

SENATE BILL No. 407

July 11, 1991, Introduced by Senator DINGELL and referred to the Committee on Family Law, Criminal Law, and Corrections.

A bill to amend the title and sections 1, 2, and 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; 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 by Act No. 320 of the Public Acts of 1990 and section 6 as amended by Act No. 295 of the Public Acts of 1984, being sections 28.421, 28.422, and 28.426 of the Michigan Compiled Laws; and to add sections 2b and 2c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Section 1. The title and sections 1, 2, and 6 of Act
- 2 No. 372 of the Public Acts of 1927, section 2 as amended by Act
- 3 No. 320 of the Public Acts of 1990 and section 6 as amended by

1 Act No. 295 of the Public Acts of 1984, being sections 28.421,
2 28.422, and 28.426 of the Michigan Compiled Laws, are amended and
3 sections 2b and 2c are added to read as follows:

4 TITLE

5 An act to regulate and license the selling, purchasing, pos-
6 sessing, and carrying of certain firearms and gas ejecting
7 devices; to prohibit the buying, selling, or carrying of certain
8 firearms and gas ejecting devices without a license; to provide
9 for the forfeiture of firearms possessed in violation of this
10 act; to provide immunity from civil liability under certain cir-
11 cumstances; to prescribe the powers and duties of certain state
12 and local agencies AND OFFICIALS; TO PRESCRIBE PENALTIES AND PRO-
13 VIDE REMEDIES; and to repeal all acts and parts of acts inconsis-
14 tent with the provisions of this act.

15 Sec. 1. As used in this act:

16 (A) "DATA BASE" MEANS THE DATA BASE ESTABLISHED PURSUANT TO
17 SECTION 2B.

18 (B) ~~-(a)-~~ "Pistol" means ~~any~~ A firearm, loaded or
19 unloaded, 30 inches or less in length, or any firearm, loaded or
20 unloaded, ~~which~~ THAT by its construction and appearance con-
21 ceals it as a firearm.

22 (C) ~~-(b)-~~ "Purchaser" means ~~any~~ A person who receives a
23 pistol from another by purchase, gift or loan.

24 (D) ~~-(e)-~~ "Seller" means ~~any~~ A person who sells, fur-
25 nishes, loans, or gives a pistol to another PERSON.

26 Sec. 2. (1) Except as provided in subsection (2), a person
27 shall not purchase, carry, or transport a pistol in this state

1 without first having obtained a license for the pistol as
2 prescribed in this section.

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

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

18 (A) THE PERSON IS NOT LISTED IN THE DATA BASE.

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

22 (C) ~~(b)~~ The person is a citizen of the United States and
23 is a legal resident of this state.

24 (D) ~~(c)~~ The person has not been convicted of a crime pun-
25 ishable by imprisonment for more than 1 year. This subdivision
26 does not apply to a conviction that has been expunged or set
27 aside, or for which the person has been pardoned or has had his

1 or her civil rights restored unless the ~~expungement~~ EXPUNCTION,
2 order, or pardon expressly provides that the person shall not
3 ship, transport, possess, or receive firearms.

4 (E) ~~(d)~~ The person has not been adjudged insane in this
5 state or elsewhere unless he or she has been adjudged restored to
6 sanity by court order.

7 (F) ~~(e)~~ The person is not under an order of involuntary
8 commitment in an inpatient or outpatient setting due to mental
9 illness.

10 (G) ~~(f)~~ The person has not been adjudged legally incapacitated
11 in this state or elsewhere. This subdivision does not
12 apply to a person who has had his or her legal capacity restored
13 by order of the court.

14 (H) ~~(g)~~ The person correctly answers 70% or more of the
15 questions on a basic pistol safety review questionnaire approved
16 by the basic pistol safety review board and provided to the individual
17 free of charge by the licensing authority. If the person
18 fails to correctly answer 70% or more of the questions on the
19 basic pistol safety review questionnaire, the licensing authority
20 shall inform the person of the questions he or she answered
21 incorrectly and allow the person to attempt to complete another
22 basic pistol safety review questionnaire. The person shall not
23 be allowed to attempt to complete more than 2 basic pistol safety
24 review questionnaires on any single day. The licensing authority
25 shall allow the person to attempt to complete the questionnaire
26 during normal business hours on the day the person applies for
27 his or her license.

