

HOUSE BILL No. 4163

February 14, 1989, Introduced by Reps. Leland, Perry Bullard, Gubow, Webb, Jondahl, Clack, Weeks, Hunter, Bennane, Hertel, Ciaramitaro, Bandstra, Bankes, Miller, Joe Young, Jr., DeMars, Stallworth, Saunders and Joe Young, Sr. and referred to the Committee on Judiciary.

A bill to amend the title and section 2 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. 161 of the Public Acts of 1986, being section 28.422 of the Michigan Compiled Laws; and to add section 3.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and section 2 of Act No. 372 of the
2 Public Acts of 1927, as amended by Act No. 161 of the Public Acts
3 of 1986, being section 28.422 of the Michigan Compiled Laws, are
4 amended and section 3 is added to read as follows:

1 TITLE

2 An act to regulate and license the selling, purchasing, pos-
3 sessing, and carrying of certain firearms and gas ejecting
4 devices; to prohibit the buying, selling, or carrying of certain
5 firearms and gas ejecting devices without a license; TO PRESCRIBE
6 THE POWERS AND DUTIES OF CERTAIN STATE AND LOCAL OFFICERS AND
7 AGENCIES; and to repeal all acts and parts of acts inconsistent
8 with the provisions of this act.

9 Sec. 2. (1) A person shall not purchase, carry, or trans-
10 port a pistol without first having obtained a license ~~therefor~~
11 FOR THE PISTOL as prescribed in this section, except that any
12 person who brings a pistol into this state and who is either on
13 leave from active duty with the armed forces of the United States
14 or who has been discharged from such active duty shall obtain a
15 license for the pistol within 5 days after his or her arrival in
16 this state. The commissioner or chief of police of a city, town-
17 ship, or village ~~—~~ having an organized police department, or
18 the ~~duly~~ authorized deputy of the commissioner or chief of
19 police; and the sheriff, or ~~a duly~~ AN authorized deputy of the
20 sheriff, in the parts of a county not included within ~~such~~
21 cities, townships, or villages ~~—~~ having an organized police
22 department, may issue licenses to purchase, carry, or transport
23 pistols to applicants residing within the city, village, town-
24 ship, or county, as applicable. A license shall not be granted
25 under this section to any person unless the applicant meets all
26 of the following REQUIREMENTS:

(a) Is 18 years of age or over.

(b) Is a citizen of the United States and has resided in this state 6 months or more.

(c) Has not been convicted of a felony or has not been incarcerated as a result of a felony conviction in this state or elsewhere during the 8-year period immediately preceding the date of application.

(d) Has not been adjudged insane in this state or elsewhere unless he or she has been restored to sanity AND DECLARED by court order TO BE RESTORED TO SANITY.

(E) HAS SUCCESSFULLY COMPLETED A PISTOL SAFETY COURSE IF REQUIRED PURSUANT TO SECTION 3.

(2) ~~Applications for licenses~~ AN APPLICATION FOR A LICENSE under this section shall be signed by the applicant under oath upon ~~forms~~ A FORM provided by the director. ~~Licenses~~ UPON APPLICATION FOR A LICENSE, AN APPLICANT SHALL BE PROVIDED WITH BASIC INTRODUCTORY MATERIALS PERTAINING TO THE CONTENT OF PISTOL SAFETY COURSES PREPARED PURSUANT TO SECTION 3.

(3) A LICENSE to purchase, carry, or transport ~~pistols~~ A PISTOL shall be executed in triplicate upon ~~forms~~ A FORM provided by the director and shall be signed by the licensing authority. Three copies of ~~such~~ THE license shall be delivered to the applicant by the licensing authority.

(4) ~~(3)~~ Upon the sale of the pistol, the seller shall fill out the license forms, ~~describing~~ INCLUDING A DESCRIPTION OF the pistol sold ~~, together with~~ AND the date of sale, and sign his or her name in ink, indicating that ~~such~~ THE pistol was

1 sold to the licensee. The licensee shall also sign his or her
2 name in ink, indicating the purchase of ~~such~~ THE pistol from
3 the seller. The seller may retain a copy of the license as a
4 record of the sale of the pistol. The licensee shall return
5 2 copies of the license to the licensing authority within 10 days
6 following the purchase of the pistol.

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

12 (6) ~~(5)~~ This section does not apply to the purchase of
13 pistols from wholesalers by dealers regularly engaged in the
14 business of selling pistols at retail, nor to the sale, barter,
15 or exchange of pistols kept solely as relics, curios, or antiques
16 not made for modern ammunition or permanently deactivated. This
17 section does not ~~prevent~~ PROHIBIT the transfer of ownership of
18 pistols which are inherited if the license to purchase is
19 approved by the commissioner or chief of police, sheriff, or
20 their authorized deputies, and signed by the personal representa-
21 tive of the estate or by the next of kin having authority to dis-
22 pose of the pistol.

23 (7) ~~(6)~~ As used in this section, "director" means the
24 director of the department of state police.

25 (8) ~~(7)~~ A person who forges any matter on an application
26 for a license under this section is guilty of a felony.

1 SEC. 3. (1) AS USED IN THIS SECTION:

2 (A) "APPLICANT" MEANS A PERSON WHO APPLIES FOR A LICENSE TO
3 PURCHASE, CARRY, OR TRANSPORT A PISTOL UNDER SECTION 2.

4 (B) "LAW ENFORCEMENT AGENCY" MEANS A FULL-TIME POLICE AGENCY
5 OF A CITY, VILLAGE, OR TOWNSHIP.

