

# SENATE BILL No. 1048

June 6, 2018, Introduced by Senator JONES 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 sections 1, 2, and 2a (MCL 28.421, 28.422, and 28.422a), section 1 as amended by 2017 PA 95, section 2 as amended by 2015 PA 200, and section 2a as amended by 2016 PA 301.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. (1) As used in this act:

2       (a) "Corrections officer of the department of corrections"

1 means a state correctional officer as that term is defined in  
2 section 2 of the correctional officers' training act of 1982, 1982  
3 PA 415, MCL 791.502.

4 (b) "Felony" means, except as otherwise provided in this  
5 subdivision, that term as defined in section 1 of chapter I of the  
6 code of criminal procedure, 1927 PA 175, MCL 761.1, or a violation  
7 of a law of the United States or another state that is designated  
8 as a felony or that is punishable by death or by imprisonment for  
9 more than 1 year. Felony does not include a violation of a penal  
10 law of this state that is expressly designated as a misdemeanor.

11 (c) "Firearm" means any weapon which will, is designed to, or  
12 may readily be converted to expel a projectile by action of an  
13 explosive.

14 (d) "Firearms records" means any form, information, or record  
15 required for submission to a government agency under sections 2,  
16 2a, 2b, and 5b, or any form, permit, or license issued by a  
17 government agency under this act.

18 (e) "Local corrections officer" means that term as defined in  
19 section 2 of the local corrections officers training act, 2003 PA  
20 125, MCL 791.532.

21 (f) "Misdemeanor" means a violation of a penal law of this  
22 state or violation of a local ordinance substantially corresponding  
23 to a violation of a penal law of this state that is not a felony or  
24 a violation of an order, rule, or regulation of a state agency that  
25 is punishable by imprisonment or a fine that is not a civil fine,  
26 or both.

27 (g) "Parole or probation officer of the department of

1 corrections" means any individual employed by the department of  
2 corrections to supervise felony probationers or parolees or that  
3 individual's immediate supervisor.

4 (h) "Peace officer" means, except as otherwise provided in  
5 this act, an individual who is employed as a law enforcement  
6 officer, as that term is defined under section 2 of the Michigan  
7 commission on law enforcement standards act, 1965 PA 203, MCL  
8 28.602, by this state or another state, a political subdivision of  
9 this state or another state, or the United States, and who is  
10 required to carry a firearm in the course of his or her duties as a  
11 law enforcement officer.

12 (i) "Pistol" means a loaded or unloaded firearm that is 26  
13 inches or less in length, or a loaded or unloaded firearm that by  
14 its construction and appearance conceals it as a firearm.

15 (j) "Purchaser" means ~~a person who~~ **AN INDIVIDUAL OR FEDERALLY**  
16 **LICENSED FIREARMS DEALER THAT** receives a pistol from another ~~person~~  
17 **INDIVIDUAL OR FEDERALLY LICENSED FIREARMS DEALER** by purchase or  
18 gift.

19 (k) "Reserve peace officer", "auxiliary officer", or "reserve  
20 officer" means, except as otherwise provided in this act, an  
21 individual authorized on a voluntary or irregular basis by a duly  
22 authorized police agency of this state or a political subdivision  
23 of this state to act as a law enforcement officer, who is  
24 responsible for the preservation of the peace, the prevention and  
25 detection of crime, and the enforcement of the general criminal  
26 laws of this state, and who is otherwise eligible to possess a  
27 firearm under this act.

1           (l) "Retired corrections officer of the department of  
2 corrections" means an individual who was a corrections officer of  
3 the department of corrections and who retired in good standing from  
4 his or her employment as a corrections officer of the department of  
5 corrections.

6           (m) "Retired federal law enforcement officer" means an  
7 individual who was an officer or agent employed by a law  
8 enforcement agency of the United States government whose primary  
9 responsibility was enforcing laws of the United States, who was  
10 required to carry a firearm in the course of his or her duties as a  
11 law enforcement officer, and who retired in good standing from his  
12 or her employment as a federal law enforcement officer.

13           (n) "Retired parole or probation officer of the department of  
14 corrections" means an individual who was a parole or probation  
15 officer of the department of corrections and who retired in good  
16 standing from his or her employment as a parole or probation  
17 officer of the department of corrections.

