



HOUSE BILL No. 5643

June 14 1994 Introduced by Reps Cropsey Curtis Jaye Kaza, Harder, Lowe, Dalman, Horton McBryde McManus Shugars, Vorva and Gernaat and referred to the Committee on Judiciary

A bill to amend the title and sections 2, 8, 9a, 9b, 9c, 12, 12b, and 14 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 sections 9a, 9b, and 9c as added by Act No 320 of the Public Acts of 1990, and section 12b as added by Act No 182 of the Public Acts of 1982, being sections 28 422, 28 428, 28 429a, 28 429b, 28 429c, 28 432, 28 432b, and 28 434 of the Michigan

Compiled Laws to add sections 1a 1b 5 5a 5b 5c 5d and 5e
and to repeal certain parts of the act

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 The title and sections 2, 8, 9a, 9b 9c, 12,
2 12b, and 14 of Act No 372 of the Public Acts of 1927, section 2
3 as amended by Act No 220 of the Public Acts of 1992,
4 sections 9a, 9b, and 9c as added by Act No 320 of the Public
5 Acts of 1990 and section 12b as added by Act No 182 of the
6 Public Acts of 1982, being sections 28 422, 28 428, 28 429a,
7 28 429b, 28 429c, 28 432, 28 432b, and 28 434 of the Michigan
8 Compiled Laws, are amended and sections 1a, 1b, 5, 5a 5b, 5c,
9 5d, and 5e are added to read as follows

10 TITLE

11 An act to regulate and license the selling, purchasing, pos-
12 sessing, and carrying of certain firearms and gas ejecting
13 devices to prohibit the buying, selling, or carrying of certain
14 firearms and gas ejecting devices without a license OR OTHER
15 AUTHORIZATION to provide for the forfeiture of firearms
16 ~~possessed in violation of this act~~ UNDER CERTAIN CIRCUMSTANCES
17 to provide immunity from civil liability under certain circum-
18 stances to prescribe the powers and duties of certain state and
19 local agencies TO PRESCRIBE PENALTIES TO PROVIDE REMEDIES and
20 to repeal all acts and parts of acts inconsistent with the provi-
21 sions of this act

22 SEC 1A THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE
23 "CITIZENS SELF-DEFENSE ACT"

1 SEC 1B AS PROVIDED UNDER THE CONSTITUTION OF THE UNITED
2 STATES AND THE CONSTITUTION OF THIS STATE, THIS ACT SECURES THE
3 RIGHT OF THE CITIZENS OF THIS STATE TO KEEP OWN, AND BEAR ARMS

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

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

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

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

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

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

8 (4) Applications for licenses under this section shall be
9 signed by the applicant under oath upon forms provided by the
10 director of the department of state police Licenses to pur-
11 chase, carry, or transport pistols shall be executed in tripli-
12 cate upon forms provided by the director of the department of
13 state police and shall be signed by the licensing authority
14 Three copies of the license shall be delivered to the applicant
15 by the licensing authority

16 (5) Upon the sale of the pistol, the seller shall fill out
17 the license forms describing the pistol sold, together with the
18 date of sale, and sign his or her name in ink indicating that the
19 pistol was sold to the licensee The licensee shall also sign
20 his or her name in ink indicating the purchase of the pistol from
21 the seller The seller may retain a copy of the license as a
22 record of the sale of the pistol The licensee shall return
23 2 copies of the license to the licensing authority within 10 days
24 following the purchase of the pistol

25 (6) One copy of the license shall be retained by the licens-
26 ing authority as an official record for a period of 6 years The
27 other copy of the license shall be forwarded by the licensing

1 authority within 48 hours to the director of the department of
2 state police A license is void unless used within ~~10~~ 30 days
3 after the date of its issue

4 (7) This section does not apply to ~~the~~ ANY OF THE
5 FOLLOWING

6 (A) THE purchase of pistols from wholesalers by dealers reg-
7 ularly engaged in the business of selling pistols at retail ~~or to the~~

9 (B) THE sale, barter, or exchange of pistols kept solely as
10 relics, curios, or antiques not made for modern ammunition or
11 permanently deactivated

12 (C) THE PURCHASING, CARRYING, OR TRANSPORTING OF A PISTOL BY
13 AN INDIVIDUAL AUTHORIZED UNDER SECTION 5 TO CARRY A CONCEALED
14 WEAPON IN THIS STATE

