



Michigan Open Carry, Inc.

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HB 4458 Supplemental Written Testimony
House Judiciary Committee
September 19th, 2017

Honorable Committee Members,

We are respectfully submitting this testimony as a supplement to written testimony previously provided to the committee on September 12th, 2017, to address concerns raised during the committee hearing on the same day.

In our previous testimony we indicated **very strong support** for HB 4458, and that remains true today. The following is our response to concerns brought up during the hearing.

- Concern: CPL holders may treat the grace period as extending the time in which they have to renew their license. - Per MCL 28.425I (2), renewed licenses are to be issued with an expiration date of *"the applicant's date of birth which is not less than 4 years or more than 5 years from the effective date of the license"*. Therefore, any delay on the part of the CPL holder comes at the cost of a reduction in the effective length of their next license. Even if the grace period was extended to 1 year, as we have suggested, it would do nothing to create an incentive to delay renewal.

- Concern: The civil infraction for failing to renew a vehicle registration does not contain a "fix it" provision. - While we very much appreciate the attention given to the fact that other innocent renewal mistakes are also being reduced to civil infractions, we echo Rep. Cole's and Rep. Hernandez's sentiments that, in the case of this bill, we are dealing with a constitutionally protected right.

- Concern: Consider changing the offense to a misdemeanor. - We respectfully submit that the offense being discussed lacks the criminality to justify a misdemeanor. As mentioned above, other innocent mistakes are also being recognized as such and are being, or have been, reduced to civil infractions. This distinction is especially important for non-citizens who face mandatory removal from the country if they are convicted of a misdemeanor involving a firearm.

It cannot be stressed enough that the changes proposed in HB 4458 only apply to those who are still eligible to renew their CPL. This means an individual subject to the proposed civil infraction is still among one of the most law abiding segments of our society, thus making the infraction clerical in nature, rather than criminal.



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- **Concern: Other things must be done on a regular basis, such as rent and taxes.** - Yes, we as adults must handle many things on a regular bases, such as taxes, vehicle registration, and rent. However, few things are based on a time span of "*not less than 4 years or more than 5 years*" like a CPL is. This time frame combines both a lengthy time span with a nonspecific ending, unlike the above items which are handled on a yearly or even **monthly** basis.

Further, most of the items mentioned above come with a prior notice of the need for renewal or payment. While county clerks are now required to send notices to CPL holders who have a license that is about to expire, many CPL holders have reported to us that they are not receiving them.

- **Concern: The 60 day window provided for in proposed subsection (5) extends the 6 month window provided for in proposed subsection (4) to closer to 9 months.** - We believe this is an incorrect reading of the bill. The 60 day window in subsection (5) has no effect on the 6 month window in subsection (4). Essentially, subsection (5) stipulates a length of time one has to address a civil infraction issued under subsection (4), it does not in any way alter the length of time in which a civil infraction can be issued instead of a felony under subsection (4).

Thank you again for your time and consideration. If the Committee has any questions, please do not hesitate to reach out.

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