18           (o) "Retired police officer" or "retired law enforcement  
19 officer" means an individual who was a police officer or law  
20 enforcement officer who was licensed or certified as described in  
21 the Michigan commission on law enforcement standards act, 1965 PA  
22 203, MCL 28.601 to 28.615, and retired in good standing from his or  
23 her employment as a police officer or law enforcement officer. A  
24 police officer or law enforcement officer retired in good standing  
25 if he or she receives a pension or other retirement benefit for his  
26 or her service as a police officer or law enforcement officer or  
27 actively maintained a Michigan commission on law enforcement

standards or equivalent state certification or license from this state or another state for not less than 10 consecutive years.

(p) "Seller" means ~~a person who~~ **AN INDIVIDUAL OR FEDERALLY LICENSED FIREARMS DEALER THAT** sells or ~~gives~~ **TRANSFERS** a pistol to another ~~person~~ **INDIVIDUAL OR FEDERALLY LICENSED FIREARMS DEALER**.

(q) "State court judge" means a judge of the district court, circuit court, probate court, or court of appeals or justice of the supreme court of this state who is serving either by election or appointment.

(r) "State court retired judge" means a judge or justice described in subdivision (q) who is retired, or a retired judge of the recorders court.

(2) ~~A person~~ **AN INDIVIDUAL** may lawfully own, possess, carry, or transport as a pistol a firearm greater than 26 inches in length if all of the following conditions apply:

(a) The ~~person~~ **INDIVIDUAL** registered the firearm as a pistol under section 2 or 2a before January 1, 2013.

(b) The ~~person~~ **INDIVIDUAL** who registered the firearm as described in subdivision (a) has maintained registration of the firearm since January 1, 2013 without lapse.

(c) The ~~person~~ **INDIVIDUAL** possesses a copy of the license or record issued to him or her under section 2 or 2a.

(3) ~~A person~~ **AN INDIVIDUAL** who satisfies all of the conditions listed under subsection (2) nevertheless may elect to have the firearm not be considered to be a pistol. ~~A person~~ **AN INDIVIDUAL** who makes the election under this subsection shall notify the department of state police of the election in a manner prescribed

1 by that department.

2 Sec. 2. (1) Except as otherwise provided in this act, ~~a person~~  
3 **AN INDIVIDUAL** shall not purchase, carry, possess, or transport a  
4 pistol in this state without first having obtained a license for  
5 the pistol as prescribed in this section.

6 (2) ~~A person~~ **AN INDIVIDUAL** who brings a pistol into this state  
7 who is on leave from active duty with the ~~armed forces~~ **ARMED FORCES**  
8 of the United States or who has been discharged from active duty  
9 with the ~~armed forces~~ **ARMED FORCES** of the United States shall  
10 obtain a license for the pistol within 30 days after his or her  
11 arrival in this state.

12 (3) ~~The commissioner or chief of police of a city, township,~~  
13 ~~or village police department that issues licenses to purchase,~~  
14 ~~carry, possess, or transport pistols, or his or her duly authorized~~  
15 ~~deputy, or the sheriff or his or her duly authorized deputy, in the~~  
16 ~~parts of a county not included within a city, township, or village~~  
17 ~~having an organized police department, in discharging the duty to~~  
18 ~~issue licenses~~ **TO OBTAIN A LICENSE TO PURCHASE, CARRY, POSSESS, OR**  
19 **TRANSPORT A PISTOL IN THIS STATE, AN INDIVIDUAL SHALL SUBMIT AN**  
20 **APPLICATION TO THE CITY, TOWNSHIP, OR VILLAGE POLICE DEPARTMENT OR**  
21 **COUNTY SHERIFF'S DEPARTMENT HAVING JURISDICTION OVER THE**  
22 **APPLICANT'S RESIDENCE. THE CITY, TOWNSHIP, OR VILLAGE POLICE**  
23 **DEPARTMENT OR COUNTY SHERIFF'S OFFICE** shall with due speed and  
24 diligence issue licenses to purchase, carry, possess, or transport  
25 pistols to qualified applicants unless he or she has probable cause  
26 to believe that the applicant would be a threat to himself or  
27 herself or to other individuals, or would commit an offense with

1 the pistol that would violate a law of this or another state or of  
2 the United States. An applicant is qualified if all of the  
3 following circumstances exist:

4 (a) The ~~person~~-**INDIVIDUAL** is not subject to an order or  
5 disposition for which he or she has received notice and an  
6 opportunity for a hearing, and which was entered into the law  
7 enforcement information network under any of the following:

8 (i) Section 464a of the mental health code, 1974 PA 258, MCL  
9 330.1464a.

