

# SENATE BILL No. 245

April 9, 1991, Introduced by Senator VAUGHN and referred to the Committee on Family Law, Criminal Law, and Corrections.

A bill to amend section 2 of Act No. 372 of the Public Acts of 1927, entitled as amended

"An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act,"

as amended by Act No. 320 of the Public Acts of 1990, being section 28.422 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 2 of Act No. 372 of the Public Acts of  
2 1927, as amended by Act No. 320 of the Public Acts of 1990, being  
3 section 28.422 of the Michigan Compiled Laws, is amended to read  
4 as follows:

1       Sec. 2. (1) Except as provided in subsection (2), a person  
2 shall not purchase, carry, ~~or~~ transport, OR POSSESS a pistol in  
3 this state without first having obtained a license for the pistol  
4 as prescribed in this section.

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

10       (3) The commissioner or chief of police of a city, township,  
11 or village police department, or his or her duly authorized  
12 deputy, or the sheriff or his or her duly authorized deputy, in  
13 the parts of a county not included within a city, township, or  
14 village having an organized police department, may, ~~issue~~  
15 ~~licenses~~ AFTER THE EXPIRATION OF 7 DAYS AFTER AN APPLICATION FOR  
16 A LICENSE UNDER THIS SECTION, ISSUE A LICENSE to purchase, carry,  
17 ~~or~~ transport, ~~pistols to applicants~~ OR POSSESS A PISTOL TO AN  
18 APPLICANT residing within the city, village, township, or county,  
19 as applicable. A license shall not be granted under this section  
20 to any person unless all of the following circumstances exist:

21       (a) The person is 18 years of age or older or, if the seller  
22 is licensed pursuant to section 923 of title 18 of the United  
23 States code, 18 U.S.C. 923, is 21 years of age or older.

24       (b) The person is a citizen of the United States and is a  
25 legal resident of this state.

26       (c) The person has not been convicted of a crime punishable  
27 by imprisonment for more than 1 year. A LICENSE SHALL NOT BE

1 GRANTED UNDER THIS SECTION UNTIL THE REQUIREMENT OF THIS  
2 SUBDIVISION IS VERIFIED BY A COMPUTERIZED CRIMINAL HISTORY INVE-  
3 TIGATION THROUGH THE LAW ENFORCEMENT INFORMATION NETWORK. IF THE  
4 COMMISSIONER OR CHIEF OF POLICE OF A CITY, TOWNSHIP, OR VILLAGE  
5 DOES NOT HAVE EQUIPMENT TO CONDUCT THE INVESTIGATION, THE COUNTY  
6 SHERIFF OR HIS OR HER AUTHORIZED REPRESENTATIVE SHALL CONDUCT THE  
7 INVESTIGATION WITHIN 24 HOURS AFTER RECEIVING A REQUEST FROM THE  
8 COMMISSIONER OR CHIEF OF POLICE OR HIS OR HER AUTHORIZED  
9 REPRESENTATIVE. THE SHERIFF OR HIS OR HER AUTHORIZED REPRESENTA-  
10 TIVE SHALL INFORM THE COMMISSIONER OR CHIEF OF POLICE OR HIS OR  
11 HER AUTHORIZED REPRESENTATIVE OF THE INVESTIGATION RESULTS WITHIN  
12 24 HOURS AFTER COMPLETING THE INVESTIGATION. This subdivision  
13 does not apply to a conviction that has been expunged or set  
14 aside, or for which the person has been pardoned or has had his  
15 or her civil rights restored unless the expungement, order, or  
16 pardon expressly provides that the person shall not ship, trans-  
17 port, possess, or receive firearms.

18 (d) The person has not been adjudged insane in this state or  
19 elsewhere unless he or she has been adjudged restored to sanity  
20 by court order.

21 (e) The person is not under an order of involuntary commit-  
22 ment in an inpatient or outpatient setting due to mental  
23 illness.

24 (f) The person has not been adjudged legally incapacitated  
25 in this state or elsewhere. This subdivision does not apply to a  
26 person who has had his or her legal capacity restored by order of  
27 the court.

