

Act No. 320  
Public Acts of 1990  
Approved by the Governor  
December 19, 1990  
Filed with the Secretary of State  
December 20, 1990

**STATE OF MICHIGAN  
85TH LEGISLATURE  
REGULAR SESSION OF 1990**

Introduced by Reps. Johnson, Bartnik, Alley, Hoffman, Stacey, Middaugh, Gnodtke, Profit and Hertel

# **ENROLLED HOUSE BILL No. 6009**

AN ACT to amend the title and sections 2 and 9 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; and to repeal all acts and parts of acts inconsistent with the provisions of this act," section 2 as amended by Act No. 161 of the Public Acts of 1986 and section 9 as amended by Act No. 262 of the Public Acts of 1986, being sections 28.422 and 28.429 of the Michigan Compiled Laws; and to add sections 2a, 9a, 9b, 9c, 9d, 10, and 11.

*The People of the State of Michigan enact:*

Section 1. The title and sections 2 and 9 of Act No. 372 of the Public Acts of 1927, section 2 as amended by Act No. 161 of the Public Acts of 1986 and section 9 as amended by Act No. 262 of the Public Acts of 1986, being sections 28.422 and 28.429 of the Michigan Compiled Laws, are amended and sections 2a, 9a, 9b, 9c, 9d, 10, and 11 are added to read as follows:

## **TITLE**

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.

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

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

(3) The commissioner or chief of police of a city, township, or village police department, or his or her duly authorized deputy, or the sheriff or his or her duly authorized deputy, in the parts of a county not included within a city, township, or village having an organized police department, may issue licenses to purchase, carry, or transport pistols to applicants residing within the city, village, township, or county, as applicable. A license shall not be granted under this section to any person unless all of the following circumstances exist:

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

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

(c) The person has not been convicted of a crime punishable by imprisonment for more than 1 year. This subdivision does not apply to a conviction that has been expunged or set aside, or for which the person has been pardoned or has had his or her civil rights restored unless the expungement, order, or pardon expressly provides that the person shall not ship, transport, possess, or receive firearms.

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

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

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

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

(4) Applications for licenses under this section shall be signed by the applicant under oath upon forms provided by the director. Licenses to purchase, carry, or transport pistols shall be executed in triplicate upon forms provided by the director and shall be signed by the licensing authority. Three copies of the license shall be delivered to the applicant by the licensing authority.

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

(6) One copy of the license shall be retained by the licensing authority as an official record for a period of 6 years. The other copy of the license shall be forwarded by the licensing authority within 48 hours to the director. A license shall be void unless used within 10 days after the date of its issue.

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

(8) As used in this section:

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

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

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

Sec. 2a. (1) Beginning July 1, 1991, a licensed dealer shall provide a basic pistol safety brochure to each individual who purchases a pistol from that dealer, and shall post in a conspicuous place information relating to the availability of known local voluntary pistol safety programs.

(2) The basic pistol safety brochure required under subsection (1) shall be produced and sold at cost by any state or national nonprofit membership organization that provides voluntary pistol safety programs that include training individuals in the safe handling and use of pistols.

(3) The inclusion with the pistol of a basic pistol safety brochure by a pistol manufacturer satisfies the requirements of this section.

(4) A basic pistol safety brochure shall contain, but not be limited to, information on all of the following subjects:

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

(b) Safe storage of pistols.

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

(d) The responsibilities of owning a pistol.

(5) A state or national organization that produces a basic pistol safety brochure for distribution to a licensed dealer for subsequent distribution to a purchaser of a pistol, or a licensed dealer who provides a basic pistol safety brochure to the purchaser of a pistol, is not liable for injuries resulting from the accidental discharge of a nondefective pistol purchased from that dealer.

(6) As used in this section, "licensed dealer" means a person licensed under section 923 of chapter 44 of title 18 of the United States Code who regularly buys and sells firearms as a commercial activity with the principal objective of livelihood and profit.

