

HOUSE BILL No. 5500

April 30, 2014, Introduced by Reps. McMillin, Lyons, Shirkey, Genetski, Crawford, Hooker, Rogers, Johnson, VerHeulen, Yonker, Dianda, LaFontaine, MacMaster, Callton, Goike, Kesto and McBroom and referred to the Committee on Judiciary.

A bill to amend 1990 PA 319, entitled

"An act to prohibit local units of government from imposing certain restrictions on the ownership, registration, purchase, sale, transfer, transportation, or possession of pistols or other firearms, ammunition for pistols or other firearms, or components of pistols or other firearms,"

(MCL 123.1101 to 123.1105) by amending the title and by adding sections 4a, 4b, and 4c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

An act to prohibit local units of government from imposing certain restrictions on the ownership, registration, purchase, sale, transfer, transportation, or possession of pistols or other firearms, ammunition for pistols or other firearms, or components of pistols or other firearms; **AND TO PRESCRIBE PENALTIES.**

SEC. 4A. NOT LATER THAN 90 DAYS AFTER THE EFFECTIVE DATE OF

1 THE AMENDATORY ACT THAT ADDED THIS SECTION, IF A LOCAL UNIT OF
2 GOVERNMENT HAS AN EXISTING ORDINANCE OR REGULATION THAT VIOLATES
3 THIS ACT, THE LOCAL UNIT OF GOVERNMENT SHALL BRING THAT ORDINANCE
4 OR REGULATION INTO COMPLIANCE WITH THIS ACT.

5 SEC. 4B. BEGINNING 91 DAYS AFTER THE EFFECTIVE DATE OF THE
6 AMENDATORY ACT THAT ADDED THIS SECTION, IF AN INDIVIDUAL OR
7 ORGANIZATION IS ADVERSELY AFFECTED BY AN ORDINANCE OR REGULATION
8 THAT VIOLATES THIS ACT, THAT INDIVIDUAL OR ORGANIZATION MAY BRING
9 AN ACTION IN THE DISTRICT COURT IN THE JUDICIAL DISTRICT IN WHICH
10 THAT LOCAL UNIT OF GOVERNMENT IS LOCATED.

11 SEC. 4C. (1) BEGINNING 91 DAYS AFTER THE EFFECTIVE DATE OF THE
12 AMENDATORY ACT THAT ADDED THIS SECTION, IF AN INDIVIDUAL OR
13 ORGANIZATION BRINGS AN ACTION AS DESCRIBED IN SECTION 4B AND THE
14 COURT DETERMINES THAT THE ORDINANCE OR REGULATION OF THE LOCAL UNIT
15 OF GOVERNMENT VIOLATES THIS ACT, THE COURT SHALL DO ALL OF THE
16 FOLLOWING:

17 (A) DECLARE THE ORDINANCE OR REGULATION OF THE LOCAL UNIT OF
18 GOVERNMENT VOID AND UNENFORCEABLE.

19 (B) ISSUE AN INJUNCTION RESTRAINING THE LOCAL UNIT OF
20 GOVERNMENT FROM ENFORCING THE ORDINANCE OR REGULATION.

21 (C) ORDER THE LOCAL UNIT OF GOVERNMENT TO AMEND OR REPEAL THE
22 ORDINANCE OR REGULATION.

23 (D) AWARD COSTS AND REASONABLE ATTORNEY FEES TO THE INDIVIDUAL
24 OR ORGANIZATION CHALLENGING THE ORDINANCE OR REGULATION.

25 (2) IN ADDITION TO THE REQUIREMENTS UNDER SUBSECTION (1), IF
26 THE COURT DETERMINES AN ELECTED OR APPOINTED OFFICIAL OF THE LOCAL
27 UNIT OF GOVERNMENT KNOWINGLY AND WILLFULLY ENACTED OR ENFORCED AN

1 ORDINANCE OR REGULATION IN VIOLATION OF THIS ACT, THEN THE COURT
2 SHALL ASSESS A CIVIL FINE OF NOT MORE THAN \$5,000.00 AGAINST THAT
3 ELECTED OR APPOINTED OFFICIAL, WHICH IS IN ADDITION TO ANY PENALTY
4 THAT MAY BE ASSESSED UNDER 1966 PA 158, MCL 752.11 TO 752.12.

5 (3) EXCEPT AS OTHERWISE REQUIRED BY LAW, PUBLIC FUNDS SHALL
6 NOT BE USED TO DEFEND OR REIMBURSE AN ELECTED OR APPOINTED OFFICIAL
7 OF A LOCAL UNIT OF GOVERNMENT WHO IS DETERMINED TO HAVE KNOWINGLY
8 AND WILLFULLY ENACTED OR ENFORCED AN ORDINANCE OR REGULATION IN
9 VIOLATION OF THIS ACT.