

HOUSE BILL No. 4038

February 1, 1989, Introduced by Rep. Middaugh and referred to the Committee on Judiciary.

A bill to amend section 6 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,"

as amended by Act No. 295 of the Public Acts of 1984, being section 28.426 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 6 of Act No. 372 of the Public Acts of
2 1927, as amended by Act No. 295 of the Public Acts of 1984, being
3 section 28.426 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 6. (1) The prosecuting attorney — AND the sheriff
6 — OF A COUNTY and the director of the department of state

1 police, or their ~~respective~~ authorized deputies, shall
2 constitute ~~boards~~ A BOARD exclusively authorized to issue a
3 license AND A RENEWAL LICENSE to ~~an applicant~~ A PERSON residing
4 within ~~their respective counties,~~ THE COUNTY to carry a pistol
5 concealed on the person and to carry a pistol, whether concealed
6 or otherwise, in a vehicle operated or occupied by the
7 ~~applicant~~ PERSON. The county clerk of ~~each~~ THE county shall
8 be clerk of the licensing board, which ~~board~~ shall be known as
9 the concealed weapon licensing board.

10 (2) A license OR A RENEWAL LICENSE to carry a pistol con-
11 cealed on the person or to carry a pistol, whether concealed or
12 otherwise, in a vehicle operated or occupied by the person apply-
13 ing for the license, shall not be granted to a person unless the
14 person is 18 years of age or older, is a citizen of the United
15 States, and has resided in this state 6 months or more. A
16 license OR A RENEWAL LICENSE shall not be issued unless it
17 appears that the applicant has good reason to fear injury to his
18 or her person or property, or has other proper reasons, and is a
19 suitable person to be licensed.

20 (3) A license OR A RENEWAL LICENSE shall not be issued to a
21 person who was convicted of a felony or confined for a felony
22 conviction in this state or elsewhere during the 8-year period
23 immediately preceding the date of the application or was adjudged
24 insane unless the person ~~was~~ IS restored to sanity and ~~so~~ IS
25 declared by court order TO BE RESTORED TO SANITY.

26 (4) ~~(2)~~ If an applicant FOR AN INITIAL LICENSE resides in
27 a city, village, or township having an organized department of

1 police, ~~a~~ AN INITIAL license shall not be issued unless the
2 application is first approved in writing by the supervisor, com-
3 missioner or chief of police, or marshal. If ~~an~~ THE applica-
4 tion is not approved by the supervisor, commissioner or chief of
5 police, or marshal, the applicant shall have 10 days to appeal,
6 in writing, to the concealed weapon licensing board in the county
7 in which the applicant resides. Upon receipt of a written
8 appeal, the concealed weapon licensing board at the next sched-
9 uled meeting to be held not less than 15 days after the receipt
10 of the fingerprint comparison report REQUIRED UNDER
11 SUBSECTION (6) shall hold a hearing to determine if the applicant
12 is qualified to carry a concealed weapon pursuant to this
13 section. Notice of the hearing shall be mailed to the applicant
14 and the organized department of police not less than 10 days
15 before the scheduled hearing. The applicant shall deposit the
16 sum of \$10.00 with the county clerk at the time the appeal is
17 made. If, upon appeal, ~~a~~ AN INITIAL license is not issued, the
18 deposit shall be credited to the general fund of the county. If
19 ~~a~~ AN INITIAL license is issued, the deposit shall be processed
20 as the license fee required under subsection ~~(6)~~ (8).

21 (5) ~~(3)~~ If an applicant FOR AN INITIAL LICENSE does not
22 reside in a city, village, or township which has an organized
23 department of police, ~~a~~ AN INITIAL license shall not be issued
24 unless the application is first submitted to the supervisor of
25 the township in which the applicant resides for approval or
26 objection. The supervisor shall indicate in writing on the
27 application whether he or she objects to ~~the~~ AN INITIAL license

1 being issued. If action is not taken by a supervisor within 14
2 days after the application is submitted to the supervisor, the
3 concealed weapon licensing board shall consider the application
4 as if a statement of no objection had been included. If the
5 supervisor objects to the application in writing, the applicant
6 within 10 days may appeal to the concealed weapon licensing board
7 of the county in which the applicant resides. Upon receipt of a
8 written appeal, the concealed weapon licensing board at the next
9 scheduled meeting to be held not less than 15 days after the
10 receipt of the fingerprint comparison report REQUIRED UNDER
11 SUBSECTION (6) shall hold a hearing to determine if the applicant
12 is qualified to carry a concealed weapon pursuant to this
13 section. Notice of the hearing shall be mailed to the applicant
14 and the supervisor of the township not less than 10 days before
15 the scheduled hearing. The applicant shall deposit the sum of
16 \$10.00 with the county clerk at the time the appeal is made. If,
17 upon appeal, ~~a~~ AN INITIAL license is not issued, the deposit
18 shall be credited to the general fund of the county. If ~~a~~ AN
19 INITIAL license is issued, the deposit shall be processed as the
20 license fee required under subsection ~~(6)~~ (8).

