

**SUBSTITUTE FOR  
SENATE BILL NO. 370**

A bill to amend 1927 PA 372, entitled

"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 or other authorization; to provide for the forfeiture of firearms 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 sections 2, 2a, 5f, 12, and 12b (MCL 28.422, 28.422a, 28.425f, 28.432, and 28.432b), section 2 as amended by 2004 PA 101, section 2a as added by 2000 PA 381, section 5f as amended by 2002 PA 719, section 12 as amended by 2006 PA 75, and section 12b as added by 1982 PA 182; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 2. (1) Except as provided in subsection (2), a person  
2 shall not purchase, carry, **POSSESS**, or transport a pistol in this  
3 state without first having obtained a license for the pistol as  
4 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 that issues licenses to purchase,  
12 carry, or transport pistols, or his or her duly authorized deputy,  
13 or the sheriff or his or her duly authorized deputy, in the parts  
14 of a county not included within a city, township, or village having  
15 an organized police department, in discharging the duty to issue  
16 licenses shall with due speed and diligence issue licenses to  
17 purchase, carry, **POSSESS**, or transport pistols to qualified  
18 applicants residing within the city, village, township, or county,  
19 as applicable unless he or she has probable cause to believe that  
20 the applicant would be a threat to himself or herself or to other  
21 individuals, or would commit an offense with the pistol that would  
22 violate a law of this or another state or of the United States. An  
23 applicant is qualified if all of the following circumstances exist:

24          (a) The person is not subject to an order or disposition for  
25 which he or she has received notice and an opportunity for a  
26 hearing, and which was entered into the law enforcement information

1 network pursuant to any of the following:

2 (i) Section 464a(1) of the mental health code, 1974 PA 258, MCL  
3 330.1464a.

4 (ii) Section 5107 of the estates and protected individuals  
5 code, 1998 PA 386, MCL 700.5107, or section 444a of former 1978 PA  
6 642.

7 (iii) Section ~~2950(9)~~**2950(10)** of the revised judicature act of  
8 1961, 1961 PA 236, MCL 600.2950.

9 (iv) Section 2950a(7) of 1961 PA 236, MCL 600.2950a.

10 (v) Section 14 of 1846 RS 84, MCL 552.14.

11 (vi) Section 6b(5) of chapter V of the code of criminal  
12 procedure, 1927 PA 175, MCL 765.6b, if the order has a condition  
13 imposed ~~pursuant to~~**UNDER** section 6b(3) of chapter V of 1927 PA  
14 175, MCL 765.6b.

15 (vii) Section 16b(1) of chapter IX of 1927 PA 175, MCL 769.16b.

16 (b) The person is 18 years of age or older or, if the seller  
17 is licensed pursuant to section 923 of title 18 of the United  
18 States Code, 18 USC 923, is 21 years of age or older.

19 (c) The person is a citizen of the United States and is a  
20 legal resident of this state.

21 (d) A felony charge against the person is not pending at the  
22 time of application.

23 (e) The person is not prohibited from possessing, using,  
24 transporting, selling, purchasing, carrying, shipping, receiving,  
25 or distributing a firearm under section 224f of the Michigan penal  
26 code, 1931 PA 328, MCL 750.224f.

27 (f) The person has not been adjudged insane in this state or

1 elsewhere unless he or she has been adjudged restored to sanity by  
2 court order.

3 (g) The person is not under an order of involuntary commitment  
4 in an inpatient or outpatient setting due to mental illness.

5 (h) The person has not been adjudged legally incapacitated in  
6 this state or elsewhere. This subdivision does not apply to a  
7 person who has had his or her legal capacity restored by order of  
8 the court.

9 (i) The person correctly answers 70% or more of the questions  
10 on a basic pistol safety review questionnaire approved by the basic  
11 pistol safety review board and provided to the individual free of  
12 charge by the licensing authority. If the person fails to correctly  
13 answer 70% or more of the questions on the basic pistol safety  
14 review questionnaire, the licensing authority shall inform the  
15 person of the questions he or she answered incorrectly and allow  
16 the person to attempt to complete another basic pistol safety  
17 review questionnaire. The person shall not be allowed to attempt to  
18 complete more than 2 basic pistol safety review questionnaires on  
19 any single day. The licensing authority shall allow the person to  
20 attempt to complete the questionnaire during normal business hours  
21 on the day the person applies for his or her license.

