



SENATE BILL No. 1125

April 28, 1994, Introduced by Senators POLLACK, SMITH,
CONROY and KELLY and referred to the Committee on
Family Law, Mental Health, and Corrections

A bill to amend sections 2 and 6 of Act No 372 of the
Public Acts of 1927, entitled as amended

"An act to regulate and license the selling, purchasing, possess-
ing, 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 circum-
stances to prescribe the powers and duties of certain state and
local agencies and to repeal all acts and parts of acts incon-
sistent with the provisions of this act,"

section 2 as amended by Act No 220 of the Public Acts of 1992
and section 6 as amended by Act No 295 of the Public Acts of
1984, being sections 28 422 and 28 426 of the Michigan Compiled
Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Sections 2 and 6 of Act No 372 of the Public
2 Acts of 1927, section 2 as amended by Act No 220 of the Public
3 Acts of 1992 and section 6 as amended by Act No 295 of the

1 Public Acts of 1984, being sections 28 422 and 28 426 of the
2 Michigan Compiled Laws, are amended to read as follows

3 Sec 2 (1) Except as provided in subsection (2), a person
4 shall not purchase, carry, or transport a pistol in this state
5 without first having obtained a license for the pistol as pre-
6 scribed in this section

7 (2) A person who brings a pistol into this state who is on
8 leave from active duty with the armed forces of the United States
9 or who has been discharged from active duty with the armed forces
10 of the United States shall obtain a license for the pistol within
11 30 days after his or her arrival in this state

12 (3) The commissioner or chief of police of a city, township,
13 or village police department that issues licenses to purchase,
14 carry, or transport pistols, or his or her duly authorized
15 deputy, or the sheriff or his or her duly authorized deputy, in
16 the parts of a county not included within a city, township, or
17 village having an organized police department in discharging the
18 duty to issue licenses shall with due speed and diligence issue
19 licenses to purchase, carry, or transport pistols to qualified
20 applicants residing within the city, village township, or
21 county, as applicable unless he or she has probable cause to
22 believe that the applicant would be a threat to himself or her-
23 self or to other individuals, or would commit an offense with the
24 pistol that would violate a law of this or another state or of
25 the United States An applicant is qualified if all of the fol-
26 lowing circumstances exist

1 (a) The person is 18 years of age or older or, if the seller
2 is licensed pursuant to section 923 of title 18 of the United
3 States Code, 18 U S C 923, is 21 years of age or older

4 (b) The person is a citizen of the United States and is a
5 legal resident of this state

6 (c) The person is not prohibited from possessing, using,
7 transporting, selling, purchasing, carrying shipping, receiving,
8 or distributing a firearm under section 224f of the Michigan
9 penal code, Act No 328 of the Public Acts of 1931, being section
10 750 224f of the Michigan Compiled Laws

11 (d) The person has not been adjudged insane in this state or
12 elsewhere unless he or she has been adjudged restored to sanity
13 by court order

14 (e) The person is not under an order of involuntary commit-
15 ment in an inpatient or outpatient setting due to mental
16 illness

17 (f) The person has not been adjudged legally incapacitated
18 in this state or elsewhere This subdivision does not apply to a
19 person who has had his or her legal capacity restored by order of
20 the court

21 (G) THE PERSON IS NOT PROHIBITED FROM POSSESSING A FIREARM
22 PURSUANT TO AN ORDER ISSUED UNDER SECTION 6B OF CHAPTER V OF THE
23 CODE OF CRIMINAL PROCEDURE, ACT NO 175 OF THE PUBLIC ACTS OF
24 1927, BEING SECTION 765 6B OF THE MICHIGAN COMPILED LAWS

25 (H) ~~-(g)-~~ The person correctly answers 70 or more of the
26 questions on a basic pistol safety review questionnaire approved
27 by the basic pistol safety review board and provided to the

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

12 (4) Applications for licenses under this section shall be
13 signed by the applicant under oath upon forms provided by the
14 director of the department of state police Licenses to pur-
15 chase, carry, or transport pistols shall be executed in tripli-
16 cate upon forms provided by the director of the department of
17 state police and shall be signed by the licensing authority
18 Three copies of the license shall be delivered to the applicant
19 by the licensing authority

20 (5) Upon the sale of the pistol, the seller shall fill out
21 the license forms describing the pistol sold, together with the
22 date of sale, and sign his or her name in ink indicating that the
23 pistol was sold to the licensee The licensee shall also sign
24 his or her name in ink indicating the purchase of the pistol from
25 the seller The seller may retain a copy of the license as a
26 record of the sale of the pistol The licensee shall return

1 2 copies of the license to the licensing authority within 10 days
2 following the purchase of the pistol

3 (6) One copy of the license shall be retained by the licens-
4 ing authority as an official record for a period of 6 years The
5 other copy of the license shall be forwarded by the licensing
6 authority within 48 hours to the director of the department of
7 state police A license is void unless used within 10 days after
8 the date of its issue

9 (7) This section does not apply to the purchase of pistols
10 from wholesalers by dealers regularly engaged in the business of
11 selling pistols at retail, or to the sale, barter, or exchange of
12 pistols kept solely as relics, curios, or antiques not made for
13 modern ammunition or permanently deactivated This section does
14 not prevent the transfer of ownership of pistols that are inher-
15 ited if the license to purchase is approved by the commissioner
16 or chief of police, sheriff, or their authorized deputies, and
17 signed by the personal representative of the estate or by the
18 next of kin having authority to dispose of the pistol

19 (8) The licensing authority shall provide a basic pistol
20 safety brochure to each applicant for a license under this sec-
21 tion before the applicant answers the basic pistol safety review
22 questionnaire A basic pistol safety brochure shall contain, but
23 is not limited to providing, information on all of the following
24 subjects

25 (a) Rules for safe handling and use of pistols

26 (b) Safe storage of pistols

1 (c) Nomenclature and description of various types of
2 pistols

3 (d) The responsibilities of owning a pistol

4 (9) The basic pistol safety brochure shall be supplied in
5 addition to the safety pamphlet required by section 9b

6 (10) The basic pistol safety brochure required in subsection
7 (8) shall be produced by a national nonprofit membership organi-
8 zation that provides voluntary pistol safety programs that
9 include training individuals in the safe handling and use of
10 pistols

11 (11) A person who forges any matter on an application for a
12 license under this section is guilty of a felony, punishable by
13 imprisonment for not more than 4 years or a fine of not more than
14 \$2,000 00, or both

15 (12) A licensing authority shall implement this section
16 during all of the licensing authority's normal business hours and
17 shall set hours for implementation that allow an applicant to use
18 the license within the time period set forth in subsection (6)

19 Sec 6 (1) The prosecuting attorney, the sheriff, and the
20 director of the department of state police or their respective
21 authorized deputies, shall constitute boards exclusively autho-
22 rized to issue a license to an applicant residing within their
23 respective counties, to carry a pistol concealed on the person
24 and to carry a pistol, whether concealed or otherwise, in a vehi-
25 cle operated or occupied by the applicant The county clerk of
26 each county shall be clerk of the licensing board ~~—, which—~~ THE
27 board shall be known as the concealed weapon licensing board A

1 license to carry a pistol concealed on the person or to carry a
2 pistol, whether concealed or otherwise, in a vehicle operated or
3 occupied by the person applying for the license, shall not be
4 granted to a person unless the person is 18 years of age or
5 older, is a citizen of the United States, ~~and~~ has resided in
6 this state 6 months or more, AND IS NOT PROHIBITED FROM POSSESS-
7 ING A FIREARM PURSUANT TO AN ORDER ISSUED UNDER SECTION 6B OF
8 CHAPTER V OF THE CODE OF CRIMINAL PROCEDURE, ACT NO 175 OF THE
9 PUBLIC ACTS OF 1927, BEING SECTION 765 6B OF THE MICHIGAN
10 COMPILED LAWS A license shall not be issued unless it appears
11 that the applicant has good reason to fear injury to his or her
12 person or property, or has other proper reasons and is a suit-
13 able person to be licensed A license shall not be issued to a
14 person who was convicted of a felony or confined for a felony
15 conviction in this state or elsewhere during the 8-year period
16 immediately preceding the date of the application or was adjudged
17 insane unless the person was ADJUDGED restored to sanity ~~and so~~
18 ~~declared~~ by court order

