

HOUSE BILL No. 5400

December 11, 1991, Introduced by Reps. Perry Bullard, Yokich, Leland, Bennane, Pitoniak, Olshove, Berman, Dobronski, Barns and Baade and referred to the Committee on Judiciary.

A bill to amend sections 2 and 9d 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; to provide for the forfeiture of firearms possessed in violation of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act,"

section 2 as amended and section 9d as added by Act No. 320 of the Public Acts of 1990, being sections 28.422 and 28.429d of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2 and 9d of Act No. 372 of the Public
2 Acts of 1927, section 2 as amended and section 9d as added by Act
3 No. 320 of the Public Acts of 1990, being sections 28.422 and

1 28.429d of the Michigan Compiled Laws, are amended to read as
2 follows:

3 Sec. 2. (1) Except as provided in subsection (2), a person
4 shall not purchase, carry, or transport a pistol in this state
5 without first having obtained a license for the pistol as pre-
6 scribed in this section.

7 (2) A person who brings a pistol into this state who is on
8 leave from active duty with the armed forces of the United States
9 or who has been discharged from active duty with the armed forces
10 of the United States shall obtain a license for the pistol within
11 30 days after his or her arrival in this state.

12 (3) The commissioner or chief of police of a city, township,
13 or village police department, or his or her duly authorized
14 deputy, or the sheriff or his or her duly authorized deputy, in
15 the parts of a county not included within a city, township, or
16 village having an organized police department, may issue licenses
17 to purchase, carry, or transport pistols to applicants residing
18 within the city, village, township, or county, as applicable. A
19 license shall not be granted under this section to any person
20 unless all of the following circumstances exist:

21 (a) The person is 18 years of age or older or, if the seller
22 is licensed pursuant to section 923 of title 18 of the United
23 States code, 18 U.S.C. 923, is 21 years of age or older.

24 (b) The person is a citizen of the United States and is a
25 legal resident of this state.

26 (c) The person ~~has not been convicted of a crime punishable~~
27 ~~by imprisonment for more than 1 year. This subdivision does not~~

~~1 apply to a conviction that has been expunged or set aside, or for~~
~~2 which the person has been pardoned or had his or her civil rights~~
~~3 restored unless the expungement, order, or pardon expressly pro-~~
~~4 vides that the person shall not ship, transport, possess, or~~
5 receive firearms IS NOT PROHIBITED FROM POSSESSING, USING,
6 TRANSPORTING, SELLING, PURCHASING, CARRYING, SHIPPING, RECEIVING,
7 OR DISTRIBUTING A FIREARM UNDER SECTION 224F OF THE MICHIGAN
8 PENAL CODE, ACT NO. 328 OF THE PUBLIC ACTS OF 1931, BEING SECTION
9 750.224F OF THE MICHIGAN COMPILED LAWS.

10 (d) The person has not been adjudged insane in this state or
11 elsewhere unless he or she has been adjudged restored to sanity
12 by court order.

13 (e) The person is not under an order of involuntary commit-
14 ment in an inpatient or outpatient setting due to mental
15 illness.

16 (f) The person has not been adjudged legally incapacitated
17 in this state or elsewhere. This subdivision does not apply to a
18 person who has had his or her legal capacity restored by order of
19 the court.

20 (g) The person correctly answers 70% or more of the ques-
21 tions on a basic pistol safety review questionnaire approved by
22 the basic pistol safety review board and provided to the individ-
23 ual free of charge by the licensing authority. If the person
24 fails to correctly answer 70% or more of the questions on the
25 basic pistol safety review questionnaire, the licensing authority
26 shall inform the person of the questions he or she answered
27 incorrectly and allow the person to attempt to complete another

1 basic pistol safety review questionnaire. The person shall not
2 be allowed to attempt to complete more than 2 basic pistol safety
3 review questionnaires on any single day. The licensing authority
4 shall allow the person to attempt to complete the questionnaire
5 during normal business hours on the day the person applies for
6 his or her license.

7 (4) Applications for licenses under this section shall be
8 signed by the applicant under oath upon forms provided by the
9 director. Licenses to purchase, carry, or transport pistols
10 shall be executed in triplicate upon forms provided by the direc-
11 tor and shall be signed by the licensing authority. Three copies
12 of the license shall be delivered to the applicant by the licens-
13 ing authority.

14 (5) Upon the sale of the pistol, the seller shall fill out
15 the license forms describing the pistol sold, together with the
16 date of sale, and sign his or her name in ink indicating that the
17 pistol was sold to the licensee. The licensee shall also sign
18 his or her name in ink indicating the purchase of the pistol from
19 the seller. The seller may retain a copy of the license as a
20 record of the sale of the pistol. The licensee shall return
21 2 copies of the license to the licensing authority within 10 days
22 following the purchase of the pistol.

23 (6) One copy of the license shall be retained by the licens-
24 ing authority as an official record for a period of 6 years. The
25 other copy of the license shall be forwarded by the licensing
26 authority within 48 hours to the director. A license shall be
27 void unless used within 10 days after the date of its issue.

1 (7) This section does not apply to the purchase of pistols
2 from wholesalers by dealers regularly engaged in the business of
3 selling pistols at retail, or to the sale, barter, or exchange of
4 pistols kept solely as relics, curios, or antiques not made for
5 modern ammunition or permanently deactivated. This section does
6 not prevent the transfer of ownership of pistols that are inher-
7 ited if the license to purchase is approved by the commissioner
8 or chief of police, sheriff, or their authorized deputies, and
9 signed by the personal representative of the estate or by the
10 next of kin having authority to dispose of the pistol.

11 (8) As used in this section:

12 (a) "Crime punishable by imprisonment for more than 1 year"
13 does not include a state offense classified by the state as a
14 misdemeanor and punishable by imprisonment for 2 years or less.

15 (b) "Director" means the director of the department of state
16 police.

17 (9) A person who forges any matter on an application for a
18 license under this section is guilty of a felony.

19 Sec. 9d. A firearm that is possessed in violation of this
20 act is ~~subject to forfeiture~~ FORFEITED TO THIS STATE UPON CON-
21 VICTION FOR THAT VIOLATION.

22 Section 2. This amendatory act shall not take effect unless
23 Senate Bill No. _____ or House Bill No. 5399 (request
24 no. 05082'91 *) of the 86th Legislature is enacted into law.