

# SENATE BILL No. 325

April 13, 1989, Introduced by Senator N. SMITH and referred to the Committee on Judiciary.

A bill to amend the title and sections 1 and 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 1 as amended by Act No. 345 of the Public Acts of 1980 and section 2 as amended by Act No. 161 of the Public Acts of 1986, being sections 28.421 and 28.422 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. The title and sections 1 and 2 of Act No. 372 of  
2       the Public Acts of 1927, section 1 as amended by Act No. 345 of  
3       the Public Acts of 1980 and section 2 as amended by Act No. 161

1 of the Public Acts of 1986, being sections 28.421 and 28.422 of  
2 the Michigan Compiled Laws, are amended to read as follows:

3 TITLE

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

11 Sec. 1. As used in this act:

12 (a) "Pistol" means any firearm, loaded or unloaded, 30  
13 inches or less in length, or any firearm, loaded or unloaded,  
14 ~~which~~ THAT by its construction and appearance conceals it as a  
15 firearm.

16 (b) "Purchaser" means any person who receives a REGULATED  
17 RIFLE OR A pistol from another PERSON by purchase, gift, or  
18 loan.

19 (c) "REGULATED RIFLE" MEANS A SEMIAUTOMATIC RIFLE THAT IS  
20 CAPABLE OF FIRING CENTER-FIRE AMMUNITION, AND THAT IS PROVIDED BY  
21 THE MANUFACTURER WITH A MAGAZINE CAPACITY OF MORE THAN 7 ROUNDS  
22 OF AMMUNITION.

23 (d) "RIFLE" MEANS THAT TERM AS DEFINED IN SECTION 222 OF THE  
24 MICHIGAN PENAL CODE, ACT NO. 328 OF THE PUBLIC ACTS OF 1931,  
25 BEING SECTION 750.222 OF THE MICHIGAN COMPILED LAWS.

26 (E) ~~(c)~~ "Seller" means any person who sells, furnishes,  
27 loans, or gives a REGULATED RIFLE OR A pistol to another PERSON.

1 (F) "SEMI-AUTOMATIC RIFLE" MEANS A RIFLE EMPLOYING GAS  
2 PRESSURE OR FORCE OF RECOIL TO MECHANICALLY EJECT AN EMPTY CARTRIDGE  
3 RIDGE FROM THE RIFLE AFTER A SHOT, AND TO LOAD THE NEXT CARTRIDGE  
4 FROM THE MAGAZINE, BUT REQUIRING RENEWED PRESSURE ON THE TRIGGER  
5 FOR EACH SUCCESSIVE SHOT.

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

26 (a) Is 18 years of age or over.

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

3 (c) Has not been convicted of a felony or has not been  
4 incarcerated as a result of a felony conviction in this state or  
5 elsewhere during the 8-year period immediately preceding the date  
6 of application. THE REQUIREMENTS OF THIS SUBSECTION SHALL BE  
7 VERIFIED BY A COMPUTERIZED CRIMINAL HISTORY INVESTIGATION BEFORE  
8 A PERMIT IS ISSUED. IF THE COMMISSIONER OR CHIEF OF POLICE OF A  
9 CITY, TOWNSHIP, OR VILLAGE DOES NOT HAVE EQUIPMENT TO CONDUCT A  
10 COMPUTERIZED CRIMINAL HISTORY INVESTIGATION, THE COMMISSIONER OR  
11 CHIEF OF POLICE MAY REQUEST THE COUNTY SHERIFF TO CONDUCT THE  
12 INVESTIGATION, IN WHICH CASE THE COUNTY SHERIFF SHALL CONDUCT THE  
13 INVESTIGATION WITHIN 24 HOURS AFTER THE REQUEST IS RECEIVED, AND  
14 IMMEDIATELY INFORM THE COMMISSIONER OR CHIEF OF POLICE OF THE  
15 RESULTS OF THAT INVESTIGATION.

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

18 (2) Applications for licenses under this section shall be  
19 signed by the applicant under oath upon forms provided by the  
20 director. Licenses to PURCHASE REGULATED RIFLES, AND TO pur-  
21 chase, carry, or transport pistols shall be executed in tripli-  
22 cate upon forms provided by the director, and shall be signed by  
23 the licensing authority. Three copies of ~~such~~ THE license  
24 shall be delivered to the applicant by the licensing authority.  
25 THE LICENSE IS VOID UNLESS USED WITHIN 10 DAYS AFTER THE DATE THE  
26 LICENSE IS ISSUED.

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

10 (4) One copy of the license shall be retained by the licens-  
11 ing authority as a permanent official record for a period of  
12 6 years and the other copy shall be forwarded by the licensing  
13 authority within 48 hours to the director. ~~A license shall be~~  
14 ~~void unless used within 10 days after the date of its issue.~~

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

1       (6) As used in this section, "director" means the director  
2 of the department of state police.

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