19 (2) If an applicant resides in a city village or township
20 having an organized department of police, a license shall not be
21 issued unless the application is first approved in writing by the
22 supervisor, commissioner or chief of police, or marshal If an
23 application is not approved by the supervisor, commissioner or
24 chief of police, or marshal, the applicant ~~shall have~~ HAS 10
25 days to appeal, in writing, to the concealed weapon licensing
26 board in the county in which the applicant resides Upon
27 ~~receipt of~~ RECEIVING a written appeal, the concealed weapon

1 licensing board at the next scheduled meeting to be held not less
2 than 15 days after ~~the receipt of~~ RECEIVING the fingerprint
3 comparison report shall hold a hearing to determine if the appli-
4 cant is qualified to carry a concealed weapon pursuant to this
5 section Notice of the hearing shall be mailed to the applicant
6 and the organized department of police not less than 10 days
7 before the scheduled hearing The applicant shall deposit ~~the~~
8 ~~sum of~~ \$10 00 with the county clerk at the time the appeal is
9 made If, upon appeal, a license is not issued, the deposit
10 shall be credited to the general fund of the county If a
11 license is issued, the deposit shall be processed as the license
12 fee required under subsection (6)

13 (3) If an applicant does not reside in a city, village, or
14 township ~~which~~ THAT has an organized department of police, a
15 license shall not be issued unless the application is first sub-
16 mitted to the supervisor of the township in which the applicant
17 resides for approval or objection The supervisor shall indicate
18 in writing on the application whether he or she objects to the
19 license being issued If action is not taken by a supervisor
20 within 14 days after the application is submitted to the supervi-
21 sor, the concealed weapon licensing board shall consider the
22 application as if a statement of no objection had been included
23 If the supervisor objects to the application in writing, the
24 applicant within 10 days may appeal to the concealed weapon
25 licensing board of the county in which the applicant resides
26 Upon ~~receipt of~~ RECEIVING a written appeal, the concealed
27 weapon licensing board at the next scheduled meeting to be held

1 not less than 15 days after ~~the receipt of~~ RECEIVING the
2 fingerprint comparison report shall hold a hearing to determine
3 if the applicant is qualified to carry a concealed weapon pursu-
4 ant to this section Notice of the hearing shall be mailed to
5 the applicant and the supervisor of the township not less than 10
6 days before the scheduled hearing The applicant shall deposit
7 ~~the sum of~~ \$10 00 with the county clerk at the time the appeal
8 is made If, upon appeal, a license is not issued, the deposit
9 shall be credited to the general fund of the county If a
10 license is issued, the deposit shall be processed as the license
11 fee required under subsection (6)

12 (4) An applicant shall have 2 sets of fingerprints taken by
13 the sheriff, or the sheriff's authorized representative, of the
14 county in which the applicant resides, if the applicant does not
15 reside in a city, village, or township having an organized
16 ~~department of~~ police DEPARTMENT, or by the commissioner or
17 chief of police, or marshal, or an authorized representative of
18 the commissioner or chief of police or marshal, if the applicant
19 resides within a city village or township having an organized
20 ~~department of~~ police DEPARTMENT The first set of fingerprints
21 shall be taken on forms furnished by the department of state
22 police, and the second set on forms furnished by the federal
23 bureau of investigation The first set of fingerprints shall be
24 forwarded to the department of state police by the department
25 taking the prints, and the second set shall be forwarded by the
26 department taking the fingerprints to the federal bureau of
27 investigation or other agency designated by the federal bureau of