10 (ii) Section 5107 of the estates and protected individuals  
11 code, 1998 PA 386, MCL 700.5107, or section 444a of former 1978 PA  
12 642.

13 (iii) Section 2950 of the revised judicature act of 1961, 1961  
14 PA 236, MCL 600.2950.

15 (iv) Section 2950a of the revised judicature act of 1961, 1961  
16 PA 236, MCL 600.2950a.

17 (v) Section 14 of 1846 RS 84, MCL 552.14.

18 (vi) Section 6b of chapter V of the code of criminal  
19 procedure, 1927 PA 175, MCL 765.6b, if the order has a condition  
20 imposed under section 6b(3) of chapter V of the code of criminal  
21 procedure, 1927 PA 175, MCL 765.6b.

22 (vii) Section 16b of chapter IX of the code of criminal  
23 procedure, 1927 PA 175, MCL 769.16b.

24 (b) The ~~person~~-**INDIVIDUAL** is 18 years of age or older or, if  
25 the seller is licensed under 18 USC 923, is 21 years of age or  
26 older.

27 (c) The ~~person~~-**INDIVIDUAL** is a citizen of the United States or

1 an **IMMIGRANT** alien lawfully admitted into the United States and is  
2 a legal resident of this state. For the purposes of this section, a  
3 ~~person~~**AN INDIVIDUAL** is considered a legal resident of this state  
4 if any of the following apply:

5 (i) The ~~person~~**INDIVIDUAL** has a valid, lawfully obtained  
6 Michigan driver license issued under the Michigan vehicle code,  
7 1949 PA 300, MCL 257.1 to 257.923, or an official state personal  
8 identification card issued under 1972 PA 222, MCL 28.291 to 28.300.

9 (ii) The ~~person~~**INDIVIDUAL** is lawfully registered to vote in  
10 this state.

11 (iii) The ~~person~~**INDIVIDUAL** is on active duty status with the  
12 United States ~~armed forces~~**ARMED FORCES** and is stationed outside of  
13 this state, but the ~~person's~~**INDIVIDUAL'S** home of record is in this  
14 state.

15 (iv) The ~~person~~**INDIVIDUAL** is on active duty status with the  
16 United States ~~armed forces~~**ARMED FORCES** and is permanently  
17 stationed in this state, but the ~~person's~~**INDIVIDUAL'S** home of  
18 record is in another state.

19 (d) A felony charge or a criminal charge listed in section 5b  
20 against the ~~person~~**INDIVIDUAL** is not pending at the time of  
21 application.

22 (e) The ~~person~~**INDIVIDUAL** is not prohibited from possessing,  
23 using, transporting, selling, purchasing, carrying, shipping,  
24 receiving, or distributing a firearm under section 224f of the  
25 Michigan penal code, 1931 PA 328, MCL 750.224f.

26 (f) The ~~person~~**INDIVIDUAL** has not been adjudged insane in this  
27 state or elsewhere unless he or she has been adjudged restored to



1   sanity by court order.

2           (g) The ~~person~~**INDIVIDUAL** is not under an order of involuntary  
3   commitment in an inpatient or outpatient setting due to mental  
4   illness.

5           (h) The ~~person~~**INDIVIDUAL** has not been adjudged legally  
6   incapacitated in this state or elsewhere. This subdivision does not  
7   apply to a ~~person~~**AN INDIVIDUAL** who has had his or her legal  
8   capacity restored by order of the court.

9           (4) ~~Applications~~**AN APPLICATION** for licenses ~~A LICENSE~~ under  
10   this section ~~shall be signed by the applicant under oath upon forms~~  
11   **MUST BE ON A FORM** provided by the director of the department of  
12   state police **AND CONTAIN ALL OF THE FOLLOWING INFORMATION:**

13           (A) **THE APPLICANT'S FULL NAME.**

14           (B) **THE ADDRESS WHERE THE APPLICANT RESIDES.**

15           (C) **THE APPLICANT'S DATE OF BIRTH.**

16           (D) **THE APPLICANT'S RACE AND SEX.**

17           (E) **THE APPLICANT'S TELEPHONE NUMBER.**

18           (F) **THE APPLICANT'S DRIVER LICENSE NUMBER ISSUED UNDER THE**  
19   **MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923, OR**  
20   **OFFICIAL STATE PERSONAL IDENTIFICATION CARD NUMBER ISSUED UNDER**  
21   **1972 PA 222, MCL 28.291 TO 28.300.**