1 (4) UPON RECEIPT OF AN APPLICATION, THE COMMISSIONER OR
2 CHIEF OF POLICE OF A CITY, TOWNSHIP, OR VILLAGE POLICE DEPART-
3 MENT, OR HIS OR HER DULY AUTHORIZED DEPUTY, OR THE SHERIFF OF A
4 COUNTY OR HIS OR HER DULY AUTHORIZED DEPUTY SHALL IMMEDIATELY
5 SUBMIT THE NAME OF THE APPLICANT TO THE DEPARTMENT OF STATE
6 POLICE BY TELEPHONE AS PROVIDED IN SECTION 2C. UPON RECEIPT OF
7 AN APPLICANT'S NAME, THE DEPARTMENT OF STATE POLICE SHALL IMMEDI-
8 ATELY DO BOTH OF THE FOLLOWING:

9 (A) DETERMINE WHETHER THE APPLICANT IS LISTED IN THE DATA
10 BASE.

11 (B) PROVIDE NOTICE OF ITS DETERMINATION UNDER
12 SUBDIVISION (A) BY TELEPHONE AS PROVIDED IN SECTION 2C TO THE
13 PERSON WHO SUBMITTED THE APPLICANT'S NAME TO THE DEPARTMENT OF
14 STATE POLICE.

15 (5) ~~-(4)-~~ Applications for licenses under this section shall
16 be signed by the applicant under oath upon forms provided by the
17 director. Licenses to purchase, carry, or transport pistols
18 shall be executed in triplicate upon forms provided by the direc-
19 tor and shall be signed by the licensing authority. Three copies
20 of the license shall be delivered to the applicant by the licens-
21 ing authority.

22 (6) ~~-(5)-~~ Upon the sale of the pistol, the seller shall fill
23 out the license forms describing the pistol sold, together with
24 the date of sale, and sign his or her name in ink indicating that
25 the pistol was sold to the licensee. The licensee shall also
26 sign his or her name in ink indicating the purchase of the pistol
27 from the seller. The seller may retain a copy of the license as

1 a record of the sale of the pistol. The licensee shall return
2 2 copies of the license to the licensing authority within 10 days
3 following the purchase of the pistol.

4 (7) ~~—(6)—~~ One copy of the license shall be retained by the
5 licensing authority as an official record for a period of
6 6 years. The other copy of the license shall be forwarded by the
7 licensing authority within 48 hours to the director. A license
8 shall be void unless used within 10 days after the date of its
9 issue.

10 (8) ~~—(7)—~~ This section does not apply to the purchase of
11 pistols from wholesalers by dealers regularly engaged in the
12 business of selling pistols at retail, or to the sale, barter, or
13 exchange of pistols kept solely as relics, curios, or antiques
14 not made for modern ammunition or permanently deactivated. This
15 section does not prevent the transfer of ownership of pistols
16 that are inherited if the license to purchase is approved by the
17 commissioner or chief of police, sheriff, or their authorized
18 deputies, and signed by the personal representative of the estate
19 or by the next of kin having authority to dispose of the pistol.

20 (9) ~~—(8)—~~ As used in this section:

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

24 (b) "Director" means the director of the department of state
25 police.

26 (10) ~~—(9)—~~ A person who forges any matter on an application
27 for a license under this section is guilty of a felony.

1 SEC. 2B. (1) THE DEPARTMENT OF MENTAL HEALTH SHALL
2 ESTABLISH A DATA BASE TO RECORD THE NAME OF EACH PERSON AND OTHER
3 INFORMATION CONCERNING THAT PERSON THAT IS REPORTED TO THE
4 DEPARTMENT OF MENTAL HEALTH UNDER ANY OF THE FOLLOWING:

5 (A) SECTION 477A OF THE MENTAL HEALTH CODE, ACT NO. 258 OF
6 THE PUBLIC ACTS OF 1974, BEING SECTION 330.1477A OF THE MICHIGAN
7 COMPILED LAWS.