22 (4) Applications for licenses under this section shall be  
23 signed by the applicant under oath upon forms provided by the  
24 director of the department of state police. Licenses to purchase,  
25 carry, **POSSESS**, or transport pistols shall be executed in  
26 ~~triplicate~~ **QUADRUPPLICATE** upon forms provided by the director of the  
27 department of state police and shall be signed by the licensing

1 authority. ~~Three~~ **FOUR** copies of the license shall be delivered to  
2 the applicant by the licensing authority. **A LICENSE IS VOID UNLESS**  
3 **USED WITHIN 10 DAYS AFTER THE DATE IT IS ISSUED.**

4 (5) Upon the sale of the pistol, the seller shall fill out the  
5 license forms describing the pistol sold, together with the date of  
6 sale, and sign his or her name in ink indicating that the pistol  
7 was sold to the licensee. The licensee shall also sign his or her  
8 name in ink indicating the purchase of the pistol from the seller.  
9 The seller may retain a copy of the license as a record of the sale  
10 of the pistol. The licensee **SHALL RECEIVE 3 COPIES OF THE LICENSE.**  
11 **THE LICENSEE** shall return 2 copies of the license to the licensing  
12 authority within 10 days ~~following the purchase of the pistol~~ **AFTER**  
13 **THE DATE THE PISTOL IS PURCHASED OR OBTAINED. THE RETURN OF THE**  
14 **COPIES TO THE LICENSING AUTHORITY MAY BE MADE IN PERSON OR MAY BE**  
15 **MADE BY FIRST-CLASS MAIL OR CERTIFIED MAIL SENT WITHIN THE 10-DAY**  
16 **PERIOD TO THE PROPER ADDRESS OF THE LICENSING AUTHORITY. A LICENSEE**  
17 **WHO FAILS TO COMPLY WITH THE REQUIREMENTS OF THIS SUBSECTION IS**  
18 **RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE FINED NOT MORE**  
19 **THAN \$250.00. IF AN INDIVIDUAL IS FOUND RESPONSIBLE FOR A STATE**  
20 **CIVIL INFRACTION UNDER THIS SUBSECTION, THE COURT SHALL NOTIFY THE**  
21 **DEPARTMENT OF STATE POLICE OF THAT DETERMINATION.**

22 (6) ~~One copy of the license shall be retained by the licensing~~  
23 ~~authority as an official record for a period of 6 years. The other~~  
24 ~~copy of the license shall be forwarded by the licensing authority~~  
25 ~~within 48 hours to the director of the department of state police.~~  
26 ~~A license is void unless used within 10 days after the date of its~~  
27 ~~issue.~~ **WITHIN 48 HOURS AFTER RECEIVING THE LICENSE COPIES RETURNED**

1 UNDER SUBSECTION (5), THE LICENSING AUTHORITY SHALL FORWARD 1 COPY  
2 OF THE LICENSE TO THE DEPARTMENT OF STATE POLICE. THE LICENSING  
3 AUTHORITY SHALL RETAIN THE OTHER COPY OF THE LICENSE AS AN OFFICIAL  
4 RECORD FOR NOT LESS THAN 6 YEARS. WITHIN 10 DAYS AFTER RECEIVING  
5 THE LICENSE COPIES RETURNED UNDER SUBSECTION (5), THE LICENSING  
6 AUTHORITY SHALL ENTER THE INFORMATION INTO THE PISTOL ENTRY  
7 DATABASE AS REQUIRED BY THE DEPARTMENT OF STATE POLICE IF IT HAS  
8 THE ABILITY TO DO SO. IF THE LICENSING AUTHORITY DOES NOT HAVE THAT  
9 ABILITY, THE LICENSING AUTHORITY SHALL PROVIDE THAT INFORMATION TO  
10 THE DEPARTMENT OF STATE POLICE IN A MANNER OTHERWISE REQUIRED BY  
11 THE DEPARTMENT OF STATE POLICE. ANY LICENSING AUTHORITY THAT  
12 PROVIDED PISTOL DESCRIPTIONS TO THE DEPARTMENT OF STATE POLICE  
13 UNDER FORMER SECTION 9 OF THIS ACT SHALL CONTINUE TO PROVIDE PISTOL  
14 DESCRIPTIONS TO THE DEPARTMENT OF STATE POLICE UNDER THIS  
15 SUBSECTION. THE LICENSEE HAS THE RIGHT TO OBTAIN A COPY OF THE  
16 INFORMATION PLACED IN THE PISTOL ENTRY DATABASE UNDER THIS  
17 SUBSECTION TO VERIFY THE ACCURACY OF THAT INFORMATION. THE  
18 LICENSING AUTHORITY MAY CHARGE A FEE NOT TO EXCEED \$1.00 FOR THE  
19 COST OF PROVIDING THE COPY. THE LICENSEE MAY CARRY, USE, POSSESS,  
20 AND TRANSPORT THE PISTOL FOR 30 DAYS BEGINNING ON THE DATE OF  
21 PURCHASE ONLY WHILE HE OR SHE IS IN POSSESSION OF HIS OR HER COPY  
22 OF THE LICENSE. HOWEVER, THE PERSON IS NOT REQUIRED TO HAVE THE  
23 LICENSE IN HIS OR HER POSSESSION WHILE CARRYING, USING, POSSESSING,  
24 OR TRANSPORTING THE PISTOL AFTER THIS PERIOD.

