



HOUSE BILL No. 5605

June 2 1994 Introduced by Reps Stallworth Martinez, Parks, Saunders Wallace Joe Young Jr , Baade, Gire, Rivers, Murphy, Kilpatrick Schroer Barns Porreca, Bennane and Dobronski and referred to the Committee on Judiciary

A bill to amend sections 2 and 9a 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 220 of the Public Acts of 1992 and section 9a as added by Act No 320 of the Public Acts of 1990 being sections 28 422 and 28 429b of the Michigan Compiled Laws and to add section 2b

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Sections 2 and 9a of Act No 372 of the Public
2 Acts of 1927 section 2 as amended by Act No 220 of the Public
3 Acts of 1992 and section 9a as added by Act No 320 of the Public

1 Acts of 1990 being sections 28 422 and 28 429b of the Michigan
2 Compiled Laws are amended and section 2b is added read as
3 follows

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

8 (2) A person who brings a pistol into this state who is on
9 leave from active duty with the armed forces of the United States
10 or who has been discharged from active duty with the armed forces
11 of the United States shall obtain a license for the pistol within
12 30 days after his or her arrival in this state

13 (3) The commissioner or chief of police of a city township
14 or village police department that issues licenses to purchase,
15 carry, or transport pistols, or his or her duly authorized
16 deputy, or the sheriff or his or her duly authorized deputy in
17 the parts of a county not included within a city, township or
18 village having an organized police department, in discharging the
19 duty to issue licenses shall with due speed and diligence issue
20 licenses to purchase, carry, or transport pistols to qualified
21 applicants residing within the city, village, township, or
22 county, as applicable unless he or she has probable cause to
23 believe that the applicant would be a threat to himself or her-
24 self or to other individuals, or would commit an offense with the
25 pistol that would violate a law of this or another state or of
26 the United States An applicant is qualified if all of the
27 following circumstances exist

1 (a) The person is 18 years of age or older or, if the seller
2 is licensed pursuant to section 923 of title 18 of the United
3 States Code, 18 U S C 923, is 21 years of age or older

4 (b) The person is a citizen of the United States and is a
5 legal resident of this state

6 (c) The person is not prohibited from possessing, using,
7 transporting, selling, purchasing, carrying, shipping, receiving,
8 or distributing a firearm under section 224f of the Michigan
9 penal code, Act No 328 of the Public Acts of 1931, being section
10 750 224f of the Michigan Compiled Laws A LICENSE SHALL NOT BE
11 ISSUED UNDER THIS SECTION UNTIL THE REQUIREMENT OF THIS SUBDIVI-
12 SION IS VERIFIED BY A COMPUTERIZED CRIMINAL HISTORY INVESTIGATION
13 THROUGH THE LAW ENFORCEMENT INFORMATION NETWORK

14 (d) The person has not been adjudged insane in this state or
15 elsewhere unless he or she has been adjudged restored to sanity
16 by court order

17 (e) The person is not under an order of involuntary commit-
18 ment in an inpatient or outpatient setting due to mental
19 illness

20 (f) The person has not been adjudged legally incapacitated
21 in this state or elsewhere This subdivision does not apply to a
22 person who has had his or her legal capacity restored by order of
23 the court

24 (g) The person correctly answers 70% or more of the ques-
25 tions on a basic pistol safety review questionnaire approved by
26 the basic pistol safety review board and provided to the
27 individual free of charge by the licensing authority If the

1 person fails to correctly answer 70% or more of the questions on
2 the basic pistol safety review questionnaire, the licensing
3 authority shall inform the person of the questions he or she
4 answered incorrectly and allow the person to attempt to complete
5 another basic pistol safety review questionnaire The person
6 shall not be allowed to attempt to complete more than 2 basic
7 pistol safety review questionnaires on any single day The
8 licensing authority shall allow the person to attempt to complete
9 the questionnaire during normal business hours on the day the
10 person applies for his or her license

