

**SUBSTITUTE FOR
SENATE BILL NO. 1086**

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 and 2 (MCL 28.421 and 28.422), section 1 as amended by 2023 PA 19 and section 2 as amended by 2023 PA 37, and

by adding section 12c.

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

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

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

16 (d) "Firearms records" means any form, information, or record
17 required for submission to a government agency under sections 2,
18 2a, 2b, ~~and 5b~~, **and 12c**, or any form, permit, or license issued by
19 a government agency under this act.

20 (e) "Local corrections officer" means that term as defined in
21 section 2 of the local corrections officers training act, 2003 PA
22 125, MCL 791.532.

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

1 or both.

2 (g) "Parole or probation officer of the department of
3 corrections" means any individual employed by the department of
4 corrections to supervise felony probationers or parolees or that
5 individual's immediate supervisor.

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

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

17 (j) "Purchaser" means a person who receives a firearm from
18 another person by purchase or 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.

28 (l) "Retired corrections officer of the department of
29 corrections" means an individual who was a corrections officer of

1 the department of corrections and who retired in good standing from
2 the individual's employment as a corrections officer of the
3 department of corrections.

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

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

17 (o) "Retired police officer" or "retired law enforcement
18 officer" means an individual who was a police officer or law
19 enforcement officer who was licensed or certified as described in
20 the Michigan commission on law enforcement standards act, 1965 PA
21 203, MCL 28.601 to 28.615, and retired in good standing from the
22 individual's employment as a police officer or law enforcement
23 officer. A police officer or law enforcement officer retired in
24 good standing if the individual receives a pension or other
25 retirement benefit for the individual's service as a police officer
26 or law enforcement officer or actively maintained a Michigan
27 commission on law enforcement standards or equivalent state
28 certification or license from this state or another state for not
29 less than 10 consecutive years.

1 (p) "Seller" means a person who sells or gives a firearm to
2 another person.

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

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

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

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

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

18 (c) The person possesses a copy of the license or record
19 issued to the person under section 2 or 2a.

20 (3) A person who satisfies all of the conditions listed under
21 subsection (2) nevertheless may elect to have the firearm not be
22 considered to be a pistol. A person who makes the election under
23 this subsection shall notify the department of state police of the
24 election in a manner prescribed by that department.

25 Sec. 2. (1) Except as otherwise provided in this act, a person
26 shall not do either of the following:

27 (a) Purchase, carry, possess, or transport a pistol in this
28 state without first having obtained a license for the pistol as
29 prescribed in this section.

1 (b) Purchase a firearm that is not a pistol in this state
2 without first having obtained a license for the firearm as
3 prescribed in this section. This subdivision does not apply to the
4 purchase or acquisition of a firearm that occurred before ~~the~~
5 ~~effective date of the amendatory act that added this~~
6 ~~subdivision.~~ **February 13, 2024.**

7 (2) An individual who brings a firearm into this state who is
8 on leave from active duty with the Armed Forces of the United
9 States or who has been discharged from active duty with the Armed
10 Forces of the United States shall obtain a license for the firearm
11 not later than 30 days after the individual arrives in this state.

12 (3) The commissioner or chief of police of a city, township,
13 or village police department who issues licenses to purchase,
14 carry, possess, or transport firearms, or the commissioner's or
15 chief's duly authorized deputy, or the sheriff or the sheriff's
16 duly authorized deputy, in the parts of a county not included in a
17 city, township, or village having an organized police department,
18 in discharging the duty to issue licenses shall with due speed and
19 diligence issue licenses to purchase, carry, possess, or transport
20 firearms to qualified applicants unless the individual has probable
21 cause to believe that the applicant would be a threat to the
22 applicant or to other individuals, or would commit an offense with
23 the firearm that would violate a law of this or another state or of
24 the United States. An applicant is qualified if all of the
25 following circumstances exist:

26 (a) The individual is not subject to an order or disposition
27 for which the individual has received notice and an opportunity for
28 a hearing, and that was entered into the law enforcement
29 information network under any of the following:

1 (i) Section 464a of the mental health code, 1974 PA 258, MCL
2 330.1464a.