25 (7) This section does not apply to the purchase of pistols  
26 from wholesalers by dealers regularly engaged in the business of  
27 selling pistols at retail, or to the sale, barter, or exchange of

1 pistols kept as relics or curios not made for modern ammunition or  
2 permanently deactivated. This section does not prevent the transfer  
3 of ownership of pistols that are inherited if the license to  
4 purchase is approved by the commissioner or chief of police,  
5 sheriff, or their authorized deputies, and signed by the personal  
6 representative of the estate or by the next of kin having authority  
7 to dispose of the pistol.

8 (8) The licensing authority shall provide a basic pistol  
9 safety brochure to each applicant for a license under this section  
10 before the applicant answers the basic pistol safety review  
11 questionnaire. A basic pistol safety brochure shall contain, but is  
12 not limited to providing, information on all of the following  
13 subjects:

14 (a) Rules for safe handling and use of pistols.

15 (b) Safe storage of pistols.

16 (c) Nomenclature and description of various types of pistols.

17 (d) The responsibilities of owning a pistol.

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

20 (10) The basic pistol safety brochure required in subsection  
21 (8) shall be produced by a national nonprofit membership  
22 organization that provides voluntary pistol safety programs that  
23 include training individuals in the safe handling and use of  
24 pistols.

25 (11) A person who forges any matter on an application for a  
26 license under this section is guilty of a felony, punishable by  
27 imprisonment for not more than 4 years or a fine of not more than

1 \$2,000.00, or both.

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

6 Sec. 2a. (1) An individual who is licensed under section 5b to  
7 carry a concealed pistol is not required to obtain a license under  
8 section 2 to purchase, carry, **POSSESS**, or transport a pistol.

9 (2) If an individual licensed under section 5b purchases a  
10 pistol, the seller shall complete a sales record in ~~triplicate~~  
11 **QUADRUPLICATE** on a form provided by the department of state police.  
12 The record shall include the individual's concealed weapon license  
13 number. The individual purchasing the pistol shall sign the record.  
14 The seller ~~shall~~ **MAY** retain 1 copy of the record. ~~, provide 1 copy~~  
15 ~~to the~~ **THE** individual purchasing the pistol ~~,~~ **SHALL RECEIVE 3**  
16 **COPIES OF THE RECORD** and forward ~~the original~~ **2 COPIES** to the  
17 ~~department of state police~~ **DEPARTMENT OF THE CITY, VILLAGE, OR**  
18 **TOWNSHIP IN WHICH THE INDIVIDUAL RESIDES, OR, IF THE INDIVIDUAL**  
19 **DOES NOT RESIDE IN A CITY, VILLAGE, OR TOWNSHIP HAVING A POLICE**  
20 **DEPARTMENT, TO THE COUNTY SHERIFF,** within 10 days following the  
21 purchase. **THE RETURN OF THE COPIES TO THE POLICE DEPARTMENT OR**  
22 **COUNTY SHERIFF MAY BE MADE IN PERSON OR MAY BE MADE BY FIRST-CLASS**  
23 **MAIL OR CERTIFIED MAIL SENT WITHIN THE 10-DAY PERIOD TO THE PROPER**  
24 **ADDRESS OF THE POLICE DEPARTMENT OR COUNTY SHERIFF. AN INDIVIDUAL**  
25 **WHO FAILS TO COMPLY WITH THE REQUIREMENTS OF THIS SUBSECTION IS**  
26 **RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE FINED NOT MORE**  
27 **THAN \$250.00. IF AN INDIVIDUAL IS FOUND RESPONSIBLE FOR A STATE**



1 CIVIL INFRACTION UNDER THIS SUBSECTION, THE COURT SHALL NOTIFY THE  
2 DEPARTMENT OF STATE POLICE AND THE CONCEALED WEAPON LICENSING BOARD  
3 THAT ISSUED THE LICENSE OF THAT DETERMINATION.

