

HOUSE BILL No. 5647

May 12, 2016, Introduced by Reps. Wittenberg, Plawecki, Liberati, Moss, Greig, Yanez, Pagan, Gay-Dagnogo, Hovey-Wright, Irwin, LaGrand, Hoadley, Chang, Faris, Schor, Singh, Townsend, Brinks and Callton and referred to the Committee on Government Operations.

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 6 (MCL 28.426), as added by 2005 PA 242.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. (1) A license shall not be issued to an applicant
2 under section 2 or 5b unless both of the following apply:

3 (a) The issuing agency has determined through the federal

1 national instant criminal background check system (NICS) that the
2 applicant is not prohibited under federal law from possessing or
3 transporting a firearm.

4 (b) If the applicant is not a United States citizen, the
5 issuing agency has verified through the United States ~~immigration~~
6 **IMMIGRATION** and ~~customs enforcement~~ **CUSTOMS ENFORCEMENT** databases
7 that the applicant is not an illegal alien or a nonimmigrant alien.

8 (2) IF AN ISSUING AGENCY DENIES AN APPLICANT A LICENSE UNDER
9 SECTION 2 BECAUSE THE AGENCY DETERMINES THAT THE APPLICANT IS NOT
10 QUALIFIED UNDER SECTION 2(3) OR THAT THE APPLICANT IS PROHIBITED
11 UNDER STATE OR FEDERAL LAW FROM POSSESSING OR TRANSPORTING A
12 FIREARM, THE ISSUING AGENCY SHALL NOTIFY ALL OF THE FOLLOWING OF
13 THAT DENIAL:

14 (A) THE MICHIGAN STATE POLICE.

15 (B) LOCAL LAW ENFORCEMENT AGENCIES THAT HAVE JURISDICTION OVER
16 THE AREA WHERE THE APPLICANT RESIDES.

17 (C) PROSECUTING ATTORNEYS WHO HAVE JURISDICTION OVER THE AREA
18 WHERE THE APPLICANT RESIDES.

19 (D) UNITED STATES ATTORNEYS WHO HAVE JURISDICTION OVER THE
20 AREA WHERE THE APPLICANT RESIDES.

21 (3) IF AN ISSUING AGENCY DENIES AN APPLICANT A LICENSE UNDER
22 SECTION 2 BECAUSE THE AGENCY DETERMINES THAT THE APPLICANT IS NOT
23 QUALIFIED UNDER SECTION 2(3) OR THAT THE APPLICANT IS PROHIBITED
24 UNDER STATE OR FEDERAL LAW FROM POSSESSING OR TRANSPORTING A
25 FIREARM, AND THAT THE APPLICANT IS ON PROBATION OR PAROLE, THE
26 ISSUING AGENCY SHALL NOTIFY THE APPLICANT'S PROBATION OR PAROLE
27 OFFICER OF THAT DENIAL.

1 (4) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, AN
2 ISSUING AGENCY SHALL ISSUE THE NOTIFICATION UNDER SUBSECTION (2) OR
3 (3) WITHIN 24 HOURS AFTER THE DENIAL. IF THE NOTIFICATION UNDER
4 SUBSECTION (2) OR (3) WOULD COMPROMISE AN ONGOING INVESTIGATION,
5 THE NOTIFICATION MAY BE DELAYED FOR AS LONG AS NECESSARY TO AVOID
6 COMPROMISING THE ONGOING INVESTIGATION.

7 (5) THE NOTIFICATION DESCRIBED IN SUBSECTIONS (2) AND (3)
8 SHALL INCLUDE THE IDENTITY OF THE APPLICANT, THE DATE AND TIME OF
9 THE DENIAL, THE GROUNDS FOR THE DENIAL, AND THE LOCATION WHERE THE
10 APPLICATION WAS MADE.

11 (6) THE DEPARTMENT OF STATE POLICE SHALL PUBLISH A WRITTEN
12 REPORT, ON AN ANNUAL BASIS, THAT INCLUDES ALL OF THE FOLLOWING
13 INFORMATION:

14 (A) THE NUMBER OF DENIALS OF A LICENSE UNDER SECTION 2.

15 (B) THE NUMBER OF NOTIFICATIONS OF DENIAL MADE TO STATE LAW
16 ENFORCEMENT AGENCIES, LOCAL LAW ENFORCEMENT AGENCIES, PROSECUTING
17 ATTORNEYS, AND UNITED STATES ATTORNEYS UNDER SUBSECTION (2).

18 (C) IF NOTIFICATION WAS NOT MADE FOR ANY DENIALS, AN
19 EXPLANATION OF WHY THAT NOTIFICATION WAS NOT MADE.

20 (D) THE NUMBER OF INVESTIGATIONS OPENED, THE NUMBER OF
21 INVESTIGATIONS CONCLUDED, AND THE NUMBER OF REFERRALS FOR
22 PROSECUTION.

23 (E) THE NUMBER OF INVESTIGATIONS OPENED, IDENTIFIED BY GROUNDS
24 FOR DENIAL.

25 (F) THE NUMBER OF REFERRALS FOR PROSECUTION, IDENTIFIED BY
26 GROUNDS FOR DENIAL.

27 (G) THE NUMBER OF CHARGES ARISING FROM DENIALS, IDENTIFIED BY

1 TYPE OF CHARGE AND GROUNDS FOR DENIAL.

2 (H) THE DISPOSITION OF ALL CHARGES, IDENTIFIED BY TYPE OF

3 CHARGE AND GROUNDS FOR DENIAL.