

SUBSTITUTE FOR
HOUSE BILL NO. 4616

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, other firearms, or pneumatic guns, ammunition for pistols or other firearms, or components of pistols or other firearms,"

(MCL 123.1101 to 123.1105) by amending the title, as amended by 2015 PA 29, and by adding sections 4a, 4b, 4c, 4d, and 4e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1
2
3
4
5
6

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, other firearms, or pneumatic guns, ammunition for pistols or other firearms, or components of pistols or other firearms; **TO PRESCRIBE**

1 THE POWERS AND DUTIES OF CERTAIN STATE AND LOCAL OFFICERS,
2 OFFICIALS, AND EMPLOYEES; AND TO PROVIDE FOR PENALTIES AND
3 REMEDIES.

4 SEC. 4A. NOT LATER THAN 60 DAYS AFTER THE EFFECTIVE DATE OF
5 THE AMENDATORY ACT THAT ADDED THIS SECTION, IF A LOCAL UNIT OF
6 GOVERNMENT HAS AN EXISTING ORDINANCE OR REGULATION THAT VIOLATES
7 THIS ACT, THE LOCAL UNIT OF GOVERNMENT SHALL BRING THAT ORDINANCE
8 OR REGULATION INTO COMPLIANCE WITH THIS ACT.

9 SEC. 4B. BEGINNING 61 DAYS AFTER THE EFFECTIVE DATE OF THE
10 AMENDATORY ACT THAT ADDED THIS SECTION, IF A LOCAL UNIT OF
11 GOVERNMENT ENACTS, ENFORCES, OR REFUSES TO BRING INTO COMPLIANCE AN
12 ORDINANCE OR REGULATION THAT VIOLATES THIS ACT, AN INDIVIDUAL WHO
13 IS A RESIDENT OF THIS STATE MAY DO EITHER OF THE FOLLOWING:

14 (A) AFTER GIVING 90 DAYS' WRITTEN NOTICE TO THE LOCAL UNIT OF
15 GOVERNMENT, BRING AN ACTION TO ENFORCE THIS ACT IN THE CIRCUIT
16 COURT IN THE JUDICIAL DISTRICT IN WHICH THAT LOCAL UNIT OF
17 GOVERNMENT IS LOCATED.

18 (B) FILE A COMPLAINT WITH THE ATTORNEY GENERAL ON A FORM
19 PRESCRIBED BY THE ATTORNEY GENERAