



Senate Fiscal Agency
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Senate Bill 76 (Substitute S-2 as reported)
Senate Bills 77 and 78 (as reported without amendment)
Sponsor: Senator Kevin Hertel (S.B. 76)
 Senator Jeremy Moss (S.B. 77)
 Senator Mary Cavanagh (S.B. 78)
Committee: Civil Rights, Judiciary, and Public Safety

CONTENT

Senate Bill 76 (S-2) would amend the handgun licensure Act to do the following:

- Prohibit an individual from purchasing or acquiring a firearm that was not a pistol without a license.
- Specify that the prohibition would not apply to the purchase or acquisition of a firearm that occurred before the bill's effective date.
- Apply qualifications that an individual must possess to apply for pistol licensure to the qualifications that an individual would have to possess for the proposed firearm licensure.
- Apply specified exemptions, procedures, and penalties prescribed in the Act for pistol licensure to firearm licensure.
- Exempt from a requirement to obtain a firearm license an individual purchasing a firearm other than a pistol who had a Federal NIC performed on the individual by a Federally licensed firearms dealer within five days of the purchase.
- Modify certain circumstances under which an individual would not have to obtain a license to possess a pistol or firearm.

Senate Bill 77 would amend the Michigan Penal Code to apply the penalties and fines for selling or obtaining a pistol without complying with the handgun licensure Act to the selling or obtaining of a firearm.

Senate Bill 78 would amend the Code of Criminal Procedure to apply the sentencing guidelines for committing forgery on a pistol license application or providing a false statement on a pistol sales record to a firearm license and sales record.

Senate Bill 77 and Senate Bill 78 are tie-barred to Senate Bill 76.

MCL 28.421 et al. (S.B. 76)
750.223 & 750.232a (S.B. 77)
777.11b & 777.16m (S.B. 78)

BRIEF RATIONALE

Michigan law requires an individual to obtain a license before possessing a pistol, which in practice serves as a requirement to undergo a background check before that possession. This background check prevents people with disqualifying conditions, which include a previous felony charge or a court order for involuntary hospitalization related to mental health, from possessing a pistol. Some people believe that this requirement to obtain a license before possession should apply to firearms generally.

PREVIOUS LEGISLATION

(Please note: The information in this summary provides a cursory overview of previous legislation and its progress. It does not provide a comprehensive account of all previous legislative efforts on the relevant subject matter.)

Senate Bill 76 and Senate Bill 77 are reintroductions of Senate Bill 454 and Senate Bill 456, respectively, from the 2021-2022 Legislative Session. Senate Bill 78 is similar to Senate Bill 455 from the 2021-2022 Legislative Session.

Legislative Analyst: Tyler P. VanHuyse

FISCAL IMPACT

Senate Bill 76 (S-2) would result in additional administrative costs for local law enforcement agencies, which would have to process sale license applications for private firearm sales, and not just for private pistol sales, as is currently the case. Though agencies may request up to \$10 for processing costs, it is not known at this time the number of additional applications that could result from the bill's proposed requirements.

The Department of State Police reports that the bill's provisions would require approximately \$200,000 for necessary programming cost to allow for data entry of firearm license applications with the Department of State Police's Criminal Justice Information data system. It also is reasonable to assume that the Michigan Commission on Law Enforcement Standards would incur costs in its role of providing training for the proper application of the bill's requirements. Since there is no fund source included within the bill for these purposes, it is assumed that additional General Fund/General Purpose dollars would be required.

The bill's criminal penalties could have a negative fiscal impact on State and local government. Violations of the proposed Act would be punishable as misdemeanors and felonies of varying severity. More misdemeanor and felony arrests and convictions could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. The average cost to State government for felony probation supervision is approximately \$3,400 per probationer per year. For any increase in prison intakes, the average annual cost of housing a prisoner in a State correctional facility is an estimated \$45,700. Per diem rates range from a low of \$98 to a high of \$192 per day, depending on the security level of the facility. Any associated increase in fine revenue would increase funding to public libraries.

Senate Bill 77 would have no fiscal impact on State or local government.

Senate Bill 78 would have no fiscal impact on local government and an indeterminate fiscal impact on the State, in light of the Michigan Supreme Court's July 2015 opinion in *People v. Lockridge*, in which the Court ruled that the sentencing guidelines are advisory for all cases. This means that the addition to the guidelines under the bill would not be compulsory for the sentencing judge. As penalties for felony convictions vary, the fiscal impact of any given felony conviction depends on judicial decisions.

Date Completed: 3-14-23

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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.