8 (B) SECTION 444A OF THE REVISED PROBATE CODE, ACT NO. 642 OF
9 THE PUBLIC ACTS OF 1978, BEING SECTION 700.444A OF THE MICHIGAN
10 COMPILED LAWS.

11 (C) SECTION 2950 OF THE REVISED JUDICATURE ACT OF 1961, ACT
12 NO. 236 OF THE PUBLIC ACTS OF 1961, BEING SECTION 600.2950 OF THE
13 MICHIGAN COMPILED LAWS.

14 (D) SECTION 14 OF CHAPTER 84 OF THE REVISED STATUTES OF
15 1846, BEING SECTION 552.14 OF THE MICHIGAN COMPILED LAWS.

16 (E) SECTION 16B OF CHAPTER IX OF THE CODE OF CRIMINAL PROCE-
17 DURE, ACT NO. 175 OF THE PUBLIC ACTS OF 1927, BEING SECTION
18 769.16B OF THE MICHIGAN COMPILED LAWS.

19 (2) UPON RECEIPT OF A REPORT CONCERNING A PERSON THAT IS
20 FILED WITH THE DEPARTMENT OF MENTAL HEALTH UNDER ANY OF THE FOL-
21 LOWING, THE DEPARTMENT OF MENTAL HEALTH SHALL ENTER INTO THE DATA
22 BASE THE NAME OF THE PERSON WHO IS THE SUBJECT OF THE REPORT AND
23 OTHER INFORMATION CONCERNING THE PERSON CONTAINED IN THE REPORT:

24 (A) SECTION 477A(1) OF ACT NO. 258 OF THE PUBLIC ACTS OF
25 1974.

26 (B) SECTION 444A(1) OF ACT NO. 642 OF THE PUBLIC ACTS OF
27 1978.

1 (C) SECTION 2950(9) OF ACT NO. 236 OF THE PUBLIC ACTS OF
2 1961.

3 (D) SECTION 14(7) OF CHAPTER 84 OF THE REVISED STATUTES OF
4 1846.

5 (E) SECTION 16B(1) OF CHAPTER IX OF ACT NO. 175 OF THE
6 PUBLIC ACTS OF 1927.

7 (3) UPON RECEIPT OF A REPORT CONCERNING A PERSON THAT IS
8 FILED WITH THE DEPARTMENT OF MENTAL HEALTH UNDER SECTION 477A(2)
9 OR (3) OF ACT NO. 258 OF THE PUBLIC ACTS OF 1974, THE DEPARTMENT
10 OF MENTAL HEALTH SHALL REMOVE THE NAME OF THE PERSON WHO IS THE
11 SUBJECT OF THE REPORT AND OTHER INFORMATION CONCERNING THE PERSON
12 THAT WAS ENTERED INTO THE DATA BASE UNDER SUBSECTION (2)(A) FROM
13 THE DATA BASE.

14 (4) UPON RECEIPT OF A REPORT CONCERNING A PERSON THAT IS
15 FILED WITH THE DEPARTMENT OF MENTAL HEALTH UNDER SECTION 444A(2)
16 OF ACT NO. 642 OF THE PUBLIC ACTS OF 1978, THE DEPARTMENT OF
17 MENTAL HEALTH SHALL REMOVE THE NAME OF THE PERSON WHO IS THE
18 SUBJECT OF THE REPORT AND OTHER INFORMATION CONCERNING THE PERSON
19 THAT WAS ENTERED INTO THE DATA BASE UNDER SUBSECTION (2)(B) FROM
20 THE DATA BASE.

21 (5) UPON RECEIPT OF A REPORT CONCERNING A PERSON THAT IS
22 FILED WITH THE DEPARTMENT OF MENTAL HEALTH UNDER SECTION 2950(10)
23 OF ACT NO. 236 OF THE PUBLIC ACTS OF 1961, THE DEPARTMENT OF
24 MENTAL HEALTH SHALL REMOVE THE NAME OF THE PERSON WHO IS THE
25 SUBJECT OF THE REPORT AND OTHER INFORMATION CONCERNING THE PERSON
26 THAT WAS ENTERED INTO THE DATA BASE UNDER SUBSECTION (2)(C) FROM
27 THE DATA BASE.