3 (ii) Section 5107 of the estates and protected individuals
4 code, 1998 PA 386, MCL 700.5107, or section 444a of former 1978 PA
5 642.

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

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

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

11 (vi) Section 6b of chapter V of the code of criminal procedure,
12 1927 PA 175, MCL 765.6b, if the order has a condition imposed under
13 section 6b(3) of chapter V of the code of criminal procedure, 1927
14 PA 175, MCL 765.6b.

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

17 (viii) The extreme risk protection order act.

18 (b) The individual is 18 years of age or older or, if the
19 firearm is a pistol and the seller is licensed under 18 USC 923, is
20 21 years of age or older.

21 (c) The individual is a citizen of the United States or an
22 alien lawfully admitted into the United States and is a legal
23 resident of this state. For the purposes of this section, an
24 individual is considered a legal resident of this state if any of
25 the following apply:

26 (i) The individual has a valid, lawfully obtained Michigan
27 driver license issued under the Michigan vehicle code, 1949 PA 300,
28 MCL 257.1 to 257.923, or an official state personal identification
29 card issued under 1972 PA 222, MCL 28.291 to 28.300.

1 (ii) The individual is lawfully registered to vote in this
2 state.

3 (iii) The individual is on active duty status with the Armed
4 Forces of the United States and is stationed outside of this state,
5 but the individual's home of record is in this state.

6 (iv) The individual is on active duty status with the Armed
7 Forces of the United States and is permanently stationed in this
8 state, but the individual's home of record is in another state.

9 (d) A felony charge or a criminal charge listed in section 5b
10 against the individual is not pending at the time of application.

11 (e) The individual is not prohibited from possessing, using,
12 transporting, selling, purchasing, carrying, shipping, receiving,
13 or distributing a firearm under section 224f of the Michigan penal
14 code, 1931 PA 328, MCL 750.224f.

15 (f) The individual has not been adjudged insane in this state
16 or elsewhere unless the individual has been adjudged restored to
17 sanity by court order.

18 (g) The individual is not under an order of involuntary
19 commitment in an inpatient or outpatient setting due to mental
20 illness.

21 (h) The individual has not been adjudged legally incapacitated
22 in this state or elsewhere. This subdivision does not apply to an
23 individual who has had the individual's legal capacity restored by
24 order of the court.

25 **(i) The individual's name is not on the temporary do-not-sell**
26 **list or the indefinite do-not-sell list created under section 12c.**

27 (4) An applicant for a license under this section shall sign
28 the application under oath on a form provided by the director of
29 the department of state police. A licensing authority shall issue a

1 license to purchase, carry, possess, or transport firearms in
2 triplicate on a form provided by the director of the department of
3 state police. The licensing authority shall sign any license issued
4 under this section. The licensing authority shall deliver 3 copies
5 of the license to the applicant. A license is void unless used
6 within 30 days after the date it is issued.

7 (5) If an individual purchases or otherwise acquires a
8 firearm, the seller shall fill out the license forms describing the
9 firearm, together with the date of sale or acquisition, and sign
10 the seller's name in ink indicating that the firearm was sold to or
11 otherwise acquired by the purchaser. The purchaser shall also sign
12 the purchaser's name in ink indicating the purchase or other
13 acquisition of the firearm from the seller. The seller may retain a
14 copy of the license as a record of the transaction, shall provide a
15 copy of the license to the purchaser, and, if the firearm is a
16 pistol, shall return 1 copy of the license to the licensing
17 authority not later than 10 days after the date the pistol is
18 purchased or acquired. The seller shall return the copy to the
19 licensing authority in person or by first-class mail or certified
20 mail sent in the 10-day period to the proper address of the
21 licensing authority. A seller who fails to comply with the
22 requirements of this subsection is responsible for a state civil
23 infraction and may be fined not more than \$250.00. If a seller is
24 found responsible for a state civil infraction under this
25 subsection, the court shall notify the department of state police
26 of that determination.

