



# SENATE BILL No. 690

June 8, 1993, Introduced by Senator VAUGHN and referred to to the Committee on Family Law, Criminal Law, and Corrections.

A bill to amend sections 6, 6a, and 8 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 6 as amended by Act No. 295 of the Public Acts of 1984 and section 6a as amended by Act No. 34 of the Public Acts of 1991, being sections 28.426, 28.426a, and 28.428 of the Michigan Compiled Laws; and to repeal certain parts of the act.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 6, 6a, and 8 of Act No. 372 of the  
2 Public Acts of 1927, section 6 as amended by Act No. 295 of the

1 Public Acts of 1984 and section 6a as amended by Act No. 34 of  
2 the Public Acts of 1991, being sections 28.426, 28.426a, and  
3 28.428 of the Michigan Compiled Laws, are amended to read as  
4 follows:

5       Sec. 6. (1) The prosecuting attorney, the sheriff, and the  
6 director of the department of state police, or their respective  
7 authorized deputies, ~~shall~~ constitute boards exclusively autho-  
8 rized to issue a license UNDER SECTION 6A to an applicant resid-  
9 ing within their respective counties. ~~, to carry a pistol con-~~  
10 ~~cealed on the person and to carry a pistol, whether concealed or~~  
11 ~~otherwise, in a vehicle operated or occupied by the applicant.~~  
12 The county clerk of each county shall be clerk of the licensing  
13 board. ~~, which board shall be known as the concealed weapon~~  
14 ~~licensing board. A license to carry a pistol concealed on the~~  
15 ~~person or to carry a pistol, whether concealed or otherwise, in a~~  
16 ~~vehicle operated or occupied by the person applying for the~~  
17 ~~license, shall not be granted to a person unless the person is 18~~  
18 ~~years of age or older, is a citizen of the United States, and has~~  
19 ~~resided in this state 6 months or more.~~ A license shall not be  
20 issued UNDER SECTION 6A unless ~~it appears that~~ THE BOARD  
21 DETERMINES the applicant ~~has good reason to fear injury to his~~  
22 ~~or her person or property, or has other proper reasons, and is a~~  
23 ~~suitable person to be licensed~~ MEETS THE REQUIREMENTS OF THIS  
24 SECTION AND SECTION 6A AND THE RULES PROMULGATED UNDER SECTION  
25 6A. A license shall not be issued to a person who was convicted  
26 of a felony or confined for a felony conviction in this state or  
27 elsewhere during the 8-year period immediately preceding the date

1 of the application or was adjudged insane unless the person was  
2 ADJUDGED restored to sanity ~~and so declared~~ by court order.

3 ~~(2) If an applicant resides in a city, village, or township~~  
4 ~~having an organized department of police, a license shall not be~~  
5 ~~issued unless the application is first approved in writing by the~~  
6 ~~supervisor, commissioner or chief of police, or marshal. If an~~  
7 ~~application is not approved by the supervisor, commissioner or~~  
8 ~~chief of police, or marshal, the applicant shall have 10 days to~~  
9 ~~appeal, in writing, to the concealed weapon licensing board in~~  
10 ~~the county in which the applicant resides. Upon receipt of a~~  
11 ~~written appeal, the concealed weapon licensing board at the next~~  
12 ~~scheduled meeting to be held not less than 15 days after the~~  
13 ~~receipt of the fingerprint comparison report shall hold a hearing~~  
14 ~~to determine if the applicant is qualified to carry a concealed~~  
15 ~~weapon pursuant to this section. Notice of the hearing shall be~~  
16 ~~mailed to the applicant and the organized department of police~~  
17 ~~not less than 10 days before the scheduled hearing. The appli-~~  
18 ~~cant shall deposit the sum of \$10.00 with the county clerk at the~~  
19 ~~time the appeal is made. If, upon appeal, a license is not~~  
20 ~~issued, the deposit shall be credited to the general fund of the~~  
21 ~~county. If a license is issued, the deposit shall be processed~~  
22 ~~as the license fee required under subsection (6).~~

23 ~~(3) If an applicant does not reside in a city, village, or~~  
24 ~~township which has an organized department of police, a license~~  
25 ~~shall not be issued unless the application is first submitted to~~  
26 ~~the supervisor of the township in which the applicant resides for~~  
27 ~~approval or objection. The supervisor shall indicate in writing~~