15 (8) This section does not prevent the transfer of ownership
16 of pistols that are inherited if the license to purchase is
17 approved by the commissioner or chief of police, sheriff, or
18 their authorized deputies, and signed by the personal representa-
19 tive of the estate or by the next of kin having authority to dis-
20 pose of the pistol

21 (9) ~~(8)~~ The licensing authority shall provide a basic
22 pistol safety brochure to each applicant for a license under this
23 section before the applicant answers the basic pistol safety
24 review questionnaire A basic pistol safety brochure shall con-
25 tain, but is not limited to providing, information on all of the
26 following 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 (10) ~~-(9)-~~ The basic pistol safety brochure shall be sup-
7 plied in addition to the safety pamphlet required by section 9b

8 (11) ~~-(10)-~~ The basic pistol safety brochure required in
9 subsection ~~-(8)-~~ (9) shall be produced by a national nonprofit
10 membership organization that provides voluntary pistol safety
11 programs that include training individuals in the safe handling
12 and use of pistols

13 (12) ~~-(11)-~~ A person who forges any matter on an application
14 for a license under this section is guilty of a felony, punish-
15 able by imprisonment for not more than 4 years or a fine of not
16 more than \$2,000 00, or both

17 (13) ~~-(12)-~~ A licensing authority shall implement this sec-
18 tion during all of the licensing authority's normal business
19 hours and shall set hours for implementation that allow an appli-
20 cant to use the license within the time period set forth in sub-
21 section (6)

22 SEC 5 (1) AN INDIVIDUAL MAY APPLY TO THE SECRETARY OF
23 STATE FOR AUTHORIZATION TO CARRY A CONCEALED WEAPON IN THIS
24 STATE THE APPLICATION SHALL BE ON A FORM PROVIDED BY THE SECRE-
25 TARY OF STATE AND SHALL BE COMPLETED IN PERSON AND UNDER OATH BY
26 THE APPLICANT THE OATH SHALL BE ADMINISTERED BY THE SECRETARY

1 OF STATE OR HIS OR HER REPRESENTATIVE THE APPLICATION SHALL
2 CONTAIN ALL OF THE FOLLOWING INFORMATION

3 (A) THE APPLICANT S NAME AND ADDRESS

4 (B) THE APPLICANT'S DRIVER LICENSE NUMBER OR IF THE APPLI-
5 CANT IS NOT LICENSED TO OPERATE A MOTOR VEHICLE IN THIS STATE OR
6 HIS OR HER LICENSE TO OPERATE A MOTOR VEHICLE IN THIS STATE IS
7 SUSPENDED, REVOKED, OR RESTRICTED, THE APPLICANT'S MICHIGAN STATE
8 PERSONAL IDENTIFICATION CARD NUMBER

9 (C) A STATEMENT BY THE APPLICANT THAT THE APPLICANT IS
10 FAMILIAR WITH THE PROVISIONS OF THIS ACT AS THEY RELATE TO CARRY-
11 ING A CONCEALED WEAPON IN THIS STATE

12 (D) A STATEMENT BY THE APPLICANT THAT THE APPLICANT MEETS
13 THE CRITERIA FOR AUTHORIZATION UNDER THIS ACT TO CARRY A CON-
14 CEALD WEAPON IN THIS STATE

15 (2) THE APPLICATION FORM SHALL CONTAIN A CONSPICUOUS WARNING
16 THAT THE APPLICATION IS EXECUTED UNDER OATH AND THAT INTENTION-
17 ALLY MAKING A FALSE STATEMENT ON THE APPLICATION IS A VIOLATION
18 OF THE CRIMINAL LAWS OF THIS STATE

19 (3) AN INDIVIDUAL WHO INTENTIONALLY MAKES A FALSE STATEMENT
20 ON AN APPLICATION UNDER SUBSECTION (1) IS GUILTY OF A MISDEMEANOR
21 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF
22 NOT MORE THAN \$100 00, OR BOTH

23 (4) AN INDIVIDUAL SHALL PAY TO THE SECRETARY OF STATE A NON-
24 REFUNDABLE FEE OF \$10 00 TO PROCESS THE APPLICATION THE FEE
25 SHALL BE FORWARDED BY THE SECRETARY OF STATE TO THE STATE TREA-
26 SURER FOR DEPOSIT IN THE GENERAL FUND