11 (H) THE PERSON HAS SUCCESSFULLY COMPLETED A PISTOL SAFETY
12 TRAINING PROGRAM AND PRESENTS A CERTIFICATE OF COMPLETION ISSUED
13 UNDER SECTION 2B BY ANY SHERIFF S DEPARTMENT OR POLICE DEPARTMENT
14 IN THIS STATE

15 (4) Applications for licenses under this section shall be
16 signed by the applicant under oath upon forms provided by the
17 director of the department of state police Licenses to pur-
18 chase, carry or transport pistols shall be executed in tripli-
19 cate upon forms provided by the director of the department of
20 state police and shall be signed by the licensing authority
21 Three copies of the license shall be delivered to the applicant
22 by the licensing authority

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

1 the seller The seller may retain a copy of the license as a
2 record of the sale of the pistol The licensee shall return
3 2 copies of the license to the licensing authority within 10 days
4 following the purchase of the pistol

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

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

21 (8) The licensing authority shall provide a basic pistol
22 safety brochure to each applicant for a license under this sec-
23 tion before the applicant answers the basic pistol safety review
24 questionnaire A basic pistol safety brochure shall contain, but
25 is not limited to providing, information on all of the following
26 subjects

- 1 (a) Rules for safe handling and use of pistols
- 2 (b) Safe storage of pistols
- 3 (c) Nomenclature and description of various types of
4 pistols
- 5 (d) The responsibilities of owning a pistol
- 6 (9) The basic pistol safety brochure shall be supplied in
7 addition to the safety pamphlet required by section 9b
- 8 (10) The basic pistol safety brochure required in subsection
9 (8) shall be produced by a national nonprofit membership organi-
10 zation that provides voluntary pistol safety programs that
11 include training individuals in the safe handling and use of
12 pistols
- 13 (11) 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 (12) A licensing authority shall implement this section
18 during all of the licensing authority s normal business hours and
19 shall set hours for implementation that allow an applicant to use
20 the license within the time period set forth in subsection (6)
- 21 SEC 2B (1) EACH SHERIFF S DEPARTMENT IN THIS STATE SHALL
22 AND EACH POLICE DEPARTMENT IN THIS STATE MAY, PROVIDE A PISTOL
23 SAFETY TRAINING PROGRAM DEVELOPED BY THE BASIC PISTOL SAFETY
24 REVIEW BOARD UNDER SECTION 9A TO INDIVIDUALS WHO WISH TO APPLY
25 FOR A LICENSED ISSUED UNDER SECTION 2
- 26 (2) EACH SHERIFF S DEPARTMENT SHALL PROVIDE THE PROGRAM
27 DESCRIBED IN SUBSECTION (1) AS OFTEN AS NECESSARY TO ENSURE THAT

1 LICENSES ARE ISSUED UNDER SECTION 2 IN A TIMELY MANNER, BUT SHALL
2 PROVIDE THAT PROGRAM AT LEAST ONCE A MONTH EACH POLICE DEPART-
3 MENT MAY PROVIDE THE PROGRAM AS OFTEN AS DETERMINED APPROPRIATE
4 BY THAT POLICE DEPARTMENT

5 (3) THE SHERIFF'S DEPARTMENT OR POLICE DEPARTMENT THAT PRO-
6 VIDES THE PROGRAM SHALL ISSUE A CERTIFICATE OF COMPLETION TO EACH
7 INDIVIDUAL WHO SUCCESSFULLY COMPLETES THAT PROGRAM THE CERTIFI-
8 CATE OF COMPLETION SHALL BE ON A FORM PRESCRIBED BY THE BASIC
9 PISTOL SAFETY REVIEW BOARD UNDER SECTION 9A

10 (4) A TRAINING PROGRAM SHALL BE TAUGHT BY AN INSTRUCTOR CER-
11 TIFIED BY THE NATIONAL RIFLE ASSOCIATION OR AN INDIVIDUAL HAVING
12 SUBSTANTIALLY SIMILAR QUALIFICATIONS AS DETERMINED BY THE BASIC
13 PISTOL SAFETY REVIEW BOARD