1 (6) UPON RECEIPT OF A REPORT CONCERNING A PERSON THAT IS
2 FILED WITH THE DEPARTMENT OF MENTAL HEALTH UNDER SECTION 14(8) OF
3 CHAPTER 84 OF THE REVISED STATUTES OF 1846, THE DEPARTMENT OF
4 MENTAL HEALTH SHALL REMOVE THE NAME OF THE PERSON WHO IS THE
5 SUBJECT OF THE REPORT AND OTHER INFORMATION CONCERNING THE PERSON
6 THAT WAS ENTERED INTO THE DATA BASE UNDER SUBSECTION (2)(D) FROM
7 THE DATA BASE.

8 (7) UPON THE EXPIRATION OF THE PERIOD OF TIME THAT AN
9 INJUNCTIVE ORDER THAT IS THE BASIS OF THE ENTRY OF A PERSON'S
10 NAME AND OTHER INFORMATION CONCERNING THE PERSON UNDER SUBSECTION
11 (2)(C) OR (2)(D) IS VALID, THE DEPARTMENT OF MENTAL HEALTH SHALL
12 REMOVE THE PERSON'S NAME AND OTHER INFORMATION CONCERNING THE
13 PERSON THAT WAS ENTERED INTO THE DATA BASE UNDER THAT SUBSECTION
14 FOR THAT INJUNCTIVE ORDER FROM THE DATA BASE.

15 (8) UPON ENTRY OF A PERSON'S NAME INTO THE DATA BASE, THE
16 DEPARTMENT OF MENTAL HEALTH SHALL IMMEDIATELY SEND WRITTEN NOTICE
17 OF THAT ENTRY TO THE PERSON. THE NOTICE SHALL BE SENT BY
18 FIRST-CLASS MAIL TO THE PERSON'S LAST KNOWN ADDRESS. THE NOTICE
19 SHALL INCLUDE AT LEAST ALL OF THE FOLLOWING:

20 (A) THE NAME OF THE PERSON.

21 (B) THE DATE THE PERSON'S NAME WAS ENTERED INTO THE DATA
22 BASE.

23 (C) A STATEMENT THAT THE PERSON CANNOT OBTAIN A LICENSE TO
24 PURCHASE A PISTOL OR OBTAIN A CONCEALED WEAPON LICENSE UNTIL HIS
25 OR HER NAME IS REMOVED FROM THE DATA BASE.

26 (9) THE DEPARTMENT OF MENTAL HEALTH SHALL DISCLOSE THE NAME
27 OF A PERSON AND OTHER INFORMATION CONTAINED IN THE DATA BASE

1 CONCERNING THE PERSON TO THE DEPARTMENT OF STATE POLICE TO ENABLE
2 THE DEPARTMENT OF STATE POLICE TO CARRY OUT ITS DUTIES UNDER THIS
3 ACT.

4 (10) A PERSON WHO IS LISTED IN THE DATA BASE MAY REQUEST
5 THAT THE DEPARTMENT OF MENTAL HEALTH DO EITHER OF THE FOLLOWING:

6 (A) AMEND AN INACCURACY IN THE DATA BASE.

7 (B) EXPUNGE THE PERSON'S NAME AND OTHER INFORMATION CONCERN-
8 ING THE PERSON FROM THE DATA BASE REGARDING 1 OR MORE SPECIFIC
9 ENTRIES IN THE DATA BASE UNDER SUBSECTION (2) BECAUSE 1 OR MORE
10 OF THE FOLLOWING CIRCUMSTANCES EXIST, AS APPLICABLE:

11 (i) THE PERSON IS NOT UNDER AN ORDER OF INVOLUNTARY COMMIT-
12 MENT IN AN INPATIENT OR OUTPATIENT SETTING DUE TO MENTAL
13 ILLNESS.