21 (6) ~~(4) An~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSEC-
22 TION, AN applicant FOR AN INITIAL OR RENEWAL LICENSE shall have 2
23 sets of fingerprints taken by the sheriff ~~, or the sheriff's~~
24 ~~authorized representative,~~ of the county in which the applicant
25 resides OR THE SHERIFF'S AUTHORIZED REPRESENTATIVE, if the appli-
26 cant does not reside in a city, village, or township having an
27 organized department of police, or by the commissioner or chief

1 of police, or marshal, or an authorized representative of the
2 commissioner or chief of police or marshal, if the applicant
3 resides within a city, village, or township having an organized
4 department of police. The first set of fingerprints shall be
5 taken on forms furnished by the department of state police, and
6 the second set on forms furnished by the federal bureau of
7 investigation. The first set of fingerprints shall be forwarded
8 to the department of state police by the department taking the
9 prints, and the second set shall be forwarded by the department
10 taking the fingerprints to the federal bureau of investigation or
11 other agency designated by the federal bureau of investigation.
12 The director of the ~~bureau of identification~~ CENTRAL RECORDS
13 DIVISION of the department of state police shall compare the fin-
14 gerprints with those already on file in the ~~bureau.~~ A CENTRAL
15 RECORDS DIVISION. ~~A~~ AN INITIAL OR RENEWAL license shall not be
16 issued ~~unless and~~ until A report is received by the clerk of
17 the board from the department of state police and the federal
18 bureau of investigation that the comparisons do not show a con-
19 viction of a felony or confinement for a felony conviction during
20 the 8-year period IMMEDIATELY PRECEDING THE DATE OF THE
21 APPLICATION. IF AN APPLICANT FOR A RENEWAL LICENSE HAS BEEN FIN-
22 GERPRINTED PREVIOUSLY IN ACCORDANCE WITH THIS ACT, THE FINGER-
23 PRINTS ARE ON FILE WITH THE CENTRAL RECORDS DIVISION OF THE
24 DEPARTMENT OF STATE POLICE AND THE FEDERAL BUREAU OF INVESTIGA-
25 TION, AND THE APPLICANT HAS NOT BEEN CONVICTED OF A MISDEMEANOR
26 DURING THE 3-YEAR PERIOD IMMEDIATELY PRECEDING THE APPLICATION
27 FOR THE RENEWAL LICENSE, REFERENCE TO THE FINGERPRINTS ON FILE

1 MAY BE SUBMITTED IN ACCORDANCE WITH RULES PERTAINING TO
2 FINGERPRINTS PROMULGATED BY THE DIRECTOR OF THE DEPARTMENT OF
3 STATE POLICE, INSTEAD OF HAVING FINGERPRINTS TAKEN AGAIN PURSUANT
4 TO THIS SUBSECTION. The board may grant a temporary permit in
5 case of emergency pending the results of the comparisons. The
6 temporary permit shall be issued for a period not to exceed 30
7 days and shall expire automatically at the end of the period for
8 which it was issued. Upon receipt of the report from the federal
9 bureau of investigation of the comparison, the ~~bureau of~~
10 ~~identification~~ CENTRAL RECORDS DIVISION of the department of
11 state police shall forward a report of both comparisons to the
12 officer taking the prints and also to the county clerk of the
13 county in which the applicant resides, who as clerk of the board
14 shall keep a record of the report and shall report to the board.
15 The fingerprints received under this section shall be filed in
16 the ~~bureau of identification~~ CENTRAL RECORDS DIVISION of the
17 department of state police in the noncriminal section of the
18 files.

19 (7) ~~(5)~~ The application for ~~a~~ AN INITIAL OR A RENEWAL
20 license shall state the reason or reasons for the necessity or
21 desirability of carrying a pistol concealed on the person or a
22 pistol, whether concealed or otherwise, in a vehicle operated or
23 occupied by the person applying for the license, and the license,
24 if issued, shall be restricted to the reason or reasons satisfac-
25 tory to the board, which restriction or restrictions shall appear
26 on the face of the license in a conspicuous place. The INITIAL
27 license OR RENEWAL LICENSE shall be an authorization to carry a

1 pistol in compliance with this section only to the extent
2 contained ~~in~~ ON the face of the license and the license shall
3 be revoked by the board if the pistol is carried contrary to the
4 authorization.

5 (8) ~~(6)~~ The prosecuting attorney shall be the chairperson
6 of the board, which shall convene at least once in each calendar
7 month and at other times as the board is called to convene by the
8 chairperson. Each INITIAL license OR RENEWAL LICENSE shall be
9 issued only upon written application signed by the applicant and
10 on oath and upon a form provided by the director of the depart-
11 ment of state police. Each INITIAL license OR RENEWAL LICENSE
12 shall be issued only with the approval of a majority of the mem-
13 bers of the board, ~~and~~ shall be executed in triplicate upon
14 forms provided by the director of the department of state police,
15 and shall be signed in the name of the concealed weapon licensing
16 board by the county clerk with the seal of the circuit court
17 affixed to the license. ~~The~~ BEFORE ISSUING AN INITIAL LICENSE
18 OR A RENEWAL LICENSE, THE county clerk shall ~~first~~ collect a
19 licensing fee of \$10.00 from the applicant for each license
20 delivered to the applicant. One copy of the INITIAL license OR
21 RENEWAL LICENSE shall be delivered to the applicant, the dupli-
22 cate shall be retained by the county clerk as a permanent offi-
23 cial record for a period of 6 years, and the triplicate of the
24 license shall be forwarded within 48 hours to the director of the
25 department of state police who shall file and index each license
26 received and retain it as a permanent official record for a
27 period of 6 years. ~~A~~ AN INITIAL license OR A RENEWAL LICENSE

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

18 (9) ~~(7)~~ The county clerk may issue a copy of ~~a~~ AN
19 INITIAL license OR A RENEWAL LICENSE issued pursuant to this sec-
20 tion for a fee of \$3.00 which fee shall be paid into the general
21 fund of the county.

22 (10) ~~(8)~~ A charter county may impose by ordinance a dif-
23 ferent amount for ~~the~~ AN INITIAL concealed weapon licensing fee
24 OR RENEWAL LICENSING FEE prescribed by subsection ~~(6)~~ (8). A
25 charter county shall not impose a fee which is greater than the
26 cost of the service for which the fee is charged.