

HOUSE BILL No. 5135

September 17, 1991, Introduced by Reps. Robertson, Jaye, Brackenridge and Johnson and referred to the Committee on Appropriations.

A bill to amend section 6 of Act No. 372 of the Public Acts of 1927, entitled as amended

"An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; and to repeal all acts and parts of acts inconsistent with the provisions of this act,"

as amended by Act No. 295 of the Public Acts of 1984, being section 28.426 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 6 of Act No. 372 of the Public Acts of
2 1927, as amended by Act No. 295 of the Public Acts of 1984, being
3 section 28.426 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 6. (1) The prosecuting attorney ~~—~~ AND the sheriff
6 ~~—~~ OF A COUNTY and the director of the department of state

1 police, or their ~~respective~~ authorized deputies, shall
2 constitute ~~boards~~ A BOARD exclusively authorized to issue a
3 license to ~~an applicant~~ A PERSON residing within ~~their respec-~~
4 ~~tive counties,~~ THE COUNTY to carry a pistol concealed on the
5 person and to carry a pistol, whether concealed or otherwise, in
6 a vehicle operated or occupied by the ~~applicant~~ PERSON. The
7 county clerk of ~~each~~ THE county shall be clerk of the licensing
8 board, which ~~board~~ shall be known as the concealed weapon
9 licensing board.

10 (2) A license to carry a pistol concealed on the person or
11 to carry a pistol, whether concealed or otherwise, in a vehicle
12 operated or occupied by the person applying for the license,
13 shall not be granted to a person unless the person is 18 years of
14 age or older, is a citizen of the United States, and has resided
15 in this state 6 months or more. A license shall not be issued
16 unless it appears that the applicant has good reason to fear
17 injury to his or her person or property, or has other proper rea-
18 sons, and is a suitable person to be licensed.

19 (3) A license shall not be issued to a person who was con-
20 victed of a felony or confined for a felony conviction in this
21 state or elsewhere during the 8-year period immediately preceding
22 the date of the application or was adjudged insane unless the
23 person was restored to sanity and ~~so~~ declared by court order TO
24 BE RESTORED TO SANITY.

25 (4) ~~(2)~~ If an applicant resides in a city, village, or
26 township having an organized department of police, a license
27 shall not be issued unless the application is first approved in

1 writing by the supervisor, commissioner or chief of police, or
2 marshal. If an application is not approved by the supervisor,
3 commissioner or chief of police, or marshal, the applicant shall
4 have 10 days to appeal, in writing, to the concealed weapon
5 licensing board in the county in which the applicant resides.
6 Upon receipt of a written appeal, the concealed weapon licensing
7 board at the next scheduled meeting to be held not less than 15
8 days after the receipt of the fingerprint comparison report
9 REQUIRED UNDER SUBSECTION (6) shall hold a hearing to determine
10 if the applicant is qualified to carry a concealed weapon pursu-
11 ant to this section. Notice of the hearing shall be mailed to
12 the applicant and the organized department of police not less
13 than 10 days before the scheduled hearing. The applicant shall
14 deposit the sum of \$10.00 with the county clerk at the time the
15 appeal is made. If, upon appeal, a license is not issued, the
16 deposit shall be credited to the general fund of the county. If
17 a license is issued, the deposit shall be processed as the
18 license fee required under subsection ~~(6)~~ (8).

19 (5) ~~(3)~~ If an applicant does not reside in a city, vil-
20 lage, or township which has an organized department of police, a
21 license shall not be issued unless the application is first sub-
22 mitted to the supervisor of the township in which the applicant
23 resides for approval or objection. The supervisor shall indicate
24 in writing on the application whether he or she objects to the
25 license being issued. If action is not taken by a supervisor
26 within 14 days after the application is submitted to the
27 supervisor, the concealed weapon licensing board shall consider

1 the application as if a statement of no objection had been
2 included. If the supervisor objects to the application in writ-
3 ing, the applicant within 10 days may appeal to the concealed
4 weapon licensing board of the county in which the applicant
5 resides. Upon receipt of a written appeal, the concealed weapon
6 licensing board at the next scheduled meeting to be held not less
7 than 15 days after the receipt of the fingerprint comparison
8 report REQUIRED UNDER SUBSECTION (6) shall hold a hearing to
9 determine if the applicant is qualified to carry a concealed
10 weapon pursuant to this section. Notice of the hearing shall be
11 mailed to the applicant and the supervisor of the township not
12 less than 10 days before the scheduled hearing. The applicant
13 shall deposit the sum of \$10.00 with the county clerk at the time
14 the appeal is made. If, upon appeal, a license is not issued,
15 the deposit shall be credited to the general fund of the county.
16 If a license is issued, the deposit shall be processed as the
17 license fee required under subsection ~~(6)~~ (8).