1 (5) EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, THE SECRETARY
2 OF STATE SHALL PROMPTLY AUTHORIZE AN INDIVIDUAL TO CARRY A
3 CONCEALED WEAPON IN THIS STATE IF THE APPLICANT PROPERLY SUBMITS
4 AN APPLICATION UNDER SUBSECTION (1) AND THE SECRETARY OF STATE
5 DETERMINES THAT ALL OF THE FOLLOWING CIRCUMSTANCES EXIST

6 (A) THE INDIVIDUAL IS A LEGAL RESIDENT OF THIS STATE

7 (B) THE INDIVIDUAL IS 18 YEARS OF AGE OR OLDER

8 (C) THE INDIVIDUAL IS NOT CHARGED WITH HAVING COMMITTED A
9 FELONY IN THIS STATE, ANOTHER STATE, OR THE UNITED STATES

10 (D) THE INDIVIDUAL HAS NOT BEEN CONVICTED OF OR INCARCERATED
11 FOR COMMITTING A FELONY IN THIS STATE, ANOTHER STATE, OR THE
12 UNITED STATES WITHIN 8 YEARS IMMEDIATELY PRECEDING THE DATE OF
13 APPLICATION

14 (E) THE INDIVIDUAL IS NOT CHARGED WITH POSSESSING OR USING A
15 CONTROLLED SUBSTANCE IN VIOLATION OF A LAW OF THIS STATE OR A
16 POLITICAL SUBDIVISION OF THIS STATE, OR OF ANOTHER STATE OR A
17 POLITICAL SUBDIVISION OF ANOTHER STATE, OR OF THE UNITED STATES

18 (F) EXCEPT AS PROVIDED IN SUBDIVISION (D), THE INDIVIDUAL
19 HAS NOT BEEN CONVICTED OF OR INCARCERATED FOR POSSESSING OR USING
20 A CONTROLLED SUBSTANCE IN VIOLATION OF A LAW OF THIS STATE OR A
21 POLITICAL SUBDIVISION OF THIS STATE, OR OF ANOTHER STATE OR A
22 POLITICAL SUBDIVISION OF ANOTHER STATE OR OF THE UNITED STATES
23 WITHIN 4 YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION

24 (G) THE INDIVIDUAL HAS NOT BEEN ADMITTED TO A MENTAL HEALTH
25 FACILITY PURSUANT TO CHAPTER 4, 4A, OR 5 OF THE MENTAL HEALTH
26 CODE, ACT NO 258 OF THE PUBLIC ACTS OF 1974, BEING SECTIONS
27 330 1400 TO 330 1541 OF THE MICHIGAN COMPILED LAWS, WITHIN 3

1 YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION OR IF HE OR
2 SHE WAS ADMITTED TO A MENTAL HEALTH FACILITY PURSUANT TO CHAPTER
3 4, 4A OR 5 OF ACT NO 258 OF THE PUBLIC ACTS OF 1974 WITHIN THAT
4 3-YEAR PERIOD, PRESENTS PROOF SATISFACTORY TO THE SECRETARY OF
5 STATE THAT HE OR SHE NO LONGER SUFFERS FROM THE DISABILITY FOR
6 WHICH HE OR SHE WAS ADMITTED

7 (6) THE SECRETARY OF STATE SHALL VERIFY THE REQUIREMENTS OF
8 SUBSECTION (5)(C) TO (F) THROUGH THE LAW ENFORCEMENT INFORMATION
9 NETWORK BEFORE AUTHORIZING AN INDIVIDUAL TO CARRY A CONCEALED
10 WEAPON IN THIS STATE

11 (7) THE SECRETARY OF STATE SHALL DENY AUTHORIZATION TO AN
12 INDIVIDUAL TO CARRY A CONCEALED WEAPON IN THIS STATE ONLY IF THE
13 INDIVIDUAL IS NOT QUALIFIED UNDER SUBSECTION (5) TO RECEIVE THAT
14 AUTHORIZATION