14 (ii) THE PERSON IS NOT LEGALLY INCAPACITATED.

15 (iii) THE PERSON IS NOT UNDER AN INJUNCTIVE ORDER ISSUED
16 UNDER EITHER OF THE FOLLOWING:

17 (A) SECTION 2950 OF ACT NO. 236 OF THE PUBLIC ACTS OF 1961.

18 (B) SECTION 14 OF CHAPTER 84 OF THE REVISED STATUTES OF
19 1846.

20 (11) BEFORE THE EXPIRATION OF 30 DAYS AFTER A REQUEST IS
21 MADE TO AMEND AN INACCURACY IN THE DATA BASE UNDER SUBSECTION
22 (10)(A) OR TO EXPUNGE 1 OR MORE SPECIFIC ENTRIES FROM THE DATA
23 BASE UNDER SUBSECTION (10)(B)(i) TO (iii), THE DEPARTMENT SHALL
24 CONDUCT AN INVESTIGATION CONCERNING THE ACCURACY OF THE INFORMA-
25 TION CONTAINED IN THE DATA BASE AND EITHER GRANT OR DENY THE
26 REQUEST.

1 (12) IF THE DEPARTMENT OF MENTAL HEALTH REFUSES A REQUEST
2 FOR AMENDMENT OR EXPUNCTION UNDER SUBSECTION (10), OR FAILS TO
3 ACT WITHIN 30 DAYS AFTER RECEIVING THE REQUEST UNDER SUBSECTION
4 (10), A PERSON LISTED IN THE DATA BASE MAY REQUEST A HEARING
5 BEFORE A HEARING OFFICER APPOINTED BY THE DEPARTMENT OF MENTAL
6 HEALTH FOR A DETERMINATION OF WHETHER THE DATA BASE SHOULD BE
7 AMENDED OR EXPUNGED BECAUSE IT CONTAINS INACCURATE OR FALSE
8 INFORMATION. THE DEPARTMENT SHALL CONDUCT THE HEARING PURSUANT
9 TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969, ACT NO. 306 OF THE
10 PUBLIC ACTS OF 1969, BEING SECTIONS 24.201 TO 24.328 OF THE
11 MICHIGAN COMPILED LAWS.

12 (13) INFORMATION CONTAINED IN A REPORT FILED WITH THE
13 DEPARTMENT OF MENTAL HEALTH UNDER THIS SECTION AND IN THE DATA
14 BASE IS EXEMPT FROM PUBLIC DISCLOSURE UNDER THE FREEDOM OF INFOR-
15 MATION ACT, ACT NO. 442 OF THE PUBLIC ACTS OF 1976, BEING SEC-
16 TIONS 15.231 TO 15.246 OF THE MICHIGAN COMPILED LAWS.

17 SEC. 2C. (1) THE DEPARTMENT OF STATE POLICE SHALL ESTABLISH
18 AND MAINTAIN A TOLL-FREE TELEPHONE NUMBER TO RESPOND TO DATA BASE
19 HISTORY INFORMATION INQUIRIES MADE UNDER SECTION 2(4) OR 6(4).
20 THE NUMBER SHALL BE OPERATIONAL 7 DAYS A WEEK BETWEEN THE HOURS
21 OF 8:00 A.M. AND 5:00 P.M., AND THE DEPARTMENT OF STATE POLICE
22 SHALL RESPOND TO INQUIRIES DURING THOSE HOURS. IF A REQUEST IS
23 MADE BY TELEPHONE UNDER SECTION 2(4) OR 6(4) REGARDING THE DATA
24 BASE HISTORY OF A PERSON SEEKING TO PURCHASE A PISTOL OR OBTAIN A
25 CONCEALED WEAPON LICENSE, THE DEPARTMENT OF STATE POLICE SHALL
26 PROVIDE THE DATA BASE HISTORY OF THAT PERSON AT THE TIME THE