18 (6) ~~(4)~~ An applicant shall have 2 sets of fingerprints
19 taken by the sheriff ~~, or the sheriff's authorized~~
20 ~~representative,~~ of the county in which the applicant resides OR
21 THE SHERIFF'S AUTHORIZED REPRESENTATIVE, if the applicant does
22 not reside in a city, village, or township having an organized
23 department of police, or by the commissioner or chief of police,
24 or marshal, or an authorized representative of the commissioner
25 or chief of police, or marshal, if the applicant resides within a
26 city, village, or township having an organized department of
27 police. The first set of fingerprints shall be taken on forms

1 furnished by the department of state police, and the second set
2 on forms furnished by the federal bureau of investigation. The
3 first set of fingerprints shall be forwarded to the department of
4 state police by the department taking the prints, and the second
5 set shall be forwarded by the department taking the fingerprints
6 to the federal bureau of investigation or other agency designated
7 by the federal bureau of investigation. The director of the
8 bureau of identification of the department of state police shall
9 compare the fingerprints with those already on file in the
10 bureau. A license shall not be issued unless ~~and until~~ A
11 report is received by the clerk of the board from the department
12 of state police and the federal bureau of investigation that the
13 comparisons do not show a conviction of a felony or confinement
14 for a felony conviction during the 8-year period. The board may
15 grant a temporary permit in case of emergency pending the results
16 of the comparisons. The temporary permit shall be issued for a
17 period not to exceed 30 days and shall expire automatically at
18 the end of the period for which it was issued. Upon receipt of
19 the report from the federal bureau of investigation of the com-
20 parison, the bureau of identification of the department of state
21 police shall forward a report of both comparisons to the officer
22 taking the prints and also to the county clerk of the county in
23 which the applicant resides, who as clerk of the board shall keep
24 a record of the report and shall report to the board. The fin-
25 gerprints received under this section shall be filed in the
26 bureau of identification of the department of state police in the
27 noncriminal section of the files.

1 (7) ~~-(5)-~~ The application for a license shall state the
2 reason or reasons for the necessity or desirability of carrying a
3 pistol concealed on the person or a pistol, whether concealed or
4 otherwise, in a vehicle operated or occupied by the person apply-
5 ing for the license, and the license, if issued, shall be
6 restricted to the reason or reasons satisfactory to the board,
7 which restriction or restrictions shall appear on the face of the
8 license in a conspicuous place. The license shall be an authori-
9 zation to carry a pistol in compliance with this section only to
10 the extent contained in the face of the license and the license
11 shall be revoked by the board if the pistol is carried contrary
12 to the authorization.

13 (8) ~~-(6)-~~ The prosecuting attorney shall be the chairperson
14 of the board, which shall convene at least once in each calendar
15 month and at other times as the board is called to convene by the
16 chairperson. Each license shall be issued only upon written
17 application signed by the applicant and on oath and upon a form
18 provided by the director of the department of state police. Each
19 license shall be issued only with the approval of a majority of
20 the members of the board and shall be executed in triplicate upon
21 forms provided by the director of the department of state police
22 and shall be signed in the name of the concealed weapon licensing
23 board by the county clerk with the seal of the circuit court
24 affixed to the license. ~~-The-~~ EXCEPT AS PROVIDED IN SUBSECTION
25 (11), THE county clerk shall first collect a licensing fee of
26 \$10.00 from the applicant for each license delivered to the
27 applicant. One copy of the license shall be delivered to the

1 applicant, the duplicate shall be retained by the county clerk as
2 a permanent official record for a period of 6 years, and the
3 triplicate of the license shall be forwarded within 48 hours to
4 the director of the department of state police who shall file and
5 index each license received and retain it as a permanent official
6 record for a period of 6 years. A license shall be issued for a
7 definite period of not more than 3 years, to be stated in the
8 license, and a renewal of the license shall not be granted except
9 upon the filing of a new application. A license shall bear the
10 imprint of the right thumb of the licensee, or, if that is not
11 possible, of the left thumb or some other finger of the
12 licensee. The licensee shall carry the license upon his or her
13 person when carrying a pistol concealed upon his or her person,
14 or, whether concealed or otherwise, in a vehicle operated or
15 occupied by the licensee, and shall display the license upon the
16 request of a peace officer. On the first day of each month the
17 county clerk shall remit to the state treasurer \$2.00 for each
18 license issued during the preceding month THAT IS NOT EXEMPT FROM
19 THE LICENSING FEE. On the first day of each month the county
20 clerk shall pay into the general fund of the county the remainder
21 of each license fee for each license issued during the preceding
22 month.

23 (9) ~~-(7)-~~ The county clerk may issue a copy of a license
24 issued pursuant to this section for a fee of \$3.00, which ~~fee~~
25 shall be paid into the general fund of the county.

26 (10) ~~-(8)-~~ A charter county may impose by ordinance a
27 different amount for the concealed weapon licensing fee

1 prescribed by subsection ~~(6)~~ (8). A charter county shall not
2 impose a fee which is greater than the cost of the service for
3 which the fee is charged.

4 (11) A RETIRED POLICE OFFICER SHALL BE EXEMPT FROM THE
5 LICENSING FEE PROVIDED IN SUBSECTION (8) AND THE LICENSING FEE
6 AUTHORIZED BY SUBSECTION (10). AS USED IN THIS SUBSECTION,
7 "RETIRED POLICE OFFICER" MEANS A PERSON WHO HAS LEFT SERVICE WITH
8 AN AGENCY THAT EMPLOYED THE PERSON AS A POLICE OFFICER, HAS MET
9 THE AGE AND SERVICE REQUIREMENTS OR DISABILITY REQUIREMENTS FOR
10 RETIREMENT UNDER THE TERMS OF THE RETIREMENT PLAN OF THAT AGENCY,
11 AND IS RECEIVING RETIREMENT ALLOWANCE BENEFITS UNDER THAT RETIRE-
12 MENT PLAN.