15 (8) IF THE SECRETARY OF STATE AUTHORIZES AN INDIVIDUAL TO
16 CARRY A CONCEALED WEAPON IN THIS STATE, THE SECRETARY OF STATE
17 SHALL DO 1 OF THE FOLLOWING

18 (A) EXCEPT AS PROVIDED IN SUBDIVISION (B) IF THE INDIVIDUAL
19 IS LICENSED TO OPERATE A MOTOR VEHICLE IN THIS STATE, PLACE ON
20 THE INDIVIDUAL'S DRIVER LICENSE THE ACRONYM "CSDA" FOR 'CITIZENS
21 SELF-DEFENSE ACT

22 (B) IF THE INDIVIDUAL IS NOT LICENSED TO OPERATE A MOTOR
23 VEHICLE IN THIS STATE OR HIS OR HER LICENSE TO OPERATE A MOTOR
24 VEHICLE IN THIS STATE IS SUSPENDED, REVOKED, OR RESTRICTED, PLACE
25 ON THE INDIVIDUAL'S MICHIGAN PERSONAL IDENTIFICATION CARD THE
26 ACRONYM DESCRIBED IN SUBDIVISION (A)

1 (9) THE AUTHORIZATION ACRONYM DESCRIBED IN SUBSECTION (8)
2 SHALL BE DESIGNED BY THE SECRETARY OF STATE AND PLACED ON THE
3 INDIVIDUAL'S DRIVER LICENSE OR MICHIGAN PERSONAL IDENTIFICATION
4 CARD IN SUCH A MANNER AS TO REDUCE THE OPPORTUNITY TO TAMPER
5 WITH, FORGE, OR REMOVE THE AUTHORIZATION

6 (10) IF THE SECRETARY OF STATE AUTHORIZES AN INDIVIDUAL TO
7 CARRY A CONCEALED WEAPON IN THIS STATE, THE AUTHORIZATION IS NOT
8 RESTRICTED EXCEPT AS PROVIDED BY THE LAWS OF THIS STATE

9 (11) THE AUTHORIZATION TO CARRY A CONCEALED WEAPON IN THIS
10 STATE IS EFFECTIVE FOR THE PERIOD IN WHICH THE INDIVIDUAL'S
11 DRIVER LICENSE OR MICHIGAN PERSONAL IDENTIFICATION CARD ON WHICH
12 THE AUTHORIZATION ACRONYM IS PLACED IS VALID, OR FOR 4 YEARS,
13 WHICHEVER PERIOD IS SHORTER THE AUTHORIZATION TO CARRY A CON-
14 CEALED WEAPON IN THIS STATE MAY BE RENEWED IN THE SAME MANNER AS
15 RECEIVING THE ORIGINAL AUTHORIZATION

16 (12) IF THE SECRETARY OF STATE DENIES AUTHORIZATION TO AN
17 INDIVIDUAL TO CARRY A CONCEALED WEAPON IN THIS STATE, THE SECRE-
18 TARY OF STATE SHALL IMMEDIATELY DO BOTH OF THE FOLLOWING

19 (A) INFORM THE INDIVIDUAL IN WRITING OF THE REASONS FOR THE
20 DENIAL

21 (B) INFORM THE INDIVIDUAL IN WRITING OF HIS OR HER RIGHT TO
22 PETITION THE CIRCUIT COURT UNDER SECTION 5A FOR REVIEW OF THE
23 DENIAL

24 SEC 5A IF THE SECRETARY OF STATE DENIES AUTHORIZATION TO
25 AN INDIVIDUAL TO CARRY A CONCEALED WEAPON IN THIS STATE, OR FAILS
26 TO ISSUE THAT AUTHORIZATION AS PROVIDED IN THIS ACT, THE
27 INDIVIDUAL MAY PETITION THE CIRCUIT COURT IN THE COUNTY IN WHICH

1 HE OR SHE RESIDES FOR AN ORDER REQUIRING THE SECRETARY OF STATE
2 TO ISSUE THE AUTHORIZATION THE PETITION SHALL BE ON A FORM PRE-
3 SCRIBED BY THE STATE COURT ADMINISTRATOR AND PROVIDED BY THE SEC-
4 RETARY OF STATE IN REVIEWING A PETITION FOR AN ORDER UNDER THIS
5 SECTION, THE COURT SHALL RESTRICT ITS CONSIDERATION TO WHETHER
6 THE INDIVIDUAL IS QUALIFIED UNDER SECTION 5 TO CARRY A CONCEALED
7 WEAPON

