

## FIREARMS (EXCERPT)

### Act 372 of 1927

#### **28.422a Individuals not required to obtain license; duties of seller; background check; noncompliance as state civil infraction; penalty; entering information into pistol entry database; obtaining copy of information; exemption; material false statement as felony; penalty; rules; verification; definitions.**

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

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

(b) A federally licensed firearms dealer.

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

(d) An individual purchasing a firearm other than a pistol who has a federal national instant criminal background check performed on the individual by a federally licensed firearms dealer not more than 5 days before the purchase.

(2) If an individual described in subsection (1) purchases or otherwise acquires a firearm, the seller shall complete a record in triplicate on a form provided by the department of state police that includes the purchaser's concealed weapon license number, the number of the purchaser's license or certificate issued under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, or, if the purchaser is a federally licensed firearms dealer, the purchaser's dealer license 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 must include the dealer license number of the federally licensed firearms dealer that performed the federal national instant criminal background check. The purchaser shall sign the record. The seller may retain 1 copy of the record, shall provide a copy of the record to the purchaser, and, if the firearm is a pistol, shall forward 1 copy to the police department of the city, village, or township in which the seller resides, or, if the seller does not reside in a city, village, or township having a police department, to the county sheriff, not later than 10 days following the purchase or acquisition. The seller shall return the copy to the police department or county sheriff in person or by first-class mail or certified mail sent in the 10-day period to the proper address of the police department or county sheriff. A seller who fails to comply with the requirements of this subsection is responsible for a state civil infraction and may be fined not more than \$250.00. If a seller is found responsible for a state civil infraction under this subsection, the court shall notify the department of state police. If the seller is licensed under section 5b, the court shall notify the licensing authority of that determination.

(3) Not later than 10 days after receiving the record copy for a pistol returned under subsection (2), the police department or county sheriff shall electronically enter the information into the pistol entry database as required by the department of state police if it has the ability to electronically enter that information. If the police department or county sheriff does not have that ability, the police department or county sheriff shall provide that information to the department of state police in a manner otherwise required by the department of state police. Any police department or county sheriff that provided pistol descriptions to the department of state police under former section 9 of this act shall continue to provide pistol descriptions to the department of state police under this subsection. Not later than 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 may 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 the individual is in possession of the individual's copy of the record. However, the individual is not required to have the record in the individual's 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) The department of state police may promulgate rules to implement this section.

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

(8) As used in this section:

(a) "Federally licensed firearms dealer" means a person licensed to sell firearms under 18 USC 923.

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

**History:** Add. 2000, Act 381, Eff. July 1, 2001;—Am. 2008, Act 194, Eff. Jan. 7, 2009;—Am. 2010, Act 210, Eff. Feb. 15, 2011;—Am. 2012, Act 377, Imd. Eff. Dec. 18, 2012;—Am. 2013, Act 3, Eff. Mar. 12, 2013;—Am. 2015, Act 3, Eff. Dec. 1, 2015;—Am. 2016, Act 6, Eff. May 2, 2016;—Am. 2016, Act 301, Eff. Jan. 2, 2017;—Am. 2023, Act 19, Eff. Feb. 13, 2024.

**Compiler's note:** Former MCL 28.422a, which pertained to a basic pistol safety brochure, was repealed by Act 220 of 1992, Imd. Eff. Oct. 13, 1992.

**Popular name:** CCW

**Popular name:** Concealed Weapons

**Popular name:** CPL

**Popular name:** Right to Carry

**Popular name:** Shall Issue