27 (6) Not later than 10 days after receiving the license copy
28 for a pistol returned under subsection (5), the licensing authority
29 shall electronically enter the information into the pistol entry

1 database as required by the department of state police if the
2 licensing authority has the ability to electronically enter that
3 information. If the licensing authority does not have that ability,
4 the licensing authority shall provide that information to the
5 department of state police in a manner otherwise required by the
6 department of state police. Any licensing authority that provided
7 pistol descriptions to the department of state police under former
8 section 9 of this act shall continue to provide pistol descriptions
9 to the department of state police under this subsection. Not later
10 than 48 hours after entering or otherwise providing the information
11 on the license copy returned under subsection (5) to the department
12 of state police, the licensing authority shall forward the copy of
13 the license to the department of state police. The purchaser may
14 obtain a copy of the information placed in the pistol entry
15 database under this subsection to verify the accuracy of that
16 information. The licensing authority may charge a fee not to exceed
17 \$1.00 for the cost of providing the copy. The licensee may carry,
18 use, possess, and transport the pistol for 30 days beginning on the
19 date of purchase or acquisition only while the licensee is in
20 possession of a copy of the license. However, the licensee is not
21 required to have the license in the licensee's possession while
22 carrying, using, possessing, or transporting the pistol after this
23 period.

24 (7) This section does not apply to the purchase of firearms
25 from wholesalers by dealers regularly engaged in the business of
26 selling firearms at retail, or to the sale, barter, or exchange of
27 firearms kept as relics or curios not made for modern ammunition or
28 permanently deactivated.

29 (8) This section does not prevent the transfer of ownership of

1 pistols to an heir or devisee, whether by testamentary bequest or
2 by the laws of intestacy regardless of whether the pistol is
3 entered into the pistol entry database. An individual who has
4 inherited a firearm shall obtain a license as required in this
5 section not later than 30 days after taking physical possession of
6 the firearm. The license may be signed by a next of kin of the
7 decedent or the person authorized to dispose of property under the
8 estates and protected individuals code, 1998 PA 386, MCL 700.1101
9 to 700.8206, including when the next of kin is the individual
10 inheriting the firearm. If the heir or devisee is not qualified for
11 a license under this section, the heir or devisee may direct the
12 next of kin or person authorized to dispose of property under the
13 estates and protected individuals code, 1998 PA 386, MCL 700.1101
14 to 700.8206, to dispose of the firearm in any manner that is lawful
15 and the heir or devisee considers appropriate. The person
16 authorized to dispose of property under the estates and protected
17 individuals code, 1998 PA 386, MCL 700.1101 to 700.8206, is not
18 required to obtain a license under this section if the person takes
19 temporary lawful possession of the firearm in the process of
20 disposing of the firearm pursuant to the decedent's testamentary
21 bequest or the laws of intestacy. A law enforcement agency may not
22 seize or confiscate a firearm being transferred by testamentary
23 bequest or the laws of intestacy unless the heir or devisee does
24 not qualify for obtaining a license under this section and the next
25 of kin or person authorized to dispose of property under the
26 estates and protected individuals code, 1998 PA 386, MCL 700.1101
27 to 700.8206, is unable to retain temporary possession of the
28 firearm or find alternative lawful storage. If a law enforcement
29 agency seizes or confiscates a firearm under this subsection, the

1 heir or devisee who is not qualified to obtain a license under this
2 section retains ownership interest in the firearm and, not later
3 than 30 days after being notified of the seizure or confiscation,
4 may file with a court of competent jurisdiction to direct the law
5 enforcement agency to lawfully transfer or otherwise dispose of the
6 firearm. The seizing entity or its agents shall not destroy, sell,
7 or use a firearm seized under this subsection until 30 days have
8 passed since the heir or devisee has been notified of the seizure
9 and no legal action regarding the lawful possession or ownership of
10 the seized firearm has been filed in any court and is pending. As
11 used in this subsection:

12 (a) "Devisee" means that term as defined in section 1103 of
13 the estates and protected individuals code, 1998 PA 386, MCL
14 700.1103.