8 SEC 5B (1) THE SECRETARY OF STATE SHALL CREATE AND MAIN-
9 TAIN A COMPUTERIZED DATA BASE OF INDIVIDUALS WHO APPLY UNDER THIS
10 ACT FOR AUTHORIZATION TO CARRY CONCEALED WEAPONS THE DATA BASE
11 SHALL CONTAIN ONLY THE FOLLOWING INFORMATION AS TO EACH
12 APPLICANT

13 (A) THE APPLICANT'S NAME AND ADDRESS

14 (B) THE APPLICANT'S DRIVER LICENSE NUMBER OR MICHIGAN STATE
15 PERSONAL IDENTIFICATION NUMBER

16 (C) IF THE APPLICANT IS AUTHORIZED TO CARRY A CONCEALED
17 WEAPON IN THIS STATE, THE DATE OF THE AUTHORIZATION

18 (D) EXCEPT AS PROVIDED IN SUBSECTION (2), IF THE APPLICANT
19 WAS DENIED AUTHORIZATION TO CARRY A CONCEALED WEAPON IN THIS
20 STATE, A STATEMENT OF THE REASONS FOR THAT DENIAL

21 (2) IF AN INDIVIDUAL WHO WAS DENIED AUTHORIZATION TO CARRY A
22 CONCEALED WEAPON IN THIS STATE IS SUBSEQUENTLY AUTHORIZED TO
23 CARRY A CONCEALED WEAPON IN THIS STATE, THE SECRETARY OF STATE
24 SHALL DELETE FROM THE COMPUTERIZED DATA BASE THE PREVIOUS REASONS
25 FOR THE DENIAL

26 (3) INFORMATION IN THE DATA BASE IS CONFIDENTIAL AND SHALL
27 NOT BE DISCLOSED TO ANY PERSON EXCEPT FOR PURPOSES OF THIS ACT OR

1 TO A POLICE AGENCY TO VERIFY WHETHER AN INDIVIDUAL IS AUTHORIZED
2 TO CARRY A CONCEALED WEAPON IN THIS STATE

3 SEC 5C (1) AN INDIVIDUAL WHO IS AUTHORIZED UNDER THIS ACT
4 TO CARRY A CONCEALED WEAPON SHALL HAVE HIS OR HER DRIVER LICENSE
5 OR MICHIGAN IDENTIFICATION CARD WITH THE APPROPRIATE AUTHORIZA-
6 TION ACRONYM IN HIS OR HER POSSESSION AT ALL TIMES HE OR SHE IS
7 CARRYING A CONCEALED WEAPON

8 (2) AN INDIVIDUAL WHO IS AUTHORIZED UNDER THIS ACT TO CARRY
9 A CONCEALED WEAPON SHALL SHOW THE AUTHORIZATION ACRONYM ON HIS OR
10 HER DRIVER LICENSE OR MICHIGAN IDENTIFICATION CARD TO A PEACE
11 OFFICER UPON REQUEST BY THAT PEACE OFFICER

12 (3) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS RESPONSIBLE
13 FOR A CIVIL VIOLATION AND MAY BE FINED NOT MORE THAN \$100 00

14 SEC 5D (1) EXCEPT AS PROVIDED IN SUBSECTION (2), A CON-
15 CEALED WEAPON CARRIED IN VIOLATION OF THIS ACT IS SUBJECT TO SEI-
16 ZURE AND FORFEITURE IN THE SAME MANNER THAT PROPERTY IS SUBJECT
17 TO SEIZURE AND FORFEITURE UNDER SECTIONS 4701 TO 4709 OF THE
18 REVISED JUDICATURE ACT OF 1969, BEING SECTIONS 600 4701 TO
19 600 4709 OF THE MICHIGAN COMPILED LAWS

20 (2) IF A WEAPON CARRIED IN VIOLATION OF THIS ACT IS SEIZED
21 AND FORFEITED PURSUANT TO THIS SECTION, THE WEAPON SHALL BE DIS-
22 POSED OF ONLY AS FOLLOWS