1 REQUEST IS MADE FOR THE INFORMATION BY TELEPHONE, OR BY RETURN
2 CALL WITHOUT DELAY.

3 (2) THE DEPARTMENT OF STATE POLICE SHALL NOT RETAIN A RECORD
4 OF A DATA BASE HISTORY INVESTIGATION REQUESTED BY A PERSON UNDER
5 SECTION 2(4) OR 6(4) IF THE PURCHASER IS NOT PROHIBITED FROM PUR-
6 CHASING A PISTOL OR OBTAINING A CONCEALED WEAPON LICENSE BY STATE
7 LAW. A LOG OF A DATA BASE HISTORY REQUEST MADE BY A PERSON UNDER
8 SECTION 2(4) OR 6(4) IS NOT A RECORD OF A DATA BASE HISTORY
9 INVESTIGATION UNDER THIS SECTION AND MAY BE RETAINED BY THE
10 DEPARTMENT FOR NOT LONGER THAN 1 YEAR AFTER THE DATA BASE HISTORY
11 REQUEST IS MADE UNDER SECTION 2(4) OR 6(4).

12 Sec. 6. (1) The prosecuting attorney, the sheriff, and the
13 director of the department of state police, or their respective
14 authorized deputies, shall constitute boards exclusively autho-
15 rized to issue a license to an applicant residing within their
16 respective counties, to carry a pistol concealed on the person
17 and to carry a pistol, whether concealed or otherwise, in a vehi-
18 cle operated or occupied by the applicant. The county clerk of
19 each county shall be clerk of the licensing board, which board
20 shall be known as the concealed weapon licensing board. A
21 license to carry a pistol concealed on the person or to carry a
22 pistol, whether concealed or otherwise, in a vehicle operated or
23 occupied by the person applying for the license, shall not be
24 granted to a person unless the person is 18 years of age or
25 older, is a citizen of the United States, and has resided in this
26 state 6 months or more. A license shall not be issued unless it
27 appears that the applicant has good reason to fear injury to his

1 or her person or property, or has other proper reasons, and is a
2 suitable person to be licensed. A license shall not be issued
3 ~~to a person who was~~ UNDER THIS SECTION UNLESS ALL OF THE FOL-
4 LOWING CIRCUMSTANCES EXIST:

5 (A) THE PERSON IS NOT LISTED IN THE DATA BASE.

6 (B) THE PERSON HAS NOT BEEN convicted of a felony or con-
7 fined for a felony conviction in this state or elsewhere during
8 the 8-year period immediately preceding the date of the
9 application. ~~or was~~

10 (C) THE PERSON HAS NOT BEEN adjudged insane unless the
11 person ~~was~~ HAS BEEN ADJUDGED restored to sanity ~~and so~~
12 ~~declared~~ by court order.

13 (D) THE PERSON IS NOT UNDER AN ORDER OF INVOLUNTARY COMMIT-
14 MENT IN AN INPATIENT OR OUTPATIENT SETTING DUE TO MENTAL
15 ILLNESS.

16 (E) 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 COURT
19 ORDER.

20 (2) If an applicant resides in a city, village, or township
21 having an organized department of police, a license shall not be
22 issued unless the application is first approved in writing by the
23 supervisor, commissioner or chief of police, or marshal. If an
24 application is not approved by the supervisor, commissioner or
25 chief of police, or marshal, the applicant shall have 10 days to
26 appeal, in writing, to the concealed weapon licensing board in
27 the county in which the applicant resides. Upon receipt of a

1 written appeal, the concealed weapon licensing board at the next
2 scheduled meeting to be held not less than 15 days after the
3 receipt of the fingerprint comparison report shall hold a hearing
4 to determine if the applicant is qualified to carry a concealed
5 weapon pursuant to this section. Notice of the hearing shall be
6 mailed to the applicant and the organized department of police
7 not less than 10 days before the scheduled hearing. The appli-
8 cant shall deposit the sum of \$10.00 with the county clerk at the
9 time the appeal is made. If, upon appeal, a license is not
10 issued, the deposit shall be credited to the general fund of the
11 county. If a license is issued, the deposit shall be processed
12 as the license fee required under subsection ~~-(6)-~~ (7).