6 (C) "LAW ENFORCEMENT COUNCIL" MEANS THE COUNCIL CREATED IN
7 THE MICHIGAN LAW ENFORCEMENT OFFICERS TRAINING COUNCIL ACT OF
8 1965, ACT NO. 203 OF THE PUBLIC ACTS OF 1965, BEING SECTIONS
9 28.601 TO 28.616 OF THE MICHIGAN COMPILED LAWS.

10 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (9), BEFORE
11 OBTAINING A LICENSE UNDER SECTION 2, AN APPLICANT SHALL COMPLETE
12 A PISTOL SAFETY COURSE AND TAKE A TEST INDICATING THAT THE APPLI-
13 CANT HAS RECEIVED INSTRUCTION IN THE SAFE HANDLING, STORING,
14 CLEANING, AND DISCHARGING OF A PISTOL AND INFORMATION REGARDING
15 LAWS RELATED TO PISTOL OWNERSHIP.

16 (3) THE OFFICE OF CRIMINAL JUSTICE WITHIN THE DEPARTMENT OF
17 MANAGEMENT AND BUDGET, IN COORDINATION WITH THE LAW ENFORCEMENT
18 COUNCIL, SHALL DEVELOP AND DISTRIBUTE TRAINING MATERIALS FOR A
19 PISTOL SAFETY COURSE FOR APPLICANTS. THE COURSE SHALL INCLUDE
20 INSTRUCTION IN THE SAFE HANDLING, STORING, CLEANING, AND DIS-
21 CHARGING OF A PISTOL AND INFORMATION REGARDING LAWS RELATED TO
22 PISTOL OWNERSHIP.

23 (4) A PISTOL SAFETY COURSE REQUIRED BY THIS SECTION SHALL BE
24 DESIGNED FOR, AND CONDUCTED IN, A SINGLE SESSION LASTING NOT LESS
25 THAN 2 HOURS NOR MORE THAN 6 HOURS.

26 (5) PISTOL SAFETY COURSES SHALL BE SPONSORED BY EACH
27 SHERIFF'S DEPARTMENT AND MAY BE SPONSORED BY ANY LAW ENFORCEMENT

1 AGENCY. A PISTOL SAFETY COURSE SHALL BE CONDUCTED BY A LAW
2 ENFORCEMENT OFFICER IN COMPLIANCE WITH THE COURSE DEVELOPED PUR-
3 SUANT TO SUBSECTION (3).

4 (6) A SHERIFF'S DEPARTMENT OR LAW ENFORCEMENT AGENCY CON-
5 DUCTING A PISTOL SAFETY COURSE SHALL ISSUE TO EACH APPLICANT WHO
6 COMPLETES A PISTOL SAFETY COURSE A "CERTIFICATE OF COURSE
7 COMPLETION" SIGNED BY THE INSTRUCTOR ON A FORM PROVIDED BY THE
8 OFFICE OF CRIMINAL JUSTICE.

9 (7) PISTOL SAFETY COURSES SHALL BE OFFERED BY THE SHERIFF'S
10 DEPARTMENT IN EACH COUNTY ONCE A MONTH, OR AS FREQUENTLY AS IS
11 NECESSARY TO ENSURE THAT LICENSES UNDER SECTION 2 ARE ISSUED IN A
12 TIMELY MANNER WITHIN EACH COUNTY.

13 (8) THE APPLICANT MAY PRESENT THE CERTIFICATE OF COURSE COM-
14 PLETION ISSUED PURSUANT TO SUBSECTION (6) TO ANY LAW ENFORCEMENT
15 AGENCY AUTHORIZED TO ISSUE A LICENSE TO THAT APPLICANT UNDER
16 SECTION 2. AN AUTHORIZED LAW ENFORCEMENT AGENCY SHALL HONOR A
17 VALID CERTIFICATE OF COURSE COMPLETION REGARDLESS OF THE COUNTY
18 IN WHICH THE APPLICANT COMPLETED THE COURSE.

19 (9) THE REQUIREMENTS OF THIS SECTION DO NOT APPLY TO THE
20 FOLLOWING INDIVIDUALS:

21 (A) AN APPLICANT WHO ESTABLISHES THAT ON A PRIOR OCCASION HE
22 OR SHE SUCCESSFULLY COMPLETED A COURSE THAT IS EQUIVALENT TO THE
23 PISTOL SAFETY COURSE DEVELOPED PURSUANT TO THIS SECTION.

24 (B) A POLICE OFFICER AS DEFINED IN SECTION 2 OF THE MICHIGAN
25 LAW ENFORCEMENT OFFICERS TRAINING COUNCIL ACT OF 1965, ACT
26 NO. 203 OF THE PUBLIC ACTS OF 1965, BEING SECTIONS 28.601 TO
27 28.616 OF THE MICHIGAN COMPILED LAWS.

1 (C) A FULL-TIME EMPLOYEE OF THE DEPARTMENT OF CORRECTIONS
2 WHO IS AUTHORIZED BY THE DIRECTOR OF THE DEPARTMENT OF CORREC-
3 TIONS TO CARRY A CONCEALED WEAPON DURING THE PERFORMANCE OF HIS
4 OR HER DUTIES.

5 (10) THE LAW ENFORCEMENT TRAINING COUNCIL, A SHERIFF'S
6 DEPARTMENT, AND A LAW ENFORCEMENT AGENCY SHALL BE IMMUNE FROM
7 CIVIL LIABILITY IN REGARD TO THE IMPLEMENTATION OF THIS SECTION.

8 (11) A SHERIFF'S DEPARTMENT AND A LAW ENFORCEMENT AGENCY MAY
9 CHARGE A FEE FOR CONDUCTING A PISTOL SAFETY COURSE. THE FEE
10 CHARGED SHALL NOT EXCEED THE ACTUAL COST OF SPONSORING AND CON-
11 DUCTING THE COURSE.