1       (g) The person correctly answers 70% or more of the  
2 questions on a basic pistol safety review questionnaire approved  
3 by the basic pistol safety review board and provided to the indi-  
4 vidual free of charge by the licensing authority. If the person  
5 fails to correctly answer 70% or more of the questions on the  
6 basic pistol safety review questionnaire, the licensing authority  
7 shall inform the person of the questions he or she answered  
8 incorrectly and allow the person to attempt to complete another  
9 basic pistol safety review questionnaire. The person shall not  
10 be allowed to attempt to complete more than 2 basic pistol safety  
11 review questionnaires on any single day. The licensing authority  
12 shall allow the person to attempt to complete the questionnaire  
13 during normal business hours on the day the person applies for  
14 his or her license.

15       (4) AN APPLICANT SHALL HAVE A SET OF FINGERPRINTS TAKEN BY  
16 THE COMMISSIONER OR CHIEF OF POLICE OF A CITY, VILLAGE, OR TOWN-  
17 SHIP POLICE DEPARTMENT, OR AN AUTHORIZED REPRESENTATIVE OF THE  
18 COMMISSIONER OR CHIEF OF POLICE OR BY THE SHERIFF, OR THE  
19 SHERIFF'S AUTHORIZED REPRESENTATIVE, OF THE COUNTY IN WHICH THE  
20 APPLICANT RESIDES IF THE APPLICANT DOES NOT RESIDE IN A CITY,  
21 VILLAGE, OR TOWNSHIP HAVING AN ORGANIZED DEPARTMENT OF POLICE.  
22 THE SET OF FINGERPRINTS SHALL BE TAKEN ON FORMS FURNISHED BY THE  
23 DEPARTMENT OF STATE POLICE AND FORWARDED TO THE DEPARTMENT OF  
24 STATE POLICE BY THE DEPARTMENT TAKING THE PRINTS. THE FINGER-  
25 PRINTS RECEIVED UNDER THIS SECTION SHALL BE FILED IN THE BUREAU  
26 OF IDENTIFICATION OF THE DEPARTMENT OF STATE POLICE IN THE  
27 NONCRIMINAL SECTION OF THE FILES.

1       (5) ~~-(4)-~~ Applications for licenses under this section shall  
2 be signed by the applicant under oath upon forms provided by the  
3 director. Licenses to purchase, carry, ~~or~~ transport, OR  
4 POSSESS pistols shall be executed in triplicate upon forms pro-  
5 vided by the director and shall be signed by the licensing  
6 authority. Three copies of the license shall be delivered to the  
7 applicant by the licensing authority.

8       (6) ~~-(5)-~~ Upon the sale of the pistol, the seller shall fill  
9 out the license forms describing the pistol sold, together with  
10 the date of sale, and sign his or her name in ink indicating that  
11 the pistol was sold to the licensee. The licensee shall also  
12 sign his or her name in ink indicating the purchase of the pistol  
13 from the seller. The seller ~~may~~ SHALL retain a copy of the  
14 license as a record of the sale of the pistol. The licensee  
15 shall return 2 copies of the license to the licensing authority  
16 within 10 days following the purchase of the pistol.

17       (7) ~~-(6)-~~ One copy of the license shall be retained by the  
18 licensing authority as ~~an~~ A PERMANENT official record. ~~for a~~  
19 ~~period of 6 years.~~ The other copy of the license shall be for-  
20 warded by the licensing authority within 48 hours to the  
21 director. A license shall be void unless used within 10 days  
22 after the date of its issue.

23       (8) ~~-(7)-~~ This section does not apply to the purchase of  
24 pistols from wholesalers by dealers regularly engaged in the  
25 business of selling pistols at retail, or to the sale, barter, or  
26 exchange of pistols kept solely as relics, curios, or antiques  
27 not made for modern ammunition or permanently deactivated. This

1 section does not prevent the transfer of ownership of pistols  
2 that are inherited if the license to purchase is approved by the  
3 commissioner or chief of police, sheriff, or their authorized  
4 deputies, and signed by the personal representative of the estate  
5 or by the next of kin having authority to dispose of the pistol.

6 (9) ~~-(8)-~~ As used in this section:

7 (a) "Crime punishable by imprisonment for more than 1 year"  
8 does not include a state offense classified by the state as a  
9 misdemeanor and punishable by imprisonment for 2 years or less.

10 (b) "Director" means the director of the department of state  
11 police.

12 (10) ~~-(9)-~~ A person who forges any matter on an application  
13 for a license under this section is guilty of a felony.