



HB 4458 Written Testimony
House Judiciary Committee
September 12th, 2017

Honorable Committee Members,

I write to you today on behalf of Michigan Open Carry, Inc., in **very strong support** of HB 4458, which establishes much more reasonable punishments for those who carry a concealed pistol after their license to do so has expired.

Currently, those who forget to renew their Concealed Pistol License (CPL) are subject to the same severe punishment, a felony punishable by up to 5 years in prison, as someone **who never acquired a license at all**. In essence, the law does not distinguish between the trained and checked citizen who has been licensed for years, but who just made a simple mistake, versus a gangbanger looking for trouble, who has never been licensed nor has any interest in ever being licensed.

Unfortunately, we have far too many examples of good people being caught up in our inadequate system. Most of them involve the CPL holder disclosing to an officer that they have a CPL and are carrying a concealed pistol, as they are required to do by law, only to find out their license is expired. If the Committee is interested, we would be happy to put the members in touch with attorneys that deal with many such cases every year.

The above said, please allow us to make the following three suggestions, which we think will strengthen the bill.

- **Decrease the fine to \$100.** This is a number found in other places in the Firearms act and Penal Code for similar innocent mistakes, and just makes more sense than \$330. Further, it is less than the cost of renewing a CPL, which would allow the person to avoid the fine completely.

- **Increase the applicable window to 1 year.** CPLs are issued so as to expire on an applicant's birthday roughly 4-5 years later. As such, a CPL holder is not likely to think about the validity of their license until around the time of their birthday. Further, per MCL 28.425I (1), a CPL is eligible for renewal up to 1 year after it has expired, and we believe bringing these two windows inline with each other makes sense.



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- Provide a means for the proposed provisions to apply to someone from another state.

Michiganders are not the only people who make this mistake and we would hate for someone to receive a felony just because they are from another state. However, licensing is different for every state, which could make eligibility for renewal, a requisite for only receiving a civil infraction, very difficult to determine. We propose using the standard of not being prohibited from possessing firearms under state or federal law. While this would be a slightly lower standard than what would be applied to Michigan residents, it should be much more workable for law enforcement.

As always, we are very happy to work with the Sponsor and the Committee going forward, and would be happy to provide suggested language for the above items if needed. If we may be of help in any way, please do not hesitate to let us know.

Thank you for your time and consideration of HB 4458 and our testimony.

Tom Lambert
President
Michigan Open Carry, Inc.