



SENATE BILL No. 1127

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

A bill to amend sections 2 and 9a 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 9a as added by Act No 320 of the Public Acts of
1990, being sections 28 422 and 28 429a of the Michigan Compiled
Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Sections 2 and 9a 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 9a as added by Act No 320 of the Public

1 Acts of 1990, being sections 28 422 and 28 429a of the Michigan
2 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~~ AFTER THE EXPIRATION OF 10 BUSINESS DAYS AFTER AN
13 APPLICATION FOR A LICENSE UNDER THIS SECTION, THE commissioner or
14 chief of police of a city, township, or village police department
15 that issues licenses to purchase, carry, or transport pistols, or
16 his or her duly authorized deputy, or the sheriff or his or her
17 duly authorized deputy in the parts of a county not included
18 within a city, township, or village having an organized police
19 department, ~~in discharging the duty to issue licenses~~ shall
20 with due speed and diligence issue ~~licenses~~ A LICENSE to pur-
21 chase, carry, or transport pistols to A qualified ~~applicants~~
22 APPLICANT residing within the city, village, township, or county,
23 as applicable unless he or she has probable cause to believe that
24 the applicant would be a threat to himself or herself or to other
25 individuals, or would commit an offense with the pistol that
26 would violate a law of this or another state or of the United

1 States An applicant is qualified if all of the following
2 circumstances exist

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

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

8 (c) The person is not prohibited from possessing, using,
9 transporting, selling, purchasing, carrying, shipping, receiving,
10 or distributing a firearm under section 224f of the Michigan
11 penal code, Act No 328 of the Public Acts of 1931, being section
12 750 224f of the Michigan Compiled Laws A LICENSE SHALL NOT BE
13 ISSUED UNDER THIS SECTION UNTIL THE REQUIREMENT OF THIS SUBDIVI-
14 SION IS VERIFIED BY A COMPUTERIZED CRIMINAL HISTORY INVESTIGATION
15 THROUGH THE LAW ENFORCEMENT INFORMATION NETWORK

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

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

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

26 (g) The person correctly answers 70% or more of the
27 questions on a basic pistol safety review questionnaire approved

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

13 (H) THE PERSON HAS SUCCESSFULLY COMPLETED A PISTOL SAFETY
14 TRAINING PROGRAM APPROVED BY THE BASIC PISTOL SAFETY REVIEW BOARD
15 AND PRESENTS A CERTIFICATE OF COMPLETION FOR THAT PROGRAM THE
16 PERSON SHALL BEAR THE COST OF THE TRAINING

17 (4) AN APPLICANT SHALL HAVE 2 SETS OF FINGERPRINTS TAKEN BY
18 THE LICENSING AUTHORITY THE FIRST SET OF FINGERPRINTS SHALL BE
19 TAKEN ON FORMS FURNISHED BY THE DEPARTMENT OF STATE POLICE, AND
20 THE SECOND SET ON FORMS FURNISHED BY THE FEDERAL BUREAU OF
21 INVESTIGATION THE LICENSING AUTHORITY SHALL FORWARD THE FIRST
22 SET OF FINGERPRINTS TO THE DEPARTMENT OF STATE POLICE AND THE
23 SECOND SET TO THE FEDERAL BUREAU OF INVESTIGATION OR OTHER AGENCY
24 DESIGNATED BY THE FEDERAL BUREAU OF INVESTIGATION THE DIRECTOR
25 OF THE BUREAU OF IDENTIFICATION OF THE DEPARTMENT OF STATE POLICE
26 SHALL COMPARE THE FINGERPRINTS WITH THOSE ALREADY ON FILE IN THE
27 BUREAU A LICENSE SHALL NOT BE ISSUED UNLESS THE LICENSING

1 AUTHORITY RECEIVES A REPORT FROM THE DEPARTMENT OF STATE POLICE
2 AND THE FEDERAL BUREAU OF INVESTIGATION INDICATING THAT THE COM-
3 PARISONS DO NOT SHOW A CONVICTION FOR WHICH THE APPLICANT IS PRO-
4 HIBITED UNDER SECTION 224F OF ACT NO 328 OF THE PUBLIC ACTS OF
5 1931 FROM POSSESSING, USING, TRANSPORTING, SELLING, PURCHASING,
6 CARRYING, SHIPPING, RECEIVING, OR DISTRIBUTING A FIREARM UPON
7 RECEIPT OF THE REPORT FROM THE FEDERAL BUREAU OF INVESTIGATION OF
8 THE COMPARISON, THE BUREAU OF IDENTIFICATION OF THE DEPARTMENT OF
9 STATE POLICE SHALL FORWARD A REPORT OF BOTH COMPARISONS TO THE
10 AUTHORITY TAKING THE FINGERPRINTS THE FINGERPRINTS RECEIVED
11 UNDER THIS SECTION SHALL BE FILED IN THE BUREAU OF IDENTIFICATION
12 OF THE DEPARTMENT OF STATE POLICE IN THE NONCRIMINAL SECTION OF
13 THE FILES

14 (5) ~~(4)~~ Applications for licenses under this section shall
15 be signed by the applicant under oath upon forms provided by the
16 director of the department of state police Licenses to pur-
17 chase, carry, or transport pistols shall be executed in tripli-
18 cate upon forms provided by the director of the department of
19 state police and shall be signed by the licensing authority
20 Three copies of the license shall be delivered to the applicant
21 by the licensing authority