1 investigation The director of the bureau of identification of
2 the department of state police shall compare the fingerprints
3 with those already on file in the bureau A license shall not be
4 issued unless ~~and until~~ A report is received by the clerk of
5 the board from the department of state police and the federal
6 bureau of investigation that the comparisons do not show a con-
7 viction of a felony or confinement for a felony conviction during
8 the 8-year period The board may grant a temporary permit in
9 case of emergency pending the results of the comparisons The
10 temporary permit shall be issued for a period OF not ~~to exceed~~
11 MORE THAN 30 days and shall expire automatically at the end of
12 the period for which it was issued Upon ~~receipt of~~ RECEIVING
13 the report from the federal bureau of investigation of the com-
14 parison, the bureau of identification of the department of state
15 police shall forward a report of both comparisons to the officer
16 taking the prints and ~~also~~ to the county clerk of the county in
17 which the applicant resides, who as clerk of the board shall keep
18 a record of the report and shall report to the board The fin-
19 gerprints received under this section shall be filed in the
20 bureau of identification of the department of state police in the
21 noncriminal section of the files

22 (5) The application for a license shall state the reason or
23 reasons for the necessity or desirability of carrying a pistol
24 concealed on the person or a pistol, whether concealed or other-
25 wise, in a vehicle operated or occupied by the person applying
26 for the license, and the license, if issued, shall be restricted
27 to the reason or reasons satisfactory to the board ~~, which~~ THE

1 restriction or restrictions shall appear on the face of the
2 license in a conspicuous place The license shall be an authori-
3 zation to carry a pistol in compliance with this section only to
4 the extent contained in the face of the license and the license
5 shall be revoked by the board if the pistol is carried contrary
6 to the authorization

7 (6) The prosecuting attorney shall be the chairperson of the
8 board ~~—, which—~~ THE BOARD shall convene at least once in each
9 calendar month and at other times as the board is called to con-
10 vene by the chairperson Each license shall be issued only upon
11 written application signed by the applicant and on oath and upon
12 a form provided by the director of the department of state
13 police Each license shall be issued only with the approval of a
14 majority of the members of the board and shall be executed in
15 triplicate upon forms provided by the director of the department
16 of state police and shall be signed in the name of the concealed
17 weapon licensing board by the county clerk with the seal of the
18 circuit court affixed to the license The county clerk shall
19 ~~first~~ collect a licensing fee of \$10 00 from the applicant for
20 each license, BEFORE THE LICENSE IS delivered to the applicant
21 One copy of the license shall be delivered to the applicant, the
22 duplicate shall be retained by the county clerk as a permanent
23 official record for ~~a period of~~ 6 years, and the triplicate of
24 the license shall be forwarded within 48 hours to the director of
25 the department of state police who shall file and index each
26 license received and retain it as a permanent official record for
27 ~~a period of~~ 6 years A license shall be issued for a definite

1 period of not more than 3 years, to be stated in the license, and
2 a renewal of the license shall not be granted except upon the
3 filing of a new application. A license shall bear the imprint of
4 the right thumb of the licensee, or, if that is not possible, of
5 the left thumb or some other finger of the licensee. The
6 licensee shall carry the license upon his or her person when car-
7 rying a pistol concealed upon his or her person, or, whether con-
8 cealed or otherwise, in a vehicle operated or occupied by the
9 licensee, and shall display the license upon the request of a
10 peace officer. On the first day of each month the county clerk
11 shall remit to the state treasurer \$2.00 for each license issued
12 during the preceding month. On the first day of each month the
13 county clerk shall pay into the general fund of the county the
14 remainder of each license fee for each license issued during the
15 preceding month.

16 (7) The county clerk may issue a copy of a license issued
17 pursuant to this section for a fee of \$3.00 ~~which~~ THE fee
18 shall be paid into the general fund of the county.

19 (8) A charter county may impose by ordinance a different
20 amount for the concealed weapon licensing fee prescribed by sub-
21 section (6). A charter county shall not impose a fee ~~which~~
22 THAT is greater than the cost of the service for which the fee is
23 charged.

24 Section 2. This amendatory act shall not take effect unless
25 all of the following bills of the 87th Legislature are enacted
26 into law.

1 (a) Senate Bill No 1124

2

3 (b) Senate Bill No 1126

4