SUBSTITUTE FOR

HOUSE BILL NO. 4717

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 4 (MCL 28.424), as added by 1992 PA 219.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 4. (1) A person who is prohibited from possessing, using,
- 2 transporting, selling, purchasing, carrying, shipping, receiving,
- 3 or distributing a firearm under section 224f(2) of the Michigan

- 1 penal code, Act No. 328 of the Public Acts of 1931, being section
- 2 750.224f of the Michigan Compiled Laws, 1931 PA 328, MCL 750.224F,
- 3 may apply to the concealed weapons licensing board in the county in
- 4 which he or she resides for restoration of those rights.
- 5 (2) A PERSON WHO IS PROHIBITED FROM POSSESSING, USING,
- 6 TRANSPORTING, SELLING, CARRYING, SHIPPING, OR DISTRIBUTING
- 7 AMMUNITION UNDER SECTION 224F(4) OF THE MICHIGAN PENAL CODE, 1931
- 8 PA 328, MCL 750.224F, MAY APPLY TO THE CONCEALED WEAPONS LICENSING
- 9 BOARD IN THE COUNTY IN WHICH HE OR SHE RESIDES FOR RESTORATION OF
- 10 THOSE RIGHTS.
- 11 (3) (2) Not more than 1 application may be submitted under
- 12 subsection (1) OR (2) in any calendar year. The concealed weapons
- 13 licensing board may charge a fee of not more than \$10.00 for the
- 14 actual and necessary expenses of each application.
- 15 (4) (3)—The concealed weapons licensing board shall, by
- 16 written order of the board, restore the rights of a person to
- 17 possess, use, transport, sell, purchase, carry, ship, receive, or
- 18 distribute a firearm OR TO POSSESS, USE, TRANSPORT, SELL, CARRY,
- 19 SHIP, OR DISTRIBUTE AMMUNITION if the board determines, by clear
- 20 and convincing evidence, that all of the following circumstances
- 21 exist:
- 22 (a) The person properly submitted an application for
- 23 restoration of those rights as provided under this section.
- 24 (b) The expiration of 5 years after all of the following
- 25 circumstances:
- 26 (i) The person has paid all fines imposed for the violation
- 27 resulting in the prohibition.

- 1 (ii) The person has served all terms of imprisonment imposed
- 2 for the violation resulting in the prohibition.
- 3 (iii) The person has successfully completed all conditions of
- 4 probation or parole imposed for the violation resulting in the
- 5 prohibition.
- 6 (c) The person's record and reputation are such that the
- 7 person is not likely to act in a manner dangerous to the safety of
- 8 other persons.
- 9 (5) (4) If the concealed weapons licensing board pursuant to
- 10 UNDER subsection (3) (4) refuses to restore a right under this
- 11 section, the person may petition the circuit court for review of
- 12 that decision.
- 13 Enacting section 1. This amendatory act does not take effect
- 14 unless House Bill No. 4715 of the 97th Legislature is enacted into
- **15** law.