22           (G) **IF APPLICABLE, THE APPLICANT'S LICENSE OR CERTIFICATE**  
23   **NUMBER ISSUED UNDER THE MICHIGAN COMMISSION ON LAW ENFORCEMENT**  
24   **STANDARDS ACT, 1965 PA 203, MCL 28.601 TO 28.615.**

25           (H) **WRITTEN NOTICE OF THE PENALTIES PROVIDED IN SUBSECTION**  
26   **(14).**

27           (I) **THE DATE OF THE APPLICATION.**

1 (5) Licenses to purchase, carry, possess, or transport pistols  
2 ~~shall MUST be executed in triplicate upon forms provided by the~~  
3 ~~director of~~ **ISSUED IN A MANNER PRESCRIBED BY** the department of  
4 state police. ~~and shall be signed by the licensing authority. Three~~  
5 ~~copies of the~~ **THE** license ~~shall MUST~~ be delivered to the applicant  
6 by the licensing authority. A license is void unless used within 30  
7 days after the date it is issued. **THE LICENSE MUST INCLUDE ALL OF**  
8 **THE FOLLOWING:**

9 (A) THE APPLICANT'S FULL NAME.

10 (B) THE ADDRESS WHERE THE APPLICANT RESIDES.

11 (C) THE APPLICANT'S DATE OF BIRTH.

12 (D) THE APPLICANT'S RACE AND SEX.

13 (E) THE APPLICANT'S TELEPHONE NUMBER.

14 (F) THE APPLICANT'S DRIVER LICENSE NUMBER ISSUED UNDER THE  
15 MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923, OR  
16 OFFICIAL STATE PERSONAL IDENTIFICATION CARD NUMBER ISSUED UNDER  
17 1972 PA 222, MCL 28.291 TO 28.300.

18 (G) IF APPLICABLE, THE APPLICANT'S LICENSE OR CERTIFICATE  
19 NUMBER ISSUED UNDER THE MICHIGAN COMMISSION ON LAW ENFORCEMENT  
20 STANDARDS ACT, 1965 PA 203, MCL 28.601 TO 28.615.

21 (H) THE DATE THE LICENSE WAS ISSUED.

22 (I) THE DATE THE LICENSE EXPIRES.

23 (J) THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM  
24 TRANSACTION NUMBER ISSUED AT THE COMPLETION OF THE REQUIRED  
25 BACKGROUND CHECK.

26 ~~—— (5) If an individual purchases or otherwise acquires a pistol,~~  
27 ~~the seller shall fill out the license forms describing the pistol,~~

1 ~~together with the date of sale or acquisition, and sign his or her~~  
2 ~~name in ink indicating that the pistol was sold to or otherwise~~  
3 ~~acquired by the purchaser. The purchaser shall also sign his or her~~  
4 ~~name in ink indicating the purchase or other acquisition of the~~  
5 ~~pistol from the seller. The seller may retain a copy of the license~~  
6 ~~as a record of the transaction. The purchaser shall receive 2~~  
7 ~~copies of the license. The purchaser shall return 1 copy of the~~  
8 ~~license to the licensing authority within 10 days after the date~~  
9 ~~the pistol is purchased or acquired. The return of the copy to the~~  
10 ~~licensing authority may be made in person or may be made by first-~~  
11 ~~class mail or certified mail sent within the 10-day period to the~~  
12 ~~proper address of the licensing authority. A purchaser who fails to~~  
13 ~~comply with the requirements of this subsection is responsible for~~  
14 ~~a state civil infraction and may be fined not more than \$250.00. If~~  
15 ~~a purchaser is found responsible for a state civil infraction under~~  
16 ~~this subsection, the court shall notify the department of state~~  
17 ~~police of that determination.~~

18 ~~—— (6) Within 10 days after receiving the license copy returned~~  
19 ~~under subsection (5), the licensing authority shall electronically~~  
20 ~~enter the information into the pistol entry database as required by~~  
21 ~~the department of state police if it has the ability to~~  
22 ~~electronically enter that information. If the licensing authority~~  
23 ~~does not have that ability, the licensing authority shall provide~~  
24 ~~that information to the department of state police in a manner~~  
25 ~~otherwise required by the department of state police. Any licensing~~  
26 ~~authority that provided pistol descriptions to the department of~~  
27 ~~state police under former section 9 of this act shall continue to~~