4 (3) WITHIN 48 HOURS AFTER RECEIVING THE RECORD COPIES RETURNED  
5 UNDER SUBSECTION (2), THE POLICE DEPARTMENT OR COUNTY SHERIFF SHALL  
6 FORWARD 1 COPY OF THE RECORD TO THE DEPARTMENT OF STATE POLICE. THE  
7 POLICE DEPARTMENT OR COUNTY SHERIFF SHALL RETAIN THE OTHER COPY OF  
8 THE RECORD AS AN OFFICIAL RECORD FOR NOT LESS THAN 6 YEARS. WITHIN  
9 10 DAYS AFTER RECEIVING THE RECORD COPIES RETURNED UNDER SUBSECTION  
10 (2), THE POLICE DEPARTMENT OR COUNTY SHERIFF SHALL ELECTRONICALLY  
11 ENTER THE INFORMATION INTO THE PISTOL ENTRY DATABASE AS REQUIRED BY  
12 THE DEPARTMENT OF STATE POLICE IF IT HAS THE ABILITY TO  
13 ELECTRONICALLY ENTER THAT INFORMATION. IF THE POLICE DEPARTMENT OR  
14 COUNTY SHERIFF DOES NOT HAVE THAT ABILITY, THE POLICE DEPARTMENT OR  
15 COUNTY SHERIFF SHALL PROVIDE THAT INFORMATION TO THE DEPARTMENT OF  
16 STATE POLICE IN A MANNER OTHERWISE REQUIRED BY THE DEPARTMENT OF  
17 STATE POLICE. ANY POLICE DEPARTMENT OR COUNTY SHERIFF THAT PROVIDED  
18 PISTOL DESCRIPTIONS TO THE DEPARTMENT OF STATE POLICE UNDER FORMER  
19 SECTION 9 OF THIS ACT SHALL CONTINUE TO PROVIDE PISTOL DESCRIPTIONS  
20 TO THE DEPARTMENT OF STATE POLICE UNDER THIS SUBSECTION. THE  
21 LICENSEE HAS THE RIGHT TO OBTAIN A COPY OF THE INFORMATION PLACED  
22 IN THE PISTOL ENTRY DATABASE UNDER THIS SUBSECTION TO VERIFY THE  
23 ACCURACY OF THAT INFORMATION. THE POLICE DEPARTMENT OR COUNTY  
24 SHERIFF MAY CHARGE A FEE NOT TO EXCEED \$1.00 FOR THE COST OF  
25 PROVIDING THE COPY. THE LICENSEE MAY CARRY, USE, POSSESS, AND  
26 TRANSPORT THE PISTOL FOR 30 DAYS BEGINNING ON THE DATE OF PURCHASE  
27 ONLY WHILE HE OR SHE IS IN POSSESSION OF HIS OR HER COPY OF THE

1 RECORD. HOWEVER, THE PERSON IS NOT REQUIRED TO HAVE THE RECORD IN  
2 HIS OR HER POSSESSION WHILE CARRYING, USING, POSSESSING, OR  
3 TRANSPORTING THE PISTOL AFTER THIS PERIOD.

4 (4) ~~(3)~~—This section does not apply to a person or entity  
5 exempt under section 2(7).

6 (5) ~~(4)~~—An individual who makes a material false statement on  
7 a sales record under this section is guilty of a felony punishable  
8 by imprisonment for not more than 4 years or a fine of not more  
9 than \$2,500.00, or both.

10 (6) ~~(5)~~—The department of state police may promulgate rules to  
11 implement this section.

12 Sec. 5f. (1) An individual who is licensed under this act to  
13 carry a concealed pistol shall have his or her license to carry  
14 that pistol in his or her possession at all times he or she is  
15 carrying a concealed pistol.

16 (2) An individual who is licensed under this act to carry a  
17 concealed pistol and who is carrying a concealed pistol shall show  
18 both of the following to a peace officer upon request by that peace  
19 officer:

20 (a) His or her license to carry a concealed pistol.

21 (b) His or her driver license or Michigan personal  
22 identification card.

23 (3) An individual licensed under this act to carry a concealed  
24 pistol and who is carrying a concealed pistol and who is stopped by  
25 a peace officer shall immediately disclose to the peace officer  
26 that he or she is carrying a pistol concealed upon his or her  
27 person or in his or her vehicle.

1           (4) An individual who violates subsection (1) or (2) is  
2 responsible for a state civil infraction and may be fined not more  
3 than \$100.00.

4           (5) An individual who violates subsection (3) is responsible  
5 for a state civil infraction and may be fined as follows:

6           (a) For a first offense, by a fine of not more than \$500.00 or  
7 by the individual's license to carry a concealed pistol being  
8 suspended for 6 months, or both.