14 (5) THE SHERIFF'S DEPARTMENT OR POLICE DEPARTMENT MAY CHARGE
15 THE INDIVIDUAL A FEE NOT TO EXCEED THE ACTUAL AND NECESSARY
16 EXPENSE OF PROVIDING THE PROGRAM

17 Sec 9a (1) The basic pistol safety review board is cre-
18 ated in the department of state police The board shall consist
19 of the following members

20 (a) The director of the department of state police or his or
21 her representative

22 (b) The director of the department of natural resources or
23 his or her representative

24 (c) One person appointed by the governor with the advice and
25 consent of the senate representing the interests of organizations
26 involved in shooting sports

1 (d) One person appointed by the governor with the advice and
2 consent of the senate representing the interests of a statewide
3 conservation organization

4 (e) One person appointed by the governor with the advice and
5 consent of the senate representing the interests of the public

6 (2) The director of the department of state police shall
7 chair the basic pistol safety board

8 (3) The basic pistol safety board shall do all of the
9 following

10 (a) Approve a pamphlet on basic pistol safety for distribu-
11 tion to entities authorized to issue licenses under section 2

12 (b) Approve basic pistol safety questionnaires for distribu-
13 tion to entities authorized to issue licenses under section 2

14 The board shall approve a questionnaire under this subdivision
15 only if both of the following circumstances exist

16 (1) The questionnaire only addresses material covered in the
17 pamphlet approved pursuant to subdivision (a)

18 (2) The questionnaire reasonably examines the knowledge of
19 pistol safety of individuals who are required to answer
20 questionnaires

21 (c) Upon the expiration of 90 days after the effective date
22 of the amendatory act that added this section provide the
23 department of state police with master copies of the basic pistol
24 safety pamphlet and basic pistol safety questionnaires for print-
25 ing by the department of state police and for distribution by the
26 department of state police to entities authorized to issue
27 licenses under section 2

1 (D) WITHIN THE EXPIRATION OF 180 DAYS AFTER THE EFFECTIVE
2 DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBDIVISION DO ALL OF
3 THE FOLLOWING

4 (1) DEVELOP 1 OR MORE PROGRAMS TO PROVIDE PISTOL SAFETY
5 TRAINING TO INDIVIDUALS WHO WISH TO APPLY FOR A LICENSE UNDER
6 SECTION 2, AND DISTRIBUTE COPIES OF THOSE PROGRAM PLANS TO EACH
7 SHERIFF S DEPARTMENT AND POLICE DEPARTMENT IN THIS STATE A
8 TRAINING PROGRAM SHALL BE AT LEAST THE EQUIVALENT OF TRAINING
9 REQUIRED FOR A CERTIFICATION OF COMPETENCY IN HUNTER SAFETY
10 EACH PROGRAM SHALL PROVIDE, AT MINIMUM, INFORMATION ON THE
11 SUBJECTS SET FORTH IN SECTION 2(8)(A) TO (D) AND SHALL REQUIRE
12 THE INDIVIDUAL TO DISCHARGE A PISTOL ON A FIRING RANGE UNDER THE
13 DIRECT SUPERVISION OF A FIREARMS INSTRUCTOR EACH PROGRAM SHALL
14 BE TAUGHT IN A SINGLE SESSION OF NOT LESS THAN 2 HOURS OR MORE
15 THAN 6 HOURS

16 (11) PRESCRIBE A FORM FOR CERTIFICATES OF COMPLETION ISSUED
17 UNDER SECTION 2B

18 (111) DETERMINE THE QUALIFICATIONS REQUIRED FOR A PISTOL
19 SAFETY TRAINING PROGRAM INSTRUCTOR WHO IS NOT CERTIFIED BY THE
20 NATIONAL RIFLE ASSOCIATION