~~1 provide pistol descriptions to the department of state police under  
2 this subsection. Within 48 hours after entering or otherwise  
3 providing the information on the license copy returned under  
4 subsection (5) to the department of state police, the licensing  
5 authority shall forward the copy of the license to the department  
6 of state police. The purchaser has the right to obtain a copy of  
7 the information placed in the pistol entry database under this  
8 subsection to verify the accuracy of that information. The  
9 licensing authority may charge a fee not to exceed \$1.00 for the  
10 cost of providing the copy. The licensee may carry, use, possess,  
11 and transport the pistol for 30 days beginning on the date of  
12 purchase or acquisition only while he or she is in possession of  
13 his or her copy of the license. However, the person is not required  
14 to have the license in his or her possession while carrying, using,  
15 possessing, or transporting the pistol after this period.~~

~~16 (6) (7)~~ This section does not apply to the purchase of pistols  
17 from wholesalers by dealers regularly engaged in the business of  
18 selling pistols at retail, or to the sale, barter, or exchange of  
19 pistols kept as relics or curios not made for modern ammunition or  
20 permanently deactivated.

~~21 (7) (8)~~ This section does not prevent the transfer of  
22 ownership of pistols to an heir or devisee, whether by testamentary  
23 bequest or by the laws of intestacy regardless of whether the  
24 pistol is registered with this state. An individual who has  
25 inherited a pistol shall obtain a license as required in this  
26 section within 30 days of taking physical possession of the pistol.  
27 The license may be signed by a next of kin of the decedent or the

1 person authorized to dispose of property under the estates and  
2 protected individuals code, 1998 PA 386, MCL 700.1101 to 700.8206,  
3 including when the next of kin is the individual inheriting the  
4 pistol. If the heir or devisee is not qualified for a license under  
5 this section, the heir or devisee may direct the next of kin or  
6 person authorized to dispose of property under the estates and  
7 protected individuals code, 1998 PA 386, MCL 700.1101 to 700.8206,  
8 to dispose of the pistol in any manner that is lawful and the heir  
9 or devisee considers appropriate. The person authorized to dispose  
10 of property under the estates and protected individuals code, 1998  
11 PA 386, MCL 700.1101 to 700.8206, is not required to obtain a  
12 license under this section if he or she takes temporary lawful  
13 possession of the pistol in the process of disposing of the pistol  
14 pursuant to the decedent's testamentary bequest or the laws of  
15 intestacy. A law enforcement agency may not seize or confiscate a  
16 pistol being transferred by testamentary bequest or the laws of  
17 intestacy unless the heir or devisee does not qualify for obtaining  
18 a license under this section and the next of kin or person  
19 authorized to dispose of property under the estates and protected  
20 individuals code, 1998 PA 386, MCL 700.1101 to 700.8206, is unable  
21 to retain his or her temporary possession of the pistol or find  
22 alternative lawful storage. If a law enforcement agency seizes or  
23 confiscates a pistol under this subsection, the heir or devisee who  
24 is not qualified to obtain a license under this section retains  
25 ownership interest in the pistol and, within 30 days of being  
26 notified of the seizure or confiscation, may file with a court of  
27 competent jurisdiction to direct the law enforcement agency to

1 lawfully transfer or otherwise dispose of the pistol. A pistol  
2 seized under this subsection ~~shall~~**MUST** not be destroyed, sold, or  
3 used while in possession of the seizing entity or its agents until  
4 30 days have passed since the heir or devisee has been notified of  
5 the seizure and no legal action regarding the lawful possession or  
6 ownership of the seized pistol has been filed in any court and is  
7 pending. As used in this subsection:

8 (a) "Devisee" means that term as defined in section 1103 of  
9 the estates and protected individuals code, 1998 PA 386, MCL  
10 700.1103.

11 (b) "Heir" means that term as defined in section 1104 of the  
12 estates and protected individuals code, 1998 PA 386, MCL 700.1104.