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

17 (9) An individual who is not a resident of this state is not
18 required to obtain a license under this section if all of the
19 following conditions apply:

20 (a) The individual is licensed in the individual's state of
21 residence to purchase, carry, or transport a pistol.

22 (b) The individual is in possession of the license described
23 in subdivision (a).

24 (c) The individual is the owner of the pistol the individual
25 possesses, carries, or transports.

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

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

29 (10) An individual who is a nonresident of this state shall

1 present the license described in subsection (9) (a) upon the demand
2 of a police officer. An individual who violates this subsection is
3 guilty of a misdemeanor punishable by imprisonment for not more
4 than 90 days or a fine of not more than \$100.00, or both.

5 (11) The licensing authority may require an individual
6 claiming active duty status with the Armed Forces of the United
7 States to provide proof of 1 or both of the following:

8 (a) The individual's home of record.

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

10 (12) This section does not apply to an individual who is
11 younger than the age required under subsection (3) (b) and who
12 possesses a pistol if 1 of the following conditions applies:

13 (a) The individual is not otherwise prohibited from possessing
14 that pistol and all of the following apply:

15 (i) The individual is at a recognized target range.

16 (ii) The individual possesses the pistol for the purpose of
17 target practice or instruction in the safe use of a pistol.

18 (iii) The individual is in the physical presence and under the
19 direct supervision of any of the following:

20 (A) The individual's parent.

21 (B) The individual's guardian.

22 (C) An individual who is 21 years of age or older, who is
23 authorized by the individual's parent or guardian, and who has
24 successfully completed a pistol safety training course or class
25 that meets the requirements of section 5j(1) (a), (b), or (d), and
26 received a certificate of completion.

27 (iv) The owner of the pistol is physically present.

28 (b) The individual is not otherwise prohibited from possessing
29 that pistol, the individual possesses the pistol for the purpose of

1 hunting, and the individual is in compliance with all applicable
2 hunting laws.

3 (13) This section does not apply to an individual who
4 possesses a pistol if all of the following conditions apply:

5 (a) The individual is not otherwise prohibited from possessing
6 a pistol.

7 (b) The individual is at a recognized target range or shooting
8 facility.

9 (c) The individual possesses the pistol for the purpose of
10 target practice or instruction in the safe use of a pistol.

11 (d) The owner of the pistol is physically present and
12 supervising the use of the pistol.

13 (14) A person that forges any matter on an application for a
14 license under this section is guilty of a felony punishable by
15 imprisonment for not more than 4 years or a fine of not more than
16 \$2,000.00, or both.

17 (15) A licensing authority shall implement this section during
18 all of the licensing authority's normal business hours and shall
19 set hours for implementation that allow an applicant to use the
20 license within the time period set forth in subsection (4).

21 **Sec. 12c. (1) By 1 year after the effective date of the**
22 **amendatory act that added this section, the department shall do**
23 **both of the following:**

24 (a) **Establish a temporary do-not-sell list and indefinite do-**
25 **not-sell list for firearms.**

26 (b) **Develop an application for an individual to include that**
27 **individual's name on the temporary do-not-sell list or indefinite**
28 **do-not-sell list and an application for an individual to remove**
29 **that individual's name from those lists.**

1 (2) An individual may add that individual's name to the
2 temporary do-not-sell list or indefinite do-not-sell list by doing
3 any of the following:

4 (a) Submitting an application to the county clerk where the
5 individual resides and presenting the individual's identification.