~~1 on the application whether he or she objects to the license being  
2 issued. If action is not taken by a supervisor within 14 days  
3 after the application is submitted to the supervisor, the con-  
4 cealed weapon licensing board shall consider the application as  
5 if a statement of no objection had been included. If the super-  
6 visor objects to the application in writing, the applicant within  
7 10 days may appeal to the concealed weapon licensing board of the  
8 county in which the applicant resides. Upon receipt of a written  
9 appeal, the concealed weapon licensing board at the next sched-  
10 uled meeting to be held not less than 15 days after the receipt  
11 of the fingerprint comparison report shall hold a hearing to  
12 determine if the applicant is qualified to carry a concealed  
13 weapon pursuant to this section. Notice of the hearing shall be  
14 mailed to the applicant and the supervisor of the township not  
15 less than 10 days before the scheduled hearing. The applicant  
16 shall deposit the sum of \$10.00 with the county clerk at the time  
17 the appeal is made. If, upon appeal, a license is not issued,  
18 the deposit shall be credited to the general fund of the county.  
19 If a license is issued, the deposit shall be processed as the  
20 license fee required under subsection (6).~~

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

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

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

3       (2) ~~(5)~~ The application for a license shall state the  
4 reason or reasons for the necessity or desirability of ~~carrying~~  
5 ~~a pistol concealed on the person or a pistol, whether concealed~~  
6 ~~or otherwise, in a vehicle operated or occupied by the person~~  
7 ~~applying for the license, and~~ HAVING the license, AND if issued,  
8 shall be restricted to the reason or reasons satisfactory to the  
9 board. ~~, which restriction or~~ THE restrictions shall appear on  
10 the face of the license in a conspicuous place. ~~The license~~  
11 ~~shall be an authorization to carry a pistol in compliance with~~  
12 ~~this section only to the extent contained in the face of the~~  
13 ~~license and the~~ THE license shall be revoked by the board if the  
14 ~~pistol is carried contrary to the authorization~~ RESTRICTIONS  
15 ARE NOT COMPLIED WITH.

16       (3) ~~(6)~~ The prosecuting attorney shall be the chairperson  
17 of the board. ~~, which~~ THE BOARD shall convene at least once in  
18 each calendar month IN WHICH AN APPLICATION IS RECEIVED and at  
19 other times as the board is called to convene by the  
20 chairperson.

21       (4) Each license shall be issued only upon written applica-  
22 tion signed by the applicant and on oath and upon a form provided  
23 by the director of the department of state police. Each license  
24 shall be issued only with the approval of a majority of the mem-  
25 bers of the LICENSING board ~~and shall be executed in triplicate~~  
26 ~~upon forms provided by the director of the department of state~~  
27 ~~police~~ and shall be signed in the name of the ~~concealed weapon~~

1 licensing board by the county clerk with the seal of the circuit  
2 court affixed to the license. The county clerk shall ~~first~~  
3 collect a licensing fee of \$10.00 from the applicant for each  
4 license ~~delivered~~ BEFORE DELIVERING THE LICENSE to the  
5 applicant. ~~One copy of the license shall be delivered to the~~  
6 ~~applicant, the duplicate shall be retained by the county clerk as~~  
7 ~~a permanent official record for a period of 6 years, and the~~  
8 ~~triplicate of the license shall be forwarded within 48 hours to~~  
9 ~~the director of the department of state police who shall file and~~  
10 ~~index each license received and retain it as a permanent official~~  
11 ~~record for a period of 6 years.~~ A license shall be issued for a  
12 definite period of not more than 3 years, to be stated in the  
13 license. ~~, and a~~ A renewal of the license shall not be granted  
14 except upon the filing of a new application. ~~A license shall~~  
15 ~~bear the imprint of the right thumb of the licensee, or, if that~~  
16 ~~is not possible, of the left thumb or some other finger of the~~  
17 ~~licensee. The licensee shall carry the license upon his or her~~  
18 ~~person when carrying a pistol concealed upon his or her person,~~  
19 ~~or, whether concealed or otherwise, in a vehicle operated or~~  
20 ~~occupied by the~~ THE licensee ~~, and~~ shall display the license  
21 upon the request of a peace officer.

22 (5) On the first day of each month the county clerk shall  
23 remit to the state treasurer \$2.00 for each license issued during  
24 the preceding month. On the first day of each month the county  
25 clerk shall pay into the general fund of the county the remainder  
26 of each license fee for each license issued during the preceding  
27 month.

1           (6) ~~(7)~~ The county clerk may issue a copy of a license  
2 issued pursuant to this section for a fee of \$3.00. ~~which~~ THE  
3 fee shall be paid into the general fund of the county.

4           (7) ~~(8)~~ A charter county may impose by ordinance a differ-  
5 ent amount for the ~~concealed weapon~~ licensing fee prescribed  
6 ~~by~~ UNDER subsection (6). A charter county shall not impose a  
7 fee ~~which~~ THAT is greater than the cost of the service for  
8 which the fee is charged.

