil sanctions and criminal penalties for various violations of the proposed Act.
- Subject a firearm carried in violation of the Act to seizure and forfeiture proceedings.
- Create the "Retired Law Enforcement Officer Safety Fund" and authorize MCOLES to establish and collect fees for deposit into the Fund.
- Immunize certain entities and people from civil liability for acting in good faith in discharging responsibilities under the Act.

The bill would take effect on March 1, 2009.

House Bill 4612 (S-1) would amend the Code of Criminal Procedure to include in the sentencing guidelines making a false statement on a concealed firearm certificate application. The violation would be a Class F felony against the public safety, with a statutory maximum sentence of four years' imprisonment.

The bill would take effect on January 1, 2009, and is tie-barred to House Bill 4611.

MCL 777.11b (H.B. 4612)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

House Bill 4611 (S-5) would have a moderate fiscal impact on MCOLES and the Department of State Police, depending on the number of applicants for a concealed weapon certificate, a number that cannot be determined at this time. Costs to the Department would be required for administrative purposes, creation and maintenance of a required database, completion of background checks (which currently cost \$49.25 each), identification of public entities to administer firearm standards, and the receipt and storage of applicant and certificate-holder information. The bill would allow MCOLES to create and collect a fee (which would be deposited in a Treasury fund) for its actual costs in satisfying the bill's provisions.

The criminal penalties in House Bills 4611 (S-5) and 4612 (S-1) would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many retired law enforcement officers would be convicted of the proposed offenses involving concealed firearms. In 2007, one offender was convicted of violating MCL 28.425b(3) (making a false statement on a concealed pistol permit application), and the offender received a sentence to jail. An offender convicted of the Class F offense under the bills would receive a sentencing guidelines minimum sentence range of 0-3 months to 17-30 months. Local governments would incur the costs of misdemeanor probation and incarceration in local facilities, which vary by county. The State would incur the cost of felony probation at an annual average cost of \$2,000, as well as the cost of incarceration in a State facility at an average annual cost of \$32,000. Additional penal fine revenue would benefit public libraries.

Date Completed: 12-9-08

Fiscal Analyst: Bruce Baker
Lindsay Hollander

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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.