



# HOUSE BILL No. 5815

April 25, 1996, Introduced by Reps. Law, DeMars, Anthony, Horton, Goschka, Walberg, Profit, Lowe, Dalman, Crissman, Cropsey, Jaye, Tesanovich, DeHart, McBryde, Kukuk and Green and referred to the Committee on Judiciary and Civil Rights.

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. 338 of the Public Acts of 1994, being section 28.422 of the Michigan Compiled Laws.

## 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. 338 of the Public Acts of 1994, 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) OR (13), a  
2 person shall not purchase, carry, or transport a pistol in this  
3 state without first having obtained a license for the pistol as  
4 prescribed 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 that issues licenses to purchase,  
12 carry, or transport pistols, or his or her duly authorized  
13 deputy, or the sheriff or his or her duly authorized deputy, in  
14 the parts of a county not included within a city, township, or  
15 village having an organized police department, in discharging the  
16 duty to issue licenses shall with due speed and diligence issue  
17 licenses to purchase, carry, or transport pistols to qualified  
18 applicants residing within the city, village, township, or  
19 county, as applicable unless he or she has probable cause to  
20 believe that the applicant would be a threat to himself or her-  
21 self or to other individuals, or would commit an offense with the  
22 pistol that would violate a law of this or another state or of  
23 the United States. An applicant is qualified if all of the fol-  
24 lowing circumstances exist:

25       (a) The person is not subject to an order or disposition for  
26 which he or she has received notice and an opportunity for a

1 hearing, and which was entered into the law enforcement  
2 information network pursuant to any of the following:

3 (i) Section 464a(1) of the mental health code, Act No. 258  
4 of the Public Acts of 1974, being section 330.1464a of the  
5 Michigan Compiled Laws.

6 (ii) Section 444a(1) of the revised probate code, Act  
7 No. 642 of the Public Acts of 1978, being section 700.444a of the  
8 Michigan Compiled Laws.

9 (iii) Section ~~2950(9)~~ 2950(16) of the revised judicature  
10 act of 1961, Act No. 236 of the Public Acts of 1961, being sec-  
11 tion 600.2950 of the Michigan Compiled Laws.

12 (iv) Section ~~2950a(7)~~ 2950A(13) of Act No. 236 of the  
13 Public Acts of 1961, being section 600.2950a of the Michigan  
14 Compiled Laws.

15 ~~(v) Section 14(7) of chapter 84 of the Revised Statutes of~~  
16 ~~1846, being section 552.14 of the Michigan Compiled Laws.~~

17 (v) ~~(vi)~~ Section 6b(5) of chapter V of the code of crimi-  
18 nal procedure, Act No. 175 of the Public Acts of 1927, being sec-  
19 tion 765.6b of the Michigan Compiled Laws, if the order has a  
20 condition imposed pursuant to section 6b(3) of chapter V of Act  
21 No. 175 of the Public Acts of 1927.

22 (vi) ~~(vii)~~ Section ~~16b(1)~~ 16B(2) of chapter IX of Act  
23 No. 175 of the Public Acts of 1927, being section 769.16b of the  
24 Michigan Compiled Laws.

25 (b) The person is 18 years of age or older or, if the seller  
26 is licensed pursuant to section 923 of title 18 of the United  
27 States Code, 18 U.S.C. 923, is 21 years of age or older.

1 (c) The person is a citizen of the United States and is a  
2 legal resident of this state.

3 (d) A felony charge against the person is not pending at the  
4 time of application.

5 (e) The person is not prohibited from possessing, using,  
6 transporting, selling, purchasing, carrying, shipping, receiving,  
7 or distributing a firearm under section 224f of the Michigan  
8 penal code, Act No. 328 of the Public Acts of 1931, being section  
9 750.224f of the Michigan Compiled Laws.

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

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

16 (h) 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 order of  
19 the court.

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

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

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

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

24       (6) One copy of the license shall be retained by the licens-  
25 ing authority as an official record for a period of 6 years. The  
26 other copy of the license shall be forwarded by the licensing  
27 authority within 48 hours to the director of the department of

1 state police. A license is void unless used within 10 days after  
2 the date of its issue.

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

13 (8) The licensing authority shall provide a basic pistol  
14 safety brochure to each applicant for a license under this sec-  
15 tion before the applicant answers the basic pistol safety review  
16 questionnaire. A basic pistol safety brochure shall contain, but  
17 is not limited to providing, information on all of the following  
18 subjects:

19 (a) Rules for safe handling and use of pistols.

20 (b) Safe storage of pistols.

21 (c) Nomenclature and description of various types of  
22 pistols.

23 (d) The responsibilities of owning a pistol.

24 (9) The basic pistol safety brochure shall be supplied in  
25 addition to the safety pamphlet required by section 9b.

26 (10) The basic pistol safety brochure required in subsection  
27 (8) shall be produced by a national nonprofit membership

1 organization that provides voluntary pistol safety programs that  
2 include training individuals in the safe handling and use of  
3 pistols.

4       (11) A person who forges any matter on an application for a  
5 license under this section is guilty of a felony, punishable by  
6 imprisonment for not more than 4 years or a fine of not more than  
7 \$2,000.00, or both.

8       (12) A licensing authority shall implement this section  
9 during all of the licensing authority's normal business hours and  
10 shall set hours for implementation that allow an applicant to use  
11 the license within the time period set forth in subsection (6).

12       (13) IF A PERSON HAS OBTAINED A LICENSE FOR A PISTOL AS PRE-  
13 SCRIBED IN THIS SECTION AND A CERTIFICATE OF INSPECTION FOR THAT  
14 PISTOL AS REQUIRED UNDER SECTION 9, AN IMMEDIATE FAMILY MEMBER OF  
15 THE PERSON MAY CARRY OR TRANSPORT THE PISTOL IN THIS STATE WITH  
16 THE PERSON'S PERMISSION.