

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4535**

A bill to amend 1927 PA 372, entitled

"An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,"

by amending section 2a (MCL 28.422a), as amended by 2015 PA 3.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2a. (1) The following individuals are not required to
2 obtain a license under section 2 to purchase, carry, possess, use,
3 or transport a pistol:

4 (a) An individual licensed under section 5b, except for an

1 individual who has an emergency license issued under section 5a(4)
2 or a receipt serving as a concealed pistol license under section
3 5b(9) or 5l(3).

4 (b) A federally licensed firearms dealer.

5 (c) An individual who purchases a pistol from a federally
6 licensed firearms dealer in compliance with 18 USC 922(t).

7 **(D) AN INDIVIDUAL CURRENTLY EMPLOYED AS A POLICE OFFICER,**
8 **CERTIFIED UNDER THE COMMISSION ON LAW ENFORCEMENT STANDARDS ACT,**
9 **1965 PA 203, MCL 28.601 TO 28.616.**

10 (2) If an individual described in subsection (1) purchases or
11 otherwise acquires a pistol, the seller shall complete a record in
12 triplicate on a form provided by the department of state police.
13 The record shall include the purchaser's concealed weapon license
14 number, **THE NUMBER OF THE PURCHASER'S CERTIFICATE ISSUED UNDER THE**
15 **COMMISSION ON LAW ENFORCEMENT STANDARDS ACT, 1965 PA 203, MCL**
16 **28.601 TO 28.616,** or, if the purchaser is a federally licensed
17 firearms dealer, his or her dealer license number. If the purchaser
18 is not licensed under section 5b **OR DOES NOT HAVE A CERTIFICATE**
19 **ISSUED UNDER THE COMMISSION ON LAW ENFORCEMENT STANDARDS ACT, 1965**
20 **PA 203, MCL 28.601 TO 28.616,** and is not a federally licensed
21 firearms dealer, the record shall include the dealer license number
22 of the federally licensed firearms dealer who is selling the
23 pistol. The purchaser shall sign the record. The seller may retain
24 1 copy of the record. The purchaser shall receive 2 copies of the
25 record and forward 1 copy to the police department of the city,
26 village, or township in which the purchaser resides, or, if the
27 purchaser does not reside in a city, village, or township having a

1 police department, to the county sheriff, within 10 days following
2 the purchase or acquisition. The return of the copy to the police
3 department or county sheriff may be made in person or may be made
4 by first-class mail or certified mail sent within the 10-day period
5 to the proper address of the police department or county sheriff. A
6 purchaser who fails to comply with the requirements of this
7 subsection is responsible for a state civil infraction and may be
8 fined not more than \$250.00. If a purchaser is found responsible
9 for a state civil infraction under this subsection, the court shall
10 notify the department of state police. If the purchaser is licensed
11 under section 5b, the court shall notify the licensing authority of
12 that determination.

13 (3) Within 10 days after receiving the record copy returned
14 under subsection (2), the police department or county sheriff shall
15 electronically enter the information into the pistol entry database
16 as required by the department of state police if it has the ability
17 to electronically enter that information. If the police department
18 or county sheriff does not have that ability, the police department
19 or county sheriff shall provide that information to the department
20 of state police in a manner otherwise required by the department of
21 state police. Any police department or county sheriff that provided
22 pistol descriptions to the department of state police under former
23 section 9 of this act shall continue to provide pistol descriptions
24 to the department of state police under this subsection. Within 48
25 hours after entering or otherwise providing the information on the
26 record copy returned under subsection (2) to the department of
27 state police, the police department or county sheriff shall forward

1 the copy of the record to the department of state police. The
2 purchaser has the right to obtain a copy of the information placed
3 in the pistol entry database under this subsection to verify the
4 accuracy of that information. The police department or county
5 sheriff may charge a fee not to exceed \$1.00 for the cost of
6 providing the copy. The purchaser may carry, use, possess, and
7 transport the pistol for 30 days beginning on the date of purchase
8 or acquisition only while he or she is in possession of his or her
9 copy of the record. However, the person is not required to have the
10 record in his or her possession while carrying, using, possessing,
11 or transporting the pistol after this period.

12 (4) This section does not apply to a person or entity exempt
13 under section 2(7).

14 (5) An individual who makes a material false statement on a
15 sales record under this section is guilty of a felony punishable by
16 imprisonment for not more than 4 years or a fine of not more than
17 \$2,500.00, or both.

18 (6) The department of state police may promulgate rules to
19 implement this section.

20 **(7) THE MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS SHALL**
21 **PROVIDE CERTIFICATE INFORMATION TO THE DEPARTMENT OF STATE POLICE**
22 **TO VERIFY THE REQUIREMENTS OF THIS SECTION.**

23 (8) ~~(7)~~—As used in this section:

24 (a) Before December 18, 2012, "federally licensed firearms
25 dealer" means an individual who holds a type 01 dealer license
26 under 18 USC 923.

27 (b) Beginning December 18, 2012, "federally licensed firearms

1 dealer" means a person licensed to sell firearms under 18 USC 923.

2 (c) "Person" means an individual, partnership, corporation,
3 association, or other legal entity.

4 Enacting section 1. This amendatory act takes effect 90 days
5 after the date it is enacted into law.