9           Sec. 6a. (1) A ~~concealed weapons~~ licensing board may  
10 issue to any bank, trust company, armored car company, railway  
11 company, express company, or other company, institution,  
12 ~~copartnership~~ PARTNERSHIP, or individual having ~~in its, their,~~  
13 ~~or the individual's~~ possession OF large sums of money or other  
14 valuables, a license authorizing the licensee to equip the  
15 premises or vehicles under ~~its, their, or the individual's~~ THE  
16 LICENSEE'S control with gas ejecting devices to be used solely  
17 for ~~the purpose of~~ protecting those premises or vehicles and  
18 the persons or property in the premises or vehicles from criminal  
19 assaults.

20           (2) The director of the department of state police shall  
21 promulgate rules to govern ~~the issuing of the license and the~~  
22 ~~making of an application for the license~~ APPLICATIONS FOR  
23 LICENSES AND ISSUING LICENSES. The rules shall be promulgated  
24 pursuant to the administrative procedures act of 1969, Act  
25 No. 306 of the Public Acts of 1969, as amended, being sections  
26 24.201 to 24.328 of the Michigan Compiled Laws. The ~~concealed~~  
27 ~~weapons~~ licensing board may issue to any ~~company,~~

1 ~~copartnership~~ CORPORATION, ASSOCIATION, PARTNERSHIP, or  
 2 individual under the limitations and pursuant to the rules  
 3 promulgated by the director of the department of state police a  
 4 license authorizing the corporation, ~~copartnership~~ ASSOCIATION,  
 5 PARTNERSHIP, or individual to manufacture or sell ~~, or both,~~ a  
 6 gas ejecting or emitting weapon, cartridge, or device to ~~any~~ A  
 7 person authorized by law to possess the weapon, cartridge, or  
 8 device.

9 (3) ~~For purposes of~~ AS USED IN this section, "gas ejecting  
 10 device" means a device designed for the purpose of rendering a  
 11 person either temporarily or permanently disabled by the ejec-  
 12 tion, release, or emission of a gas or other substance.

13 (4) A license ~~shall~~ IS not ~~be~~ required under this sec-  
 14 tion ~~for the sale~~ TO SELL, purchase, or ~~possession of~~ POSSESS  
 15 a self-defense spray device, as defined in section 224d of the  
 16 Michigan penal code, Act No. 328 of the Public Acts of 1931,  
 17 being section 750.224d of the Michigan Compiled Laws.

18 Sec. 8. The licensing board ~~herein~~ created by section 6  
 19 may revoke any license issued by it upon receiving a certificate  
 20 of ~~any~~ A magistrate showing that ~~such~~ THE licensee has been  
 21 convicted of violating ~~any of the provisions of~~ this act ~~,~~ or  
 22 has been convicted of a felony. ~~Such~~ THE license may also be  
 23 revoked ~~whenever in the judgment of said~~ IF THE board  
 24 DETERMINES the reason for granting ~~such~~ THE license ~~shall~~  
 25 ~~have~~ HAS ceased to exist ~~,~~ or ~~whenever said~~ IF THE board  
 26 ~~shall~~ DETERMINES for any reasonable cause ~~determine said~~ THE  
 27 licensee ~~to be~~ IS an unfit person to ~~carry a pistol concealed~~

1 ~~upon his person~~ HOLD THE LICENSE. ~~No such~~ A license shall NOT  
2 be revoked except upon written complaint and ~~then only~~ after a  
3 hearing by ~~said~~ THE board. ~~, of which at~~ AT least 7 days'  
4 notice OF THE HEARING shall be given to the licensee ~~either~~ by  
5 personal service or by registered mail to ~~his~~ THE LICENSEE'S  
6 last known address. The clerk of ~~said~~ THE licensing board ~~is~~  
7 ~~hereby authorized to~~ MAY administer an oath to any person testi-  
8 fying before ~~such~~ THE board at ~~any such~~ A hearing.

9 Section 2. Sections 1, 2, 2a, 3, 7, 9, 9a, 9b, 9c, 12, 12a,  
10 12b, 12c, 13, and 14 of Act No. 372 of the Public Acts of 1927,  
11 being sections 28.421, 28.422, 28.422a, 28.423, 28.427, 28.429,  
12 28.429a, 28.429b, 28.429c, 28.432, 28.432a, 28.432b, 28.432c,  
13 28.433, and 28.434 of the Michigan Compiled Laws, are repealed.

14 Section 3. This amendatory act shall take effect January 1,  
15 1995.

16 Section 4. This amendatory act shall not take effect unless  
17 Senate Bill No. 691

18 of the 87th Legislature is enacted into law.