

HOUSE BILL No. 6009

September 13, 1990, Introduced by Reps. Johnson, Bartnik, Alley, Hoffman, Stacey, Middaugh, Gnodtke, Profit and Hertel and referred to the Committee on Tourism, Fisheries and Wildlife.

A bill to amend 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.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2 and 9 of Act No. 372 of the Public
2 Acts of 1927, section 2 as amended by Act No. 161 of the Public
3 Acts of 1986 and section 9 as amended by Act No. 262 of the

1 Public Acts of 1986, being sections 28.422 and 28.429 of the
2 Michigan Compiled Laws, are amended to read as follows:

3 Sec. 2. (1) ~~A~~ EXCEPT AS PROVIDED IN SUBSECTION (2), A
4 person shall not purchase, carry, or transport a pistol IN THIS
5 STATE without first having obtained a license ~~therefor~~ FOR THE
6 PISTOL as prescribed in this section. ~~,except that any~~

7 (2) A person who brings a pistol into this state ~~and~~ who
8 is ~~either~~ on leave from active duty with the armed forces of
9 the United States or who has been discharged from ~~such~~ active
10 duty WITH THE ARMED FORCES OF THE UNITED STATES shall obtain a
11 license for the pistol within 5 days after his or her arrival in
12 this state.

13 (3) The commissioner or chief of police of a city, township,
14 or village ~~,having an organized~~ police department, or ~~the~~
15 HIS OR HER duly authorized deputy, ~~of the commissioner or chief~~
16 ~~of police, and~~ OR the sheriff ~~,~~ or ~~a~~ HIS OR HER duly autho-
17 rized deputy, ~~of the sheriff,~~ in the parts of a county not
18 included within ~~such cities, townships, or villages,~~ A CITY,
19 TOWNSHIP, OR VILLAGE having an organized police department, may
20 issue licenses to purchase, carry, or transport pistols to appli-
21 cants residing within the city, village, township, or county, as
22 applicable. A license shall not be granted under this section to
23 any person unless ~~the applicant meets~~ all of the following
24 CIRCUMSTANCES EXIST:

25 (a) ~~is~~ THE PERSON IS 18 years of age or over OR, IF THE
26 SELLER IS LICENSED PURSUANT TO SECTION 923 OF TITLE XVIII OF THE
27 UNITED STATES CODE, 81 U.S.C. 923, IS 21 YEARS OF AGE OR OLDER.

1 (b) ~~Is~~ THE PERSON IS a citizen of the United States and
2 has resided in this state 6 months or more.

3 (c) ~~Has~~ EXCEPT AS PROVIDED IN SUBSECTION (11), THE PERSON
4 HAS not been convicted of a ~~felony or has not been incarcerated~~
5 ~~as a result of a felony conviction in this state or elsewhere~~
6 ~~during the 8 year period immediately preceding the date of~~
7 ~~application~~ CRIME PUNISHABLE BY IMPRISONMENT FOR MORE THAN 1
8 YEAR. THIS SUBDIVISION DOES NOT APPLY TO A CONVICTION THAT HAS
9 BEEN EXPUNGED OR SET ASIDE, OR FOR WHICH THE PERSON HAS BEEN PAR-
10 DONED OR HAS HAD HIS OR HER CIVIL RIGHTS RESTORED UNLESS THE
11 EXPUNGEMENT, ORDER, OR PARDON EXPRESSLY PROVIDES THAT THE PERSON
12 SHALL NOT SHIP, TRANSPORT, POSSESS, OR RECEIVE FIREARMS.

13 (d) ~~Has~~ THE PERSON HAS not been adjudged insane in this
14 state or elsewhere unless he or she has been ADJUDGED restored to
15 sanity by court order.

16 (4) ~~(2)~~ Applications for licenses under this section shall
17 be signed by the applicant under oath upon forms provided by the
18 director. Licenses to purchase, carry, or transport pistols
19 shall be executed in triplicate upon forms provided by the direc-
20 tor and shall be signed by the licensing authority. Three copies
21 of ~~such~~ THE license shall be delivered to the applicant by the
22 licensing authority.