9           (b) For a subsequent offense within 3 years of a prior  
10 offense, by a fine of not more than \$1,000.00 and by the  
11 individual's license to carry a concealed pistol being revoked.

12           (6) If an individual is found responsible for a state civil  
13 infraction under this section, the court shall notify the  
14 department of state police and the concealed weapon licensing board  
15 that issued the license of that determination.

16           (7) A pistol carried in violation of this section is subject  
17 to immediate seizure by a peace officer. If a peace officer seizes  
18 a pistol under this subsection, the individual has 45 days in which  
19 to display his or her license or documentation to an authorized  
20 employee of the law enforcement entity that employs the peace  
21 officer. If the individual displays his or her license or  
22 documentation to an authorized employee of the law enforcement  
23 entity that employs the peace officer within the 45-day period, the  
24 authorized employee of that law enforcement entity shall return the  
25 pistol to the individual unless the individual is prohibited by law  
26 from possessing a firearm. If the individual does not display his  
27 or her license or documentation within the 45-day period, the

1 pistol is subject to forfeiture as provided in section 5g. A pistol  
2 is not subject to immediate seizure under this subsection if both  
3 of the following circumstances exist:

4 (a) The individual has his or her driver license or Michigan  
5 personal identification card in his or her possession when the  
6 violation occurs.

7 (b) The peace officer verifies through the law enforcement  
8 information network that the individual is licensed under this act  
9 to carry a concealed pistol.

10 (8) AS USED IN THIS SECTION, "PEACE OFFICER" INCLUDES A MOTOR  
11 CARRIER OFFICER APPOINTED UNDER SECTION 6D OF 1935 PA 59, MCL  
12 28.6D, AND SECURITY PERSONNEL EMPLOYED BY THE STATE UNDER SECTION  
13 6C OF 1935 PA 59, MCL 28.6C.

14 Sec. 12. (1) ~~Sections~~ SECTION 2 and 9 ~~do~~ DOES not apply to any  
15 of the following:

16 (a) A police or correctional agency of the United States or of  
17 this state or any subdivision of this state.

18 (b) The United States army, air force, navy, or marine corps.

19 (c) An organization authorized by law to purchase or receive  
20 weapons from the United States or from this state.

21 (d) The national guard, armed forces reserves, or other duly  
22 authorized military organization.

23 (e) A member of an entity or organization described in  
24 subdivisions (a) ~~to~~ THROUGH (d) for a pistol while engaged in the  
25 course of his or her duties with that entity or while going to or  
26 returning from those duties.

27 (f) A United States citizen holding a license to carry a

1 pistol concealed upon his or her person issued by another state.

2 (g) The regular and ordinary transportation of a pistol as  
3 merchandise by an authorized agent of a person licensed to  
4 manufacture firearms or a licensed dealer.

5 (h) Purchasing, owning, carrying, possessing, using, or  
6 transporting an antique firearm. As used in this subdivision,  
7 "antique firearm" means that term as defined in section 231a of the  
8 Michigan penal code, 1931 PA 328, MCL 750.231a.

9 (i) An individual carrying, possessing, using, or transporting  
10 a pistol belonging to another individual, if the other individual's  
11 ~~pistol is properly licensed and inspected under this act~~ **POSSESSION**  
12 **OF THE PISTOL IS AUTHORIZED BY LAW** and the individual carrying,  
13 possessing, using, or transporting the pistol has obtained a  
14 license under section 5b to carry a concealed pistol **OR IS EXEMPT**  
15 **FROM LICENSURE AS PROVIDED IN SECTION 12A.**

16 (2) The amendatory act that added subdivision (h) shall be  
17 known and may be cited as the "Janet Kukuk act".

18 Sec. 12b. ~~Sections~~ **SECTION 2** ~~and 9 do~~ **DOES** not apply to a  
19 signaling device ~~which~~ **THAT** is approved by the United States coast  
20 guard pursuant to regulations issued under ~~section 4488 of the~~  
21 ~~Revised Statutes of the United States,~~ 46 U.S.C. **USC** 481, or under  
22 ~~section 5 of the federal boat safety act of 1971, Public Law 92 75,~~  
23 46 U.S.C. **USC** 1454.

24 Enacting section 1. Section 9 of 1927 PA 372, MCL 28.429, is  
25 repealed.

26 Enacting section 2. This amendatory act takes effect 180 days  
27 after the date it is enacted into law.

1           Enacting section 3. This amendatory act does not take effect  
2 unless Senate Bill No. 371 of the 94th Legislature is enacted into  
3 law.