

SENATE BILL No. 528

October 1, 1991, Introduced by Senators BARCIA, WELBORN and DINGELL and referred to the Committee on Family Law, Criminal Law, and Corrections.

A bill to amend section 2 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,"

as amended by Act No. 320 of the Public Acts of 1990, being section 28.422 of the Michigan Compiled Laws; and to repeal certain parts of the act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 2 of Act No. 372 of the Public Acts of
2 1927, as amended by Act No. 320 of the Public Acts of 1990, being
3 section 28.422 of the Michigan Compiled Laws, is amended to read
4 as follows:

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

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

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

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

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

25 (c) The person has not been convicted of a crime punishable
26 by imprisonment for more than 1 year. This subdivision does not
27 apply to a conviction that has been expunged or set aside, or for

1 which the person has been pardoned or has had his or her civil
2 rights restored unless the expungement, order, or pardon
3 expressly provides that the person shall not ship, transport,
4 possess, or receive firearms.

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

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

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

15 (g) The person correctly answers 70% or more of the ques-
16 tions on a basic pistol safety review questionnaire approved by
17 the basic pistol safety review board and provided to the individ-
18 ual free of charge by the licensing authority. If the person
19 fails to correctly answer 70% or more of the questions on the
20 basic pistol safety review questionnaire, the licensing authority
21 shall inform the person of the questions he or she answered
22 incorrectly and allow the person to attempt to complete another
23 basic pistol safety review questionnaire. The person shall not
24 be allowed to attempt to complete more than 2 basic pistol safety
25 review questionnaires on any single day. The licensing authority
26 shall allow the person to attempt to complete the questionnaire

1 during normal business hours on the day the person applies for
2 his or her license.

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

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

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

24 (7) This section does not apply to the purchase of pistols
25 from wholesalers by dealers regularly engaged in the business of
26 selling pistols at retail, or to the sale, barter, or exchange of
27 pistols kept solely as relics, curios, or antiques not made for

1 modern ammunition or permanently deactivated. This section does
2 not prevent the transfer of ownership of pistols that are inher-
3 ited if the license to purchase is approved by the commissioner
4 or chief of police, sheriff, or their authorized deputies, and
5 signed by the personal representative of the estate or by the
6 next of kin having authority to dispose of the pistol.

7 (8) As used in this section:

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

11 (b) "Director" means the director of the department of state
12 police.

13 (9) A person who forges any matter on an application for a
14 license under this section is guilty of a felony, PUNISHABLE BY
15 IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN
16 \$2,000.00, OR BOTH.

17 (10) A COUNTY, CITY, VILLAGE, OR TOWNSHIP, OR AN AGENCY,
18 OFFICER, OR AGENT OF A COUNTY, CITY, VILLAGE, OR TOWNSHIP, IS NOT
19 LIABLE FOR THE SUBSEQUENT ACTION OF A LICENSEE INVOLVING A PISTOL
20 LICENSED PURSUANT TO THIS SECTION IF THE COUNTY, CITY, VILLAGE,
21 TOWNSHIP, AGENCY, OFFICER, OR AGENT PERFORMED THEIR DUTIES UNDER
22 THIS SECTION IN GOOD FAITH.

23 (11) A LICENSING AUTHORITY SHALL IMPLEMENT THIS SECTION
24 DURING ALL OF THE LICENSING AUTHORITY'S NORMAL BUSINESS HOURS.

25 Section 2. Section 2a of Act No. 372 of the Public Acts of
26 1927, being section 28.422a of the Michigan Compiled Laws, is
27 repealed.

1 Section 3. This amendatory act shall not take effect unless
2 Senate Bill No. 529
3 of the 86th Legislature is enacted into law.