13 **(8) AN INDIVIDUAL WHO IS A RESIDENT OF THIS STATE IS NOT**  
14 **REQUIRED TO OBTAIN A LICENSE UNDER THIS SECTION IF HE OR SHE IS ANY**  
15 **OF THE FOLLOWING:**

16 **(A) AN INDIVIDUAL LICENSED UNDER SECTION 5B, EXCEPT FOR AN**  
17 **INDIVIDUAL WHO HAS AN EMERGENCY LICENSE ISSUED UNDER SECTION 5A(4)**  
18 **OR A RECEIPT SERVING AS A CONCEALED PISTOL LICENSE UNDER SECTION**  
19 **5B(9) OR 5/(3) .**

20 **(B) A FEDERALLY LICENSED FIREARMS DEALER.**

21 **(C) AN INDIVIDUAL WHO PURCHASES A PISTOL FROM A FEDERALLY**  
22 **LICENSED FIREARMS DEALER IN COMPLIANCE WITH 18 USC 922(T) .**

23 **(D) AN INDIVIDUAL CURRENTLY EMPLOYED AS A POLICE OFFICER WHO**  
24 **IS LICENSED OR CERTIFIED UNDER THE MICHIGAN COMMISSION ON LAW**  
25 **ENFORCEMENT STANDARDS ACT, 1965 PA 203, MCL 28.601 TO 28.615.**

26 (9) An individual who is not a resident of this state is not  
27 required to obtain a license under this section if all of the

1 following conditions apply:

2 (a) The individual is licensed in his or her state of  
3 residence to purchase, carry, or transport a pistol.

4 (b) The individual is in possession of the license described  
5 in subdivision (a).

6 (c) The individual is the owner of the pistol he or she  
7 possesses, carries, or transports.

8 (d) The individual possesses the pistol for a lawful purpose.

9 (e) The individual is in this state for a period of 180 days  
10 or less and does not intend to establish residency in this state.

11 (10) An individual who is a nonresident of this state shall  
12 present the license described in subsection (9)(a) upon the demand  
13 of a police officer. An individual who violates this subsection is  
14 guilty of a misdemeanor punishable by imprisonment for not more  
15 than 90 days or a fine of not more than \$100.00, or both.

16 (11) The licensing authority may require ~~a person~~ **AN**  
17 **INDIVIDUAL** claiming active duty status with the United States ~~armed~~  
18 ~~forces~~ **ARMED FORCES** to provide proof of 1 or both of the following:

19 (a) The ~~person's~~ **INDIVIDUAL'S** home of record.

20 (b) Permanent active duty assignment in this state.

21 (12) This section does not apply to ~~a person~~ **AN INDIVIDUAL** who  
22 is younger than the age required under subsection (3)(b) and who  
23 possesses a pistol if all of the following conditions apply:

24 (a) The ~~person~~ **INDIVIDUAL** is not otherwise prohibited from  
25 possessing that pistol.

26 (b) The ~~person~~ **INDIVIDUAL** is at a recognized target range.

27 (c) The ~~person~~ **INDIVIDUAL** possesses the pistol for the purpose

1 of target practice or instruction in the safe use of a pistol.

2 (d) The ~~person~~**INDIVIDUAL** is in the physical presence and  
3 under the direct supervision of any of the following:

4 (i) The ~~person's~~**INDIVIDUAL'S** parent.

5 (ii) The ~~person's~~**INDIVIDUAL'S** guardian.

6 (iii) An individual who is 21 years of age or older, who is  
7 authorized by the ~~person's~~**INDIVIDUAL'S** parent or guardian, and who  
8 has successfully completed a pistol safety training course or class  
9 that meets the requirements of section 5j(1)(a), (b), or (d), and  
10 received a certificate of completion.

11 (e) The owner of the pistol is physically present.

12 (13) This section does not apply to a ~~person~~**AN INDIVIDUAL** who  
13 possesses a pistol if all of the following conditions apply:

14 (a) The ~~person~~**INDIVIDUAL** is not otherwise prohibited from  
15 possessing a pistol.

16 (b) The ~~person~~**INDIVIDUAL** is at a recognized target range or  
17 shooting facility.

18 (c) The ~~person~~**INDIVIDUAL** possesses the pistol for the purpose  
19 of target practice or instruction in the safe use of a pistol.

20 (d) The owner of the pistol is physically present and  
21 supervising the use of the pistol.

22 (14) A ~~person~~**AN INDIVIDUAL** who forges any matter on an  
23 application for a license under this section is guilty of a felony,  
24 punishable by imprisonment for not more than 4 years or a fine of  
25 not more than \$2,000.00, or both.

26 (15) A licensing authority shall implement this section during  
27 all of the licensing authority's normal business hours and shall



1 set hours for implementation that allow an applicant to use the  
2 license within the time period set forth in subsection (4).

