

# HOUSE BILL No. 5108

August 21, 2007, Introduced by Reps. Sheltroun, Lemmons, Brown, McDowell, Lahti, Byrum, Simpson, Stahl, Farrah, Melton, Mayes, Miller, Pavlov, Palsrok, Hansen, Rick Jones, Horn, Casperson, Angerer, Gaffney, Wojno, Dean, Caswell, Schuitmaker, Stakoe, Hammon, Booher, Calley and Acciavatti and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

A bill to amend 1927 PA 372, entitled

"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 or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,"

by amending section 5j (MCL 28.425j), as amended by 2004 PA 254.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 5j. (1) A pistol training or safety program described in  
2 section 5b(7)(c) meets the requirements for knowledge or training  
3 in the safe use and handling of a pistol only if the program

1 consists of not less than 8 hours of instruction and all of the  
2 following conditions are met:

3 (a) The program is certified by this state or a national or  
4 state firearms training organization and provides 5 hours of  
5 instruction in, but is not limited to providing instruction in, all  
6 of the following:

7 (i) The safe storage, use, and handling of a pistol including,  
8 but not limited to, safe storage, use, and handling to protect  
9 child safety.

10 (ii) Ammunition knowledge, and the fundamentals of pistol  
11 shooting.

12 (iii) Pistol shooting positions.

13 (iv) Firearms and the law, including civil liability issues and  
14 the use of deadly force. This portion shall be taught by an  
15 attorney or an individual trained in the use of deadly force.

16 (v) Avoiding criminal attack and controlling a violent  
17 confrontation.

18 (vi) All laws that apply to carrying a concealed pistol in this  
19 state.

20 (b) The program provides at least 3 hours of instruction on a  
21 firing range and requires firing at least 30 rounds of ammunition.

22 (c) The program provides a certificate of completion that  
23 states the program complies with the requirements of this section  
24 and that the individual successfully completed the course, and that  
25 contains the printed name and signature of the course instructor.

26 ~~Not later than October 1, 2004, the~~ **THE** certificate of completion  
27 shall contain the statement, "This course complies with section 5j

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of 1927 PA 372."

(d) The instructor of the course is certified by this state or a national organization to teach the 8-hour pistol safety training course described in this section.

(2) A person shall not do either of the following:

(a) Grant a certificate of completion described under subsection (1)(c) to an individual knowing the individual did not satisfactorily complete the course.

(b) Present a certificate of completion described under subsection (1)(c) to a concealed weapon licensing board knowing that the individual did not satisfactorily complete the course.

(3) A person who violates subsection (2) is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,500.00, or both.

(4) A concealed weapons licensing board shall not require that a specific form, color, wording, or other content appear on a certificate of completion, except as provided in subsection (5), and shall accept as valid a certificate of completion issued ~~prior to the effective date of the amendatory act that added this subsection~~ **BEFORE JULY 23, 2004**, that contains an inaccurate reference or no reference to this section but otherwise complies with this section.

(5) ~~Beginning October 1, 2004, a~~ **A** concealed weapons licensing board shall require that a certificate of completion contain the statement, "This course complies with section 5j of 1927 PA 372.".

**(6) THE TRAINING REQUIREMENTS OF SECTION 5B(7)(C) AND THIS SECTION DO NOT APPLY TO AN INDIVIDUAL TO [WHOM ALL] OF THE**

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1 FOLLOWING APPLY:

2 (A) THE INDIVIDUAL PROVIDES DOCUMENTATION THAT THE INDIVIDUAL  
3 IS HONORABLY DISCHARGED FROM THE ARMED FORCES OF THIS STATE,  
4 ANOTHER STATE, OR THE UNITED STATES.

5 (B) THE INDIVIDUAL SUCCESSFULLY COMPLETED TRAINING IN THE  
6 ARMED FORCES IN THE USE OF A PISTOL AND WAS QUALIFIED TO USE A  
7 PISTOL IN THE ARMED FORCES. PROOF OF TRAINING AND QUALIFICATION  
8 UNDER THIS SUBDIVISION SHALL CONSIST OF A NOTARIZED STATEMENT  
9 SIGNED BY THE INDIVIDUAL STATING THAT HE OR SHE SUCCESSFULLY  
10 COMPLETED TRAINING IN THE ARMED FORCES IN THE USE OF A PISTOL AND  
11 WAS QUALIFIED TO USE A PISTOL IN THE ARMED FORCES.

12 (C) THE INDIVIDUAL CERTIFIES THAT HE OR SHE HAS COMPLETED AT  
13 LEAST 3 HOURS REVIEW OF THE TRAINING DESCRIBED UNDER THIS SECTION  
14 AND HAS AT LEAST 1 HOUR OF FIRING RANGE TIME IN THE 6 MONTHS  
15 PRECEDING THE APPLICATION.

[ (D) THE INDIVIDUAL CERTIFIES IN WRITING THAT HE OR SHE HAS READ  
AND UNDERSTANDS THE COURSE MATERIALS REGARDING LAWS OF THIS STATE  
RELATING TO FIREARMS, INCLUDING CIVIL LIABILITY AND THE USE OF DEADLY  
FORCE, AS REFERRED TO IN SUBSECTION (1) (A) (iv) .]

16 (7) THE TRAINING REQUIREMENTS OF SECTION 5B(7)(C) AND THIS  
17 SECTION DO NOT APPLY TO AN INDIVIDUAL WHO IS A PEACE OFFICER OR WHO  
18 FORMERLY WAS A PEACE OFFICER.