22 (6) ~~(5)~~ Upon the sale of the pistol the seller shall fill
23 out the license forms describing the pistol sold, together with
24 the date of sale, and sign his or her name in ink indicating that
25 the pistol was sold to the licensee The licensee shall also
26 sign his or her name in ink indicating the purchase of the pistol
27 from the seller The seller may retain a copy of the license as

1 a record of the sale of the pistol The licensee shall return
2 2 copies of the license to the licensing authority within 10 days
3 following the purchase of the pistol

4 (7) ~~—(6)—~~ One copy of the license shall be retained by the
5 licensing authority as an official record for a period of
6 6 years The other copy of the license shall be forwarded by the
7 licensing authority within 48 hours to the director of the
8 department of state police A license is void unless used within
9 10 days after the date of its issue

10 (8) ~~—(7)—~~ This section does not apply to the purchase of
11 pistols from wholesalers by dealers regularly engaged in the
12 business of selling pistols at retail, or to the sale, barter, or
13 exchange of pistols kept solely as relics, curios or antiques
14 not made for modern ammunition or permanently deactivated This
15 section does not prevent the transfer of ownership of pistols
16 that are inherited if the license to purchase is approved by the
17 commissioner or chief of police, sheriff, or their authorized
18 deputies, and signed by the personal representative of the estate
19 or by the next of kin having authority to dispose of the pistol

20 (9) ~~—(8)—~~ The licensing authority shall provide a basic
21 pistol safety brochure to each applicant for a license under this
22 section before the applicant answers the basic pistol safety
23 review questionnaire A basic pistol safety brochure shall con-
24 tain, but is not limited to providing, information on all of the
25 following subjects

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

1 (b) Safe storage of pistols

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

4 (d) The responsibilities of owning a pistol

5 (10) ~~-(9)-~~ The basic pistol safety brochure shall be sup-
6 plied in addition to the safety pamphlet required by section 9b

7 (11) ~~-(10)-~~ The basic pistol safety brochure required in
8 subsection ~~-(8)-~~ (9) shall be produced by a national nonprofit
9 membership organization that provides voluntary pistol safety
10 programs that include training individuals in the safe handling
11 and use of pistols

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

16 (13) ~~-(12)-~~ A licensing authority shall implement this sec-
17 tion during all of the licensing authority's normal business
18 hours and shall set hours for implementation that allow an appli-
19 cant to use the license within the time period set forth in sub-
20 section ~~-(6)-~~ (7)

21 Sec 9a (1) The basic pistol safety review board is cre-
22 ated in the department of state police The board shall consist
23 of the following members

24 (a) The director of the department of state police or his or
25 her representative

26 (b) The director of the department of natural resources or
27 his or her representative

1 (c) One person appointed by the governor with the advice and
2 consent of the senate representing the interests of organizations
3 involved in shooting sports

4 (d) One person appointed by the governor with the advice and
5 consent of the senate representing the interests of a statewide
6 conservation organization

7 (e) One person appointed by the governor with the advice and
8 consent of the senate representing the interests of the public

9 (2) The director of the department of state police shall
10 chair the basic pistol safety board

11 (3) The basic pistol safety board shall do all of the
12 following

13 (a) Approve a pamphlet on basic pistol safety for distribu-
14 tion to entities authorized to issue licenses under section 2

15 (b) Approve basic pistol safety questionnaires for distribu-
16 tion to entities authorized to issue licenses under section 2

17 The board shall approve a questionnaire under this subdivision
18 only if both of the following circumstances exist

19 (1) The questionnaire only addresses material covered in the
20 pamphlet approved pursuant to subdivision (a)

21 (11) The questionnaire reasonably examines the knowledge of
22 pistol safety of individuals who are required to answer
23 questionnaires

24 (c) Upon the expiration of 90 days after the effective date
25 of the amendatory act that added this section, provide the
26 department of state police with master copies of the basic pistol
27 safety pamphlet and basic pistol safety questionnaires for

1 printing by the department of state police and for distribution
2 by the department of state police to entities authorized to issue
3 licenses under section 2

4 (D) APPROVE 1 OR MORE PISTOL SAFETY TRAINING PROGRAMS FOR A
5 PERSON SEEKING A LICENSE UNDER SECTION 2 THAT MEETS ALL OF THE
6 FOLLOWING REQUIREMENTS

7 (1) THE TRAINING PROGRAM IS NOT LESS THAN 10 HOURS

8 (11) THE TRAINING PROGRAM IS TAUGHT BY AN INSTRUCTOR CERTI-
9 FIED BY THE NATIONAL RIFLE ASSOCIATION OR A PERSON HAVING SUB-
10 STANTIALLY SIMILAR QUALIFICATIONS AS DETERMINED BY THE BOARD

11 (111) THE TRAINING PROGRAM IS AT LEAST THE EQUIVALENT OF THE
12 TRAINING REQUIRED FOR A CERTIFICATION OF COMPETENCY IN HUNTER
13 SAFETY

14 (1v) A CERTIFICATE IS ISSUED FOR COMPLETING THE TRAINING
15 PROGRAM