

**SENATE 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 takes effect 90 days
14 after the date it is enacted into law.

15 Enacting section 2. This amendatory act does not take effect
16 unless House Bill No. 4715 of the 97th Legislature is enacted into
17 law.