

SENATE BILL No. 60

January 16, 2013, Introduced by Senator GREEN and referred to the Committee on Judiciary.

A bill to amend 1927 PA 372, entitled

"An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices 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 2a (MCL 28.422a), as amended by 2012 PA 377.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2a. (1) The following individuals are not required to
2 obtain a license under section 2 to purchase, carry, possess, use,
3 or transport a pistol:

1 (a) An individual licensed under section 5b.

2 (b) A federally licensed firearms dealer.

3 (c) An individual who purchases a pistol from a federally
4 licensed firearms dealer in compliance with 18 USC 922(t).

5 (2) If an individual described in subsection (1) purchases or
6 otherwise acquires a pistol, the seller shall complete a record in
7 triplicate on a form provided by the department of state police.
8 The record shall include the purchaser's concealed weapon license
9 number or, if the purchaser is a federally licensed firearms
10 dealer, his or her dealer license number. If the purchaser is not
11 licensed under section 5b and is not a federally licensed firearms
12 dealer, the record shall include the dealer license number of the
13 federally licensed firearms dealer who is selling the pistol. The
14 purchaser shall sign the record. The seller may retain 1 copy of
15 the record. The purchaser shall receive 2 copies of the record and
16 forward 1 copy to the police department of the city, village, or
17 township in which the purchaser resides, or, if the purchaser does
18 not reside in a city, village, or township having a police
19 department, to the county sheriff, within 10 days following the
20 purchase or acquisition. The return of the copy to the police
21 department or county sheriff may be made in person or may be made
22 by first-class mail or certified mail sent within the 10-day period
23 to the proper address of the police department or county sheriff. A
24 purchaser who fails to comply with the requirements of this
25 subsection is responsible for a state civil infraction and may be
26 fined not more than \$250.00. If a purchaser is found responsible
27 for a state civil infraction under this subsection, the court shall

1 notify the department of state police. If the purchaser is licensed
2 under section 5b, the court shall notify the licensing authority of
3 that determination.

4 (3) Within 10 days after receiving the record copy returned
5 under subsection (2), the police department or county sheriff shall
6 electronically enter the information into the pistol entry database
7 as required by the department of state police if it has the ability
8 to electronically enter that information. If the police department
9 or county sheriff does not have that ability, the police department
10 or county sheriff shall provide that information to the department
11 of state police in a manner otherwise required by the department of
12 state police. Any police department or county sheriff that provided
13 pistol descriptions to the department of state police under former
14 section 9 of this act shall continue to provide pistol descriptions
15 to the department of state police under this subsection. Within 48
16 hours after entering or otherwise providing the information on the
17 record copy returned under subsection (2) to the department of
18 state police, the police department or county sheriff shall forward
19 the copy of the record to the department of state police. The
20 purchaser has the right to obtain a copy of the information placed
21 in the pistol entry database under this subsection to verify the
22 accuracy of that information. The police department or county
23 sheriff may charge a fee not to exceed \$1.00 for the cost of
24 providing the copy. The purchaser may carry, use, possess, and
25 transport the pistol for 30 days beginning on the date of purchase
26 or acquisition only while he or she is in possession of his or her
27 copy of the record. However, the person is not required to have the

1 record in his or her possession while carrying, using, possessing,
2 or transporting the pistol after this period.

3 (4) This section does not apply to a person or entity exempt
4 under section 2(7).

5 (5) An individual who makes a material false statement on a
6 sales record under this section is guilty of a felony punishable by
7 imprisonment for not more than 4 years or a fine of not more than
8 \$2,500.00, or both.

9 (6) The department of state police may promulgate rules to
10 implement this section.

11 (7) As used in this section, "federally licensed firearms
12 dealer" means ~~an individual who holds a type 01 dealer license~~ **A**
13 **PERSON LICENSED TO SELL FIREARMS** under 18 USC 923.