23 (5) ~~(3)~~ Upon the sale of the pistol, the seller shall fill
24 out the license forms describing the pistol sold, together with
25 the date of sale, and sign his or her name in ink indicating that
26 ~~such~~ THE pistol was sold to the licensee. The licensee shall
27 also sign his or her name in ink indicating the purchase of

1 ~~such~~ THE pistol from the seller. The seller may retain a copy
2 of the license as a record of the sale of the pistol. The
3 licensee shall return 2 copies of the license to the licensing
4 authority within 10 days following the purchase of the pistol.
5 SUBSEQUENT PURCHASES BY A PERSON WHO HOLDS A PISTOL ACQUISITION
6 CERTIFICATE SHALL BE RECORDED BY THE SELLER IN TRIPLICATE ON
7 FORMS PROVIDED BY THE DIRECTOR. THE SELLER SHALL COMPLETE THE
8 FORMS IN THE MANNER PRESCRIBED UNDER THIS SECTION AND SHALL
9 RETAIN AND PROVIDE COPIES IN THE MANNER OTHERWISE PRESCRIBED FOR
10 A LICENSE UNDER THIS SECTION.

11 (6) ~~(4)~~ One copy of the license shall be retained by the
12 licensing authority as ~~a permanent~~ AN official record for a
13 period of 6 years. ~~and the~~ THE other copy OF THE LICENSE shall
14 be forwarded by the licensing authority within 48 hours to the
15 director. ~~A~~ EXCEPT AS PROVIDED IN SUBSECTION (7), A license
16 shall be void unless used within 10 days after the date of its
17 issue.

18 (7) A LICENSING AUTHORITY MAY ISSUE A LICENSE IN THE FORM OF
19 A PISTOL ACQUISITION CERTIFICATE TO A PERSON ELIGIBLE TO PURCHASE
20 A PISTOL UNDER SUBSECTION (3). A PISTOL ACQUISITION CERTIFICATE
21 MAY BE USED BY THE PERSON TO PURCHASE 1 OR MORE PISTOLS, THE
22 NUMBER OF WHICH MAY BE SPECIFIED ON THE CERTIFICATE BY THE
23 LICENSING AUTHORITY. A PISTOL ACQUISITION CERTIFICATE IS NOT
24 VALID TO PURCHASE A PISTOL AFTER THE EXPIRATION OF 3 YEARS AFTER
25 THE CERTIFICATE IS ISSUED.

26 (8) ~~(5)~~ This section does not apply to the purchase of
27 pistols from wholesalers by dealers regularly engaged in the

1 business of selling pistols at retail, ~~nor~~ OR to the sale,
2 barter, or exchange of pistols kept solely as relics, curios, or
3 antiques not made for modern ammunition or permanently
4 deactivated. This section does not prevent the transfer of
5 ownership of pistols ~~which~~ THAT are inherited if the license to
6 purchase is approved by the commissioner or chief of police,
7 sheriff, or their authorized deputies, and signed by the personal
8 representative of the estate or by the next of kin having author-
9 ity to dispose of the pistol.

10 (9) ~~(6)~~ As used in this section: ~~,"director"~~

11 (A) "CRIME PUNISHABLE BY IMPRISONMENT FOR MORE THAN 1 YEAR"

12 DOES NOT INCLUDE:

13 (i) A FEDERAL OR STATE OFFENSE PERTAINING TO ANTITRUST VIO-
14 LATIONS, UNFAIR TRADE PRACTICES, RESTRAINTS OF TRADE, OR SIMILAR
15 OFFENSES RELATING TO THE REGULATION OF BUSINESS PRACTICES.

16 (ii) A STATE OFFENSE CLASSIFIED BY THE STATE AS A MISDE-
17 MEANOR AND PUNISHABLE BY IMPRISONMENT FOR 2 YEARS OR LESS.