6 (b) Submitting an application to the law enforcement agency
7 within whose jurisdiction the restrained individual resides and
8 presenting the individual's identification.

9 (3) An individual's name that has been added to the temporary
10 do-not-sell list will be automatically removed 180 days after being
11 added to the list. An individual whose name is on the temporary do-
12 not-sell list may request that the individual's name be removed
13 from the list by doing any of the following no earlier than 30 days
14 after adding the individual's name to the list:

15 (a) Submitting an application to the county clerk where the
16 individual resides and presenting the individual's identification.

17 (b) Submitting an application to the law enforcement agency
18 within whose jurisdiction the restrained individual resides and
19 presenting the individual's identification.

20 (4) An individual's name that has been added to the indefinite
21 do-not-sell list will remain on the list until the individual
22 requests that it is removed or a court orders that it be removed.
23 An individual whose name is on the indefinite do-not-sell list may
24 have that individual's name removed from the list by doing any of
25 the following:

26 (a) Submitting a petition to the circuit court of the county
27 in which the individual requesting removal resides no later than 90
28 days after adding the individual's name to the list. The court, not
29 later than 5 business days after receiving a petition, shall hold a

1 hearing and determine, by a preponderance of evidence, whether the
2 individual requesting to be removed from the list is doing so
3 voluntarily, knowingly, and intelligently. The court, no later than
4 3 business days after the hearing, shall issue an order granting or
5 denying the request. If the court determines that the request is
6 voluntary, knowing, and intelligent, the court shall immediately
7 provide the department with its determination and the department
8 shall immediately remove the individual from the list. If the court
9 determines that the request is not voluntary, knowing, and
10 intelligent and denies the request, the individual may request
11 removal under subdivision (b).

12 (b) Requesting that the individual's name be removed from the
13 list by doing any of the following no earlier than 90 days after
14 adding the individual's name to the list:

15 (i) Submitting an application to the county clerk where the
16 individual resides and presenting the individual's identification.

17 (ii) Submitting an application to the law enforcement agency
18 within whose jurisdiction the restrained individual resides and
19 presenting the individual's identification.

20 (5) Not later than 24 hours after an individual's name is
21 added to the temporary do-not-sell list or indefinite do-not-sell
22 list, the department shall enter that information into the national
23 instant criminal background check system and any other federal or
24 state computer-based systems used by law enforcement agencies or
25 others to identify prohibited purchasers of firearms.

26 (6) Not later than 24 hours after an individual's name is
27 removed from the temporary do-not-sell list or indefinite do-not-
28 sell list, the department shall remove that information from the
29 national instant criminal background check system and any other

1 federal or state computer-based systems used by law enforcement
2 agencies or others to identify prohibited purchasers of firearms.

3 (7) The department shall make the application available free
4 of charge to health professionals. Health professionals are
5 encouraged but are not required to discuss the do-not-sell lists
6 under this section with their patients if the health professional
7 reasonably believes that a discussion will avoid an imminent danger
8 to the health or safety of the individual or any other individual.

9 (8) An individual who adds another individual's name to the
10 temporary do-not-sell list or indefinite do-not-sell list is guilty
11 of a felony, punishable by imprisonment for not more than 5 years
12 or a fine of not more than \$1,000.00, or both.

13 (9) As used in this section:

14 (a) "Department" means the department of state police.

15 (b) "Health professional" means that term as defined in
16 section 5883 of the public health code, 1978 PA 368, MCL 333.5883.

17 (c) "Identification" means any of the following:

18 (i) A valid, lawfully obtained driver license issued under the
19 Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

20 (ii) A valid official state personal identification card issued
21 under 1972 PA 222, MCL 28.291 to 28.300.

22 (iii) A valid enhanced driver license or valid enhanced official
23 state personal identification card issued under the enhanced driver
24 license and enhanced official state personal identification card
25 act, 2008 PA 23, MCL 28.301 to 28.308.