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

6 ~~— (a) An individual licensed under section 5b, except for an~~  
7 ~~individual who has an emergency license issued under section 5a(4)~~  
8 ~~or a receipt serving as a concealed pistol license under section~~  
9 ~~5b(9) or 5/(3).~~

10 ~~— (b) A federally licensed firearms dealer.~~

11 ~~— (c) An individual who purchases a pistol from a federally~~  
12 ~~licensed firearms dealer in compliance with 18 USC 922(t).~~

13 ~~— (d) An individual currently employed as a police officer who~~  
14 ~~is licensed or certified under the Michigan commission on law~~  
15 ~~enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615.~~

16 (1) ~~(2)~~ If an individual described in subsection (1) purchases  
17 or otherwise acquires a pistol, the seller shall ~~complete~~  
18 **ELECTRONICALLY SUBMIT, AT THE TIME OF THE SALE OR TRANSFER, a**  
19 ~~record in triplicate on a form provided by~~ **OF THE SALE OR TRANSFER**  
20 **TO the department of state police, IN A MANNER PRESCRIBED BY THE**  
21 **DEPARTMENT OF STATE POLICE.** The record shall ~~MUST~~ include the ~~ALL~~  
22 **OF THE INFORMATION REQUIRED IN SUBSECTION (2) FOR EACH PISTOL SALE**  
23 **OR TRANSFER SUBMITTED.**

24 (2) **THE DEPARTMENT SHALL MAINTAIN A COMPUTERIZED LAW**  
25 **ENFORCEMENT DATABASE OF ALL PISTOL SALES AND PISTOL TRANSFERS**  
26 **REQUIRED UNDER THIS ACT. THE LAW ENFORCEMENT DATABASE MUST CONTAIN**  
27 **ALL OF THE FOLLOWING INFORMATION FOR EACH PISTOL SALE OR PISTOL**

1 TRANSFER SUBMITTED:

2 (A) THE PURCHASER'S FULL LEGAL NAME.

3 (B) THE PURCHASER'S DATE OF BIRTH.

4 (C) THE PURCHASER'S DRIVER LICENSE NUMBER ISSUED UNDER THE  
5 MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923, OR A  
6 STATE PERSONAL IDENTIFICATION CARD NUMBER ISSUED UNDER 1972 PA 222,  
7 MCL 28.291 TO 28.300.

8 (D) THE ADDRESS WHERE THE PURCHASER RESIDES.

9 (E) IF THE SELLER IS A FEDERALLY LICENSED FIREARMS DEALER, THE  
10 FEDERALLY LICENSED FIREARMS DEALER NUMBER ISSUED TO THE SELLER AND  
11 1 OF THE FOLLOWING:

12 (i) THE purchaser's concealed weapon license number. ~~the~~

13 (ii) THE PURCHASER'S FEDERALLY LICENSED FIREARMS DEALER  
14 NUMBER.

15 (iii) THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM  
16 TRANSACTION NUMBER ISSUED AT THE COMPLETION OF THE REQUIRED  
17 BACKGROUND CHECK.

18 (iv) THE PURCHASE PERMIT NUMBER ISSUED UNDER SECTION 2.

19 (F) IF THE SELLER IS NOT A FEDERALLY LICENSED FIREARMS DEALER,  
20 1 OF THE FOLLOWING:

21 (i) THE PURCHASER AND SELLER'S CONCEALED WEAPON LICENSE  
22 NUMBER.

23 (ii) THE number of the purchaser's license or certificate  
24 issued under the Michigan commission on law enforcement standards  
25 act, 1965 PA 203, MCL 28.601 to 28.615. ~~or, if the purchaser is a~~  
26 ~~federally licensed firearms dealer, his or her dealer license~~  
27 ~~number. If the purchaser is not licensed under section 5b or does~~

~~not have a license or certificate issued under the Michigan  
commission on law enforcement standards act, 1965 PA 203, MCL  
28.601 to 28.615, and is not a federally licensed firearms dealer,  
the record shall include the dealer license number of the federally  
licensed firearms dealer who is selling the pistol. The purchaser  
shall sign the record. The seller may retain 1 copy of the record.  
The purchaser shall receive 2 copies of the record and forward 1  
copy to the police department of the city, village, or township in  
which the purchaser resides, or, if the purchaser does not reside  
in a city, village, or township having a police department, to the  
county sheriff, within 10 days following the purchase or  
acquisition. The return of the copy to the police department or  
county sheriff may be made in person or may be made by first class  
mail or certified mail sent within the 10 day period to the proper  
address of the police department or county sheriff.~~

(iii) THE PURCHASE PERMIT NUMBER ISSUED UNDER SECTION 2.