23 (A) THE LAW ENFORCEMENT AGENCY THAT SEIZED THE WEAPON MAY
24 RETAIN IT FOR OFFICIAL USE OR TRANSFER THE WEAPON TO ANOTHER LAW
25 ENFORCEMENT AGENCY FOR OFFICIAL USE BY THAT AGENCY

26 (B) IF THE WEAPON IS NOT RETAINED OR TRANSFERRED UNDER
27 SUBDIVISION (A), THE WEAPON SHALL BE TRANSFERRED TO THE

1 DEPARTMENT OF STATE POLICE FOR DISPOSAL AS PRESCRIBED BY THE
2 DIRECTOR OF THE DEPARTMENT OF STATE POLICE

3 (3) A LAW ENFORCEMENT AGENCY THAT SEIZES A WEAPON PURSUANT
4 TO THIS SECTION IS CIVILLY LIABLE TO THE OWNER OF THE WEAPON FOR
5 NEGLIGENTLY OR INTENTIONALLY LOSING OR DAMAGING THE WEAPON IF THE
6 WEAPON IS NOT ORDERED FORFEITED UNDER THIS SECTION

7 SEC 5E AN INDIVIDUAL WHO IS LICENSED TO CARRY A CONCEALED
8 WEAPON IN THIS STATE ON THE EFFECTIVE DATE OF THE AMENDATORY ACT
9 THAT ADDED THIS SECTION MAY CARRY A CONCEALED WEAPON PURSUANT TO
10 THAT LICENSE UNTIL THE LICENSE EXPIRES OR THE INDIVIDUAL'S
11 AUTHORITY TO CARRY A CONCEALED WEAPON PURSUANT TO THAT LICENSE IS
12 OTHERWISE TERMINATED, WHICHEVER OCCURS FIRST

13 Sec 8 ~~The licensing board herein created by section 6-~~
14 SECRETARY OF STATE may revoke ~~any license~~ AN AUTHORIZATION
15 issued ~~by it~~ UNDER SECTION 5 upon receiving a certificate of
16 any magistrate showing that ~~such~~ THE licensee has been con-
17 victed of violating ~~any of the provisions of~~ this act, ~~or~~ has
18 been convicted of a felony, OR IS OTHERWISE INELIGIBLE FOR AUTHO-
19 RIZATION UNDER THIS ACT ~~Such license may also be revoked when~~
20 ~~ever in the judgment of said board the reason for granting such~~
21 ~~license shall have ceased to exist, or whenever said board shall~~
22 ~~for any reasonable cause determine said licensee to be an unfit~~
23 ~~person to carry a pistol concealed upon his person No such~~
24 ~~license shall be revoked except upon written complaint and then~~
25 ~~only after a hearing by said board, of which at least 7 days~~
26 ~~notice shall be given to the licensee either by personal service~~
27 ~~or by registered mail to his last known address The clerk of~~

~~1 said licensing board is hereby authorized to administer an oath~~
~~2 to any person testifying before such board at any such hearing~~

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

6 (a) The director of the department of state police or his or
7 her representative

8 (b) The director of the department of natural resources or
9 his or her representative

10 (c) One person appointed by the governor with the advice and
11 consent of the senate representing the interests of organizations
12 involved in shooting sports

13 (d) One person appointed by the governor with the advice and
14 consent of the senate representing the interests of a statewide
15 conservation organization

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

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

20 (3) The basic pistol safety board shall do all of the
21 following

22 (a) Approve a pamphlet on basic pistol safety for distribu-
23 tion to THE SECRETARY OF STATE AND entities authorized to issue
24 licenses under section 2

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

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

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

5 (11) The questionnaire reasonably examines the knowledge of
6 pistol safety of individuals who are required to answer
7 questionnaires

8 (c) Upon the expiration of 90 days after the effective date
9 of the amendatory act that added this section, provide the
10 department of state police with master copies of the basic pistol
11 safety pamphlet and basic pistol safety questionnaires for print-
12 ing by the department of state police and for distribution by the
13 department of state police to THE SECRETARY OF STATE AND entities
14 authorized to issue licenses under section 2

