

# HOUSE BILL No. 4535

April 29, 2015, Introduced by Reps. Theis, Crawford, Lucido, Somerville, Barrett, Forlini, Tedder, Price, Franz, Cox, Webber, Johnson, Gamrat, Sheppard, Poleski, Hooker, Courser, Pagel, Glenn, Vaupel, Runestad, Chatfield, McBroom, Bumstead, Bizon, Goike, Cole, Aaron Miller, Kesto, Yonker and Rendon 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 2015 PA 3.

## 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:

4       (a) An individual licensed under section 5b, except for an

1 individual who has an emergency license issued under section 5a(4)  
2 or a receipt serving as a concealed pistol license under section  
3 5b(9) or 5l(3).

4 (b) A federally licensed firearms dealer.

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

7 **(D) A PEACE OFFICER.**

8 (2) If an individual described in subsection (1) purchases or  
9 otherwise acquires a pistol, the seller shall complete a record in  
10 triplicate on a form provided by the department of state police.  
11 The record shall include the purchaser's concealed weapon license  
12 number, **THE NUMBER OF THE PURCHASER'S CERTIFICATE ISSUED UNDER THE**  
13 **COMMISSION ON LAW ENFORCEMENT STANDARDS ACT, 1965 PA 203, MCL**  
14 **28.601 TO 28.616**, or, if the purchaser is a federally licensed  
15 firearms dealer, his or her dealer license number. If the purchaser  
16 is not licensed under section 5b **OR DOES NOT HAVE A CERTIFICATE**  
17 **ISSUED UNDER THE COMMISSION ON LAW ENFORCEMENT STANDARDS ACT, 1965**  
18 **PA 203, MCL 28.601 TO MCL 28.616**, and is not a federally licensed  
19 firearms dealer, the record shall include the dealer license number  
20 of the federally licensed firearms dealer who is selling the  
21 pistol. The purchaser shall sign the record. The seller may retain  
22 1 copy of the record. The purchaser shall receive 2 copies of the  
23 record and forward 1 copy to the police department of the city,  
24 village, or township in which the purchaser resides, or, if the  
25 purchaser does not reside in a city, village, or township having a  
26 police department, to the county sheriff, within 10 days following  
27 the purchase or acquisition. The return of the copy to the police

1 department or county sheriff may be made in person or may be made  
2 by first-class mail or certified mail sent within the 10-day period  
3 to the proper address of the police department or county sheriff. A  
4 purchaser who fails to comply with the requirements of this  
5 subsection is responsible for a state civil infraction and may be  
6 fined not more than \$250.00. If a purchaser is found responsible  
7 for a state civil infraction under this subsection, the court shall  
8 notify the department of state police. If the purchaser is licensed  
9 under section 5b, the court shall notify the licensing authority of  
10 that determination.

11 (3) Within 10 days after receiving the record copy returned  
12 under subsection (2), the police department or county sheriff shall  
13 electronically enter the information into the pistol entry database  
14 as required by the department of state police if it has the ability  
15 to electronically enter that information. If the police department  
16 or county sheriff does not have that ability, the police department  
17 or county sheriff shall provide that information to the department  
18 of state police in a manner otherwise required by the department of  
19 state police. Any police department or county sheriff that provided  
20 pistol descriptions to the department of state police under former  
21 section 9 of this act shall continue to provide pistol descriptions  
22 to the department of state police under this subsection. Within 48  
23 hours after entering or otherwise providing the information on the  
24 record copy returned under subsection (2) to the department of  
25 state police, the police department or county sheriff shall forward  
26 the copy of the record to the department of state police. The  
27 purchaser has the right to obtain a copy of the information placed

1 in the pistol entry database under this subsection to verify the  
2 accuracy of that information. The police department or county  
3 sheriff may charge a fee not to exceed \$1.00 for the cost of  
4 providing the copy. The purchaser may carry, use, possess, and  
5 transport the pistol for 30 days beginning on the date of purchase  
6 or acquisition only while he or she is in possession of his or her  
7 copy of the record. However, the person is not required to have the  
8 record in his or her possession while carrying, using, possessing,  
9 or transporting the pistol after this period.

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

12 (5) An individual who makes a material false statement on a  
13 sales record under this section is guilty of a felony punishable by  
14 imprisonment for not more than 4 years or a fine of not more than  
15 \$2,500.00, or both.

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

18 (7) As used in this section:

19 (a) Before December 18, 2012, "federally licensed firearms  
20 dealer" means an individual who holds a type 01 dealer license  
21 under 18 USC 923.

22 (b) Beginning December 18, 2012, "federally licensed firearms  
23 dealer" means a person licensed to sell firearms under 18 USC 923.

24 (c) "Person" means an individual, partnership, corporation,  
25 association, or other legal entity.