

HOUSE BILL No. 5357

December 12, 1989, Introduced by Reps. Kosteva, Bartnik, Berman, Profit, Gubow, DeMars, Weeks, Wallace, Stallworth, Porreca, Richard A. Young, Emerson, Jonker, Pitoniak, Leland, Jondahl, Hood, Bennane, O'Neill, Perry Bullard, Hart, Barns, Owen, Kilpatrick, Saunders, Harrison and Brown and referred to the Committee on Tourism, Fisheries and Wildlife.

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,"

section 2 as amended by Act No. 161 of the Public Acts of 1986, being section 28.422 of the Michigan Compiled Laws.

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, section 2 as amended by Act No. 161 of the
3 Public Acts of 1986, being section 28.422 of the Michigan
4 Compiled Laws, are amended 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 AGENCIES AND DEPARTMENTS;
7 and to repeal all acts and parts of acts inconsistent with the
8 provisions of this act.

9 Sec. 2. (1) ~~A~~ EXCEPT AS PROVIDED IN SUBSECTION (2), A
10 person shall not purchase, carry, or transport a ~~pistol~~ FIREARM
11 without first having obtained a license ~~therefor as prescribed~~
12 ~~in~~ UNDER this section. ~~, except that any person who brings a~~
13 ~~pistol into this state and~~

14 (2) A PERSON who is ~~either~~ on leave from active duty with
15 the armed forces of the United States or who has been discharged
16 from ~~such~~ active duty WITH THE ARMED FORCES OF THE UNITED
17 STATES WHO BRINGS A FIREARM INTO THIS STATE shall obtain a
18 license for the ~~pistol~~ FIREARM within 5 days after ~~his or her~~
19 ~~arrival~~ HE OR SHE ARRIVES in this state.

20 (3) The commissioner or chief of police of a city, township,
21 or village ~~, having an organized~~ police department, or the duly
22 authorized deputy of the commissioner or chief of police; and the
23 sheriff, or a duly authorized deputy of the sheriff, in the parts
24 of a county not included within ~~such cities, townships, or~~
25 ~~villages~~, A CITY, TOWNSHIP, OR VILLAGE having an organized
26 police department, may issue licenses to purchase, carry, or
27 transport ~~pistols~~ FIREARMS to applicants residing within the

1 city, village, township, or county, as applicable. A license
2 shall not be granted under this section to any person unless ~~the~~
3 ~~applicant meets~~ all of the following CIRCUMSTANCES EXIST:

4 (a) ~~is~~ THE APPLICANT IS 18 years of age or over.

5 (b) ~~is~~ THE APPLICANT IS a citizen of the United States and
6 has resided in this state FOR 6 months or ~~more~~ LONGER.

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

11 (C) ~~(d) Has~~ THE APPLICANT HAS not been adjudged insane in
12 this state or elsewhere ~~unless~~ OR he or she has been ADJUDGED
13 restored to sanity by court order.

14 (D) THE LICENSING AUTHORITY HAS CONDUCTED A CRIMINAL HISTORY
15 INVESTIGATION OF THE APPLICANT THROUGH THE LAW ENFORCEMENT INFOR-
16 MATION NETWORK AND DETERMINED THAT THE APPLICANT HAS NOT BEEN
17 CONVICTED OF A FELONY IN THIS STATE OR ELSEWHERE DURING THE
18 8-YEAR PERIOD IMMEDIATELY PRECEDING THE DATE OF APPLICATION, AND
19 HAS NOT BEEN INCARCERATED DURING THE 8-YEAR PERIOD IMMEDIATELY
20 PRECEDING THE DATE OF APPLICATION FOR A FELONY CONVICTION IN THIS
21 STATE OR ELSEWHERE.

22 (E) THE LICENSING AUTHORITY HAS COLLECTED A \$2.00 FEE FROM
23 THE APPLICANT.

24 (4) EACH LICENSING AUTHORITY SHALL COLLECT AN APPLICATION
25 FEE UNDER SUBSECTION (3)(E) AND SHALL FORWARD THAT FEE TO THE
26 DEPARTMENT OF TREASURY IN THE TIME AND IN THE MANNER PRESCRIBED
27 BY THE DEPARTMENT OF TREASURY. THE DEPARTMENT OF TREASURY SHALL

1 IMMEDIATELY DEPOSIT ALL FEES RECEIVED PURSUANT TO THIS SUBSECTION
2 IN THE GENERAL FUND.

3 (5) ~~(2)~~ Applications for licenses under this section shall
4 be signed by the applicant under oath upon forms provided by the
5 director. Licenses to purchase, carry, or transport ~~pistols~~
6 FIREARMS shall be executed in triplicate upon forms provided by
7 the director and shall be signed by the licensing authority.
8 Three copies of ~~such~~ THE license shall be delivered to the
9 applicant by the licensing authority.

10 (6) ~~(3)~~ Upon the sale of ~~the pistol~~ A FIREARM, the
11 seller shall fill out the license forms describing the ~~pistol~~
12 FIREARM sold, together with the date of sale, and sign his or her
13 name in ink indicating that ~~such pistol~~ THE FIREARM was sold to
14 the licensee. The licensee shall also sign his or her name in
15 ink indicating the purchase of ~~such pistol~~ THE FIREARM from the
16 seller. The seller may retain a copy of the license as a record
17 of the sale of the ~~pistol~~ FIREARM. The licensee shall return
18 2 copies of the license to the licensing authority within 10 days
19 ~~following the purchase of~~ AFTER HE OR SHE PURCHASES the
20 ~~pistol~~ FIREARM.

21 (7) ~~(4)~~ One copy of the license shall be retained by the
22 licensing authority as ~~a permanent~~ AN official record for a
23 period of 6 years. ~~and the~~ THE other copy OF THE LICENSE shall
24 be forwarded TO THE DIRECTOR by the licensing authority within
25 48 hours ~~to the director~~ AFTER THE LICENSE IS RECEIVED BY THE
26 LICENSING AUTHORITY. A license ~~shall be~~ IS void unless THE

1 LICENSE IS used within 10 days after the ~~date of its issue~~

2 LICENSE IS ISSUED.

3 (8) ~~(5)~~ This section does not apply to the purchase of
4 ~~pistols~~ FIREARMS from wholesalers by dealers regularly engaged
5 in the business of selling ~~pistols~~ FIREARMS at retail, ~~nor~~ OR
6 to the sale, barter, or exchange of ~~pistols~~ FIREARMS kept
7 solely as relics, curios, or antiques, IF THOSE FIREARMS ARE not
8 made for modern ammunition or ARE permanently deactivated. This
9 section does not prevent the transfer of ownership of ~~pistols~~
10 FIREARMS which are inherited if the license to purchase is
11 approved by the commissioner or chief of police, sheriff, or
12 ~~their~~ AN authorized ~~deputies~~ DEPUTY OF THE COMMISSIONER OR
13 CHIEF OF POLICE OR SHERIFF, and signed by the personal represen-
14 tative of the estate or by the next of kin having authority to
15 dispose of the ~~pistol~~ FIREARM.

16 (9) ~~(6)~~ As used in this section, "director" means the
17 director of the department of state police.

18 (10) ~~(7)~~ A person who forges any matter on an application
19 for a license under this section is guilty of a felony.

20 (11) A PERSON WHO KNOWINGLY MAKES A FALSE STATEMENT REGARD-
21 ING A MATERIAL FACT ON AN APPLICATION FOR A LICENSE UNDER THIS
22 SECTION IS GUILTY OF A FELONY.