(G) THE SELLER'S LEGAL NAME. IF THE SELLER IS A FEDERALLY  
LICENSED FIREARMS DEALER, THE SELLER'S BUSINESS NAME.

(H) IF THE SELLER IS NOT A FEDERALLY LICENSED FIREARMS DEALER,  
THE SELLER'S DATE OF BIRTH.

(I) THE ADDRESS WHERE THE SELLER RESIDES. IF THE SELLER IS A  
FEDERALLY LICENSED FIREARMS DEALER, THE ADDRESS WHERE THE BUSINESS  
IS LOCATED.

(J) THE PISTOL TYPE.

(K) THE MANUFACTURER OF THE PISTOL.

(L) THE MODEL OF THE PISTOL.

(M) THE SERIAL NUMBER OF THE PISTOL.

1 (N) THE CALIBER OF THE PISTOL.

2 (O) THE SHOT CAPACITY OF THE PISTOL.

3 (P) THE BARREL LENGTH OF THE PISTOL.

4 (Q) THE OVERALL LENGTH OF THE PISTOL.

5 (R) THE DATE OF THE SALE OR TRANSFER.

6 (3) THE SELLER SHALL PROVIDE THE PURCHASER A RECEIPT OF THE  
7 ELECTRONIC DATABASE SUBMISSION FOR EACH PISTOL SUBMITTED TO VERIFY  
8 THE ACCURACY OF THE INFORMATION SUBMITTED.

9 (4) A ~~purchaser~~ **SELLER** who fails to comply with the  
10 requirements of this subsection is responsible for a state civil  
11 infraction and may be fined not more than \$250.00. If a ~~purchaser~~  
12 **THE SELLER** is found responsible for a state civil infraction under  
13 this subsection, the court shall notify the department of state  
14 police. If the ~~purchaser~~ **SELLER** is licensed under section 5b, the  
15 court shall notify the licensing authority of that determination.

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

~~hours after entering or otherwise providing the information on the record copy returned under subsection (2) to the department of state police, the police department or county sheriff shall forward the copy of the record to the department of state police. The purchaser has the right to obtain a copy of the information placed in the pistol entry database under this subsection to verify the accuracy of that information. The police department or county sheriff may charge a fee not to exceed \$1.00 for the cost of providing the copy. The purchaser may carry, use, possess, and transport the pistol for 30 days beginning on the date of purchase or acquisition only while he or she is in possession of his or her copy of the record. However, the person is not required to have the record in his or her possession while carrying, using, possessing, or transporting the pistol after this period.~~

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

(5) An individual who makes a material false statement on a sales record under this section 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.

**(6) THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:**

**(A) THE PURCHASE OF PISTOLS FROM WHOLESALERS BY DEALERS REGULARLY ENGAGED IN THE BUSINESS OF SELLING PISTOLS AT RETAIL.**

**(B) THE SALE, BARTER, OR EXCHANGE OF ANTIQUE FIREARMS. AS USED IN THIS SUBDIVISION, "ANTIQUE FIREARM" MEANS THAT TERM AS DEFINED IN SECTION 231A OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.231A.**

1 (C) THE SALE, BARTER, OR EXCHANGE OF PISTOLS KEPT AS RELICS OR  
2 CURIOS NOT MADE FOR MODERN AMMUNITION OR PERMANENTLY DEACTIVATED.

3 (7) ~~(6)~~—The department of state police may promulgate rules to  
4 implement this section.

5 (8) ~~(7)~~—The Michigan commission on law enforcement standards  
6 shall provide license or certificate information, as applicable, to  
7 the department of state police to verify the requirements of this  
8 section.

9 (9) ~~(8)~~—As used in this section, ÷

10 ~~—— (a) "Federally"~~**FEDERALLY** licensed firearms dealer" means a  
11 ~~person~~**AN INDIVIDUAL OR BUSINESS** licensed to sell firearms under 18  
12 USC 923.

13 ~~—— (b) "Person" means an individual, partnership, corporation,~~  
14 ~~association, or other legal entity.~~