18 (B) "DIRECTOR" means the director of the department of state
19 police.

20 (10) ~~(7)~~ A person who forges any matter on an application
21 for a license under this section is guilty of a felony.

22 (11) A PERSON WHO IS PROHIBITED FROM RECEIVING A LICENSE
23 UNDER SUBSECTION (3)(C) MAY APPLY TO THE DIRECTOR FOR RELIEF FROM
24 THE PROHIBITION. THE DIRECTOR MAY GRANT RELIEF IF THE APPLICANT
25 SHOWS TO THE DIRECTOR'S SATISFACTION THAT THE CIRCUMSTANCES
26 REGARDING THE CONVICTION AND THE APPLICANT'S RECORD AND
27 REPUTATION ARE SUCH THAT THE APPLICANT WILL NOT BE LIKELY TO ACT

1 IN A MANNER DANGEROUS TO PUBLIC SAFETY AND THAT GRANTING RELIEF
2 IS NOT CONTRARY TO THE PUBLIC INTEREST. IF THE DIRECTOR DENIES
3 RELIEF, THE PERSON MAY SEEK JUDICIAL REVIEW OF THE DENIAL IN CIR-
4 CUIT COURT.

5 Sec. 9. (1) A person within the state who owns or comes
6 into possession of a pistol ~~as defined in this act~~ shall, if he
7 or she resides in a city, township, or village ~~—~~ having an
8 organized police department, present the ~~weapon~~ PISTOL for
9 safety inspection to the commissioner or chief of police of the
10 city, township, or village POLICE DEPARTMENT or TO a duly autho-
11 rized deputy of the commissioner or chief of police. If that
12 person resides in a part of the county not included within a
13 city, township, or village ~~—~~ having an organized police depart-
14 ment, he or she shall present the pistol for safety inspection to
15 the sheriff of the county or TO a duly authorized deputy of the
16 sheriff. If the person presenting the pistol is eligible to pos-
17 sess a pistol under section 2(1), a certificate of inspection
18 shall be issued in triplicate on a form provided by the director
19 of the department of state police, containing the name, age,
20 address, description, and signature of the person presenting the
21 pistol for inspection, together with a full description of the
22 pistol. The original of ~~such~~ THE certificate shall be deliv-
23 ered to the registrant. The duplicate OF THE CERTIFICATE shall
24 be mailed within 48 hours to the director of the department of
25 state police and filed and indexed by the department and kept as
26 a permanent official record. ~~—, and the~~ THE triplicate of the
27 certificate shall be retained and filed in the office of the

1 sheriff, commissioner, or chief of police. ~~The provisions of~~
2 ~~this~~ THIS section ~~shall~~ DOES not apply to A wholesale or
3 retail ~~dealers~~ DEALER in firearms WHO regularly ~~engaged~~
4 ENGAGES in the business of selling pistols at retail, or to a
5 person who holds a collection of pistols kept solely for the pur-
6 pose of display ~~—~~ as relics, curios, or antiques, AND THAT ARE
7 not made for modern ammunition or ARE permanently deactivated.

8 (2) A PERSON WHO PRESENTS A PISTOL FOR A SAFETY INSPECTION
9 UNDER SUBSECTION (1) SHALL ENSURE THAT THE PISTOL IS EQUIPPED
10 WITH A TRIGGER LOCK OR ENCLOSED IN A LOCKED CONTAINER WHEN THE
11 PISTOL IS PRESENTED FOR INSPECTION. A PERSON WHO VIOLATES THIS
12 SUBSECTION IS RESPONSIBLE FOR A CIVIL VIOLATION AND MAY BE FINED
13 NOT MORE THAN \$50.00.

14 Section 2. This amendatory act shall not take effect unless
15 Senate Bill No. _____ or House Bill No. _____ (request
16 no. 06105'90) of the 85th Legislature is enacted into law.