15 Sec 9b The department of state police shall print the
16 basic pistol safety pamphlet and basic pistol safety question-
17 naires approved by the basic pistol safety review board, and
18 shall distribute the pamphlet and the questionnaires free of
19 charge to THE SECRETARY OF STATE AND entities authorized to issue
20 licenses under section 2 The department of state police shall
21 distribute copies of the basic pistol safety pamphlet and the
22 questionnaires within 90 days after the department of state
23 police receives the master copies from the basic pistol safety
24 review board

25 Sec 9c ~~Entities~~ THE SECRETARY OF STATE AND ENTITIES
26 authorized to issue licenses under section 2 shall distribute a
27 basic pistol safety pamphlet received by that entity from the

1 department of state police free of charge to each person who
2 requests a copy of the pamphlet

3 Sec 12 ~~Sections 2 and 9 do not apply to a duly~~
4 ~~authorized~~ SECTION 2 DOES NOT APPLY TO ANY OF THE FOLLOWING

5 (A) A police or correctional agency of the United States or
6 of ~~the~~ THIS state or any subdivision ~~thereof, nor to the~~ OF
7 THIS STATE

8 (B) THE UNITED STATES army, air force, navy, or marine
9 corps ~~of the United States, nor to organizations~~

10 (C) AN ORGANIZATION authorized by law to purchase or receive
11 weapons from the United States or from this state ~~nor to the~~

12 (D) THE national guard, armed forces reserves or other
13 ~~duly authorized~~ military ORGANIZATION ~~organizations, or to~~
14 ~~members of the above agencies or organizations for weapons used~~
15 ~~for the purposes of or incidental to such agencies or organiza-~~
16 ~~tions, nor to a~~

17 (E) A MEMBER OF AN ENTITY OR ORGANIZATION DESCRIBED IN
18 SUBDIVISIONS (A) TO (D) FOR A WEAPON USED IN THE COURSE OF HIS OR
19 HER DUTIES WITH THAT ENTITY

20 (F) A person holding a license to carry a pistol concealed
21 upon his OR HER person issued by another state ~~, nor to the~~

22 (G) THE regular and ordinary transportation of ~~pistols~~ A
23 PISTOL as merchandise by AN authorized ~~agents~~ AGENT of ~~any~~ A
24 person licensed to manufacture firearms

25 Sec 12b ~~Sections 2 and 9 do~~ SECTION 2 DOES not apply to
26 a signaling device ~~which is~~ approved by the United States coast
27 guard pursuant to regulations issued under section 4488 of the

1 Revised Statutes of the United States, 46 U S C 481, or under
2 section 5 of the federal boat safety act of 1971, Public Law
3 92-75, 46 U S C 1454

4 Sec 14 (1) ~~All pistols weapons or devices~~ EXCEPT AS
5 PROVIDED IN SUBSECTION (2) A PISTOL WEAPON OR DEVICE carried
6 or possessed ~~contrary to~~ IN VIOLATION OF this act ~~are hereby~~
7 ~~declared~~ IS forfeited to the state ~~,~~ and shall be turned over
8 to the ~~commissioner~~ DIRECTOR of the ~~Michigan~~ DEPARTMENT OF
9 state police or his OR HER designated representative, for ~~such~~
10 disposition as ~~said commissioner may prescribe~~ THE DIRECTOR OF
11 THE DEPARTMENT OF STATE POLICE PRESCRIBES

12 (2) A CONCEALED WEAPON CARRIED IN VIOLATION OF THIS ACT BY
13 AN INDIVIDUAL AUTHORIZED UNDER SECTION 5 TO CARRY A CONCEALED
14 WEAPON IS SUBJECT TO SEIZURE AND FORFEITURE UNDER SECTION 5D

15 Section 2 Sections 6 and 9d of Act No 372 of the Public
16 Acts of 1927, being sections 28 426 and 28 429d of the Michigan
17 Compiled Laws, are repealed

18 Section 3 This amendatory act shall take effect January 1,
19 1995

20 Section 4 This amendatory act shall not take effect unless
21 all of the following bills of the 87th Legislature are enacted
22 into law

23 (a) Senate Bill No _____ or House Bill No 5645 (request
24 no 06521'94 a)

25 (b) Senate Bill No _____ or House Bill No 5644 (request
26 no 06521'94 b)

1 (c) Senate Bill No _____ or House Bill No 5646 (request
2 no 06521 94 c)

3 (d) Senate Bill No _____ or House Bill No 5647 (request
4 no 06521 94 d)