13 (3) If an applicant does not reside in a city, village, or
14 township which has an organized department of police, a license
15 shall not be issued unless the application is first submitted to
16 the supervisor of the township in which the applicant resides for
17 approval or objection. The supervisor shall indicate in writing
18 on the application whether he or she objects to the license being
19 issued. If action is not taken by a supervisor within 14 days
20 after the application is submitted to the supervisor, the con-
21 cealed weapon licensing board shall consider the application as
22 if a statement of no objection had been included. If the super-
23 visor objects to the application in writing, the applicant within
24 10 days may appeal to the concealed weapon licensing board of the
25 county in which the applicant resides. Upon receipt of a written
26 appeal, the concealed weapon licensing board at the next
27 scheduled meeting to be held not less than 15 days after the

1 receipt of the fingerprint comparison report shall hold a hearing
2 to determine if the applicant is qualified to carry a concealed
3 weapon pursuant to this section. Notice of the hearing shall be
4 mailed to the applicant and the supervisor of the township not
5 less than 10 days before the scheduled hearing. The applicant
6 shall deposit the sum of \$10.00 with the county clerk at the time
7 the appeal is made. If, upon appeal, a license is not issued,
8 the deposit shall be credited to the general fund of the county.
9 If a license is issued, the deposit shall be processed as the
10 license fee required under subsection ~~-(6)-~~ (7).

11 (4) UPON RECEIPT OF AN APPLICATION, THE CONCEALED WEAPON
12 LICENSING BOARD SHALL IMMEDIATELY SUBMIT THE NAME OF THE APPLI-
13 CANT TO THE DEPARTMENT OF STATE POLICE BY TELEPHONE AS PROVIDED
14 IN SECTION 2C. UPON RECEIPT OF AN APPLICANT'S NAME, THE DEPART-
15 MENT OF STATE POLICE SHALL IMMEDIATELY DO BOTH OF THE FOLLOWING:

16 (A) DETERMINE WHETHER THE APPLICANT IS LISTED IN THE DATA
17 BASE.

18 (B) PROVIDE NOTICE OF ITS DETERMINATION UNDER
19 SUBDIVISION (A) BY TELEPHONE AS PROVIDED IN SECTION 2C TO THE
20 CONCEALED WEAPON LICENSING BOARD.

21 (5) ~~-(4)-~~ An applicant shall have 2 sets of fingerprints
22 taken by the sheriff, or the sheriff's authorized representative,
23 of the county in which the applicant resides, if the applicant
24 does not reside in a city, village, or township having an orga-
25 nized department of police, or by the commissioner or chief of
26 police, or marshal, or an authorized representative of the
27 commissioner or chief of police or marshal, if the applicant

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

1 be filed in the bureau of identification of the department of
2 state police in the noncriminal section of the files.

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

15 (7) ~~—(6)—~~ The prosecuting attorney shall be the chairperson
16 of the board, which shall convene at least once in each calendar
17 month and at other times as the board is called to convene by the
18 chairperson. Each license shall be issued only upon written
19 application signed by the applicant and on oath and upon a form
20 provided by the director of the department of state police. Each
21 license shall be issued only with the approval of a majority of
22 the members of the board and shall be executed in triplicate upon
23 forms provided by the director of the department of state police
24 and shall be signed in the name of the concealed weapon licensing
25 board by the county clerk with the seal of the circuit court
26 affixed to the license. The county clerk shall first collect a
27 licensing fee of \$10.00 from the applicant for each license

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

23 (8) ~~-(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 (9) ~~-(8)-~~ A charter county may impose by ordinance a
27 different amount for the concealed weapon licensing fee

1 prescribed by subsection ~~—(6)—~~ (7). 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 Section 2. This amendatory act shall not take effect unless
5 all of the following bills of the 86th Legislature are enacted
6 into law:

7 (a) Senate Bill No. 408.

8

9 (b) Senate Bill No. 409.

10

11 (c) Senate Bill No. 410.

12

13 (d) Senate Bill No. 411.

14

15 (e) Senate Bill No. 412.

16