Sec. 9. (1) A person within the state who owns or comes into possession of a pistol shall, if he or she resides in a city, township, or village having an organized police department, present the pistol for safety inspection to the commissioner or chief of police of the city, township, or village police department or to a duly authorized deputy of the commissioner or chief of police. If that person resides in a part of the county not included within a city, township, or village having an organized police department, he or she shall present the pistol for safety inspection to the sheriff of the county or to a duly authorized deputy of the sheriff. If the person presenting the pistol is eligible to possess a pistol under section 2(1), a certificate of inspection shall be issued in triplicate on a form provided by the director of the department of state police, containing the name, age, address, description, and signature of the person presenting the pistol for inspection, together with a full description of the pistol. The original of the certificate shall be delivered to the registrant. The duplicate of the certificate shall be mailed within 48 hours to the director of the department of state police and filed and indexed by the department and kept as a permanent official record. The triplicate of the certificate shall be retained and filed in the office of the sheriff, commissioner, or chief of police. This section does not apply to a wholesale or retail dealer in firearms who regularly engages in the business of selling pistols at retail, or to a person who holds a collection of pistols kept solely for the purpose of display as relics, curios, or antiques, and that are not made for modern ammunition or are permanently deactivated.

(2) A person who presents a pistol for a safety inspection under subsection (1) shall ensure that the pistol is unloaded and that the pistol is equipped with a trigger lock or other disabling mechanism or encased when the pistol is presented for inspection. A person who violates this subsection is responsible for a civil violation and may be fined not more than \$50.00.

Sec. 9a. (1) The basic pistol safety review board is created in the department of state police. The board shall consist of the following members:

- (a) The director of the department of state police or his or her representative.
- (b) The director of the department of natural resources or his or her representative.
- (c) One person appointed by the governor with the advice and consent of the senate representing the interests of organizations involved in shooting sports.
- (d) One person appointed by the governor with the advice and consent of the senate representing the interests of a statewide conservation organization.
- (e) One person appointed by the governor with the advice and consent of the senate representing the interests of the public.

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

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

(a) Approve a pamphlet on basic pistol safety for distribution to entities authorized to issue licenses under section 2.

(b) Approve basic pistol safety questionnaires for distribution to entities authorized to issue licenses under section 2. The board shall approve a questionnaire under this subdivision only if both of the following circumstances exist:

(i) The questionnaire only addresses material covered in the pamphlet approved pursuant to subdivision (a).

(ii) The questionnaire reasonably examines the knowledge of pistol safety of individuals who are required to answer questionnaires.

(c) Upon the expiration of 90 days after the effective date of the amendatory act that added this section, provide the department of state police with master copies of the basic pistol safety pamphlet and basic pistol safety questionnaires for printing by the department of state police and for distribution by the department of state police to entities authorized to issue licenses under section 2.

Sec. 9b. The department of state police shall print the basic pistol safety pamphlet and basic pistol safety questionnaires approved by the basic pistol safety review board, and shall distribute the pamphlet and the questionnaires free of charge to entities authorized to issue licenses under section 2. The department of state police shall distribute copies of the basic pistol safety pamphlet and the questionnaires within 90 days after the department of state police receives the master copies from the basic pistol safety review board.

Sec. 9c. Entities authorized to issue licenses under section 2 shall distribute a basic pistol safety pamphlet received by that entity from the department of state police free of charge to each person who requests a copy of the pamphlet.

Sec. 9d. A firearm that is possessed in violation of this act is subject to forfeiture.

Sec. 10. (1) A person who owns a firearm shall, within 5 days after he or she knows his or her firearm is stolen, report the theft to a police agency having jurisdiction over that theft.

(2) A person who fails to report the theft of a firearm as required under subsection (1) is responsible for a civil violation and may be fined not more than \$500.00.

Sec. 11. Before January 1, 1995, the director of the state police shall, if sufficient money is appropriated by the legislature, by rules promulgated by the department of state police, provide a system for the expeditious review of the criminal histories of individuals who purchase firearms and file with the legislature a written report of his or her findings and conclusions.

Section 2. This amendatory act shall not take effect unless all of the following bills of the 85th Legislature are enacted into law:

(a) House Bill No. 5366.

(b) House Bill No. 5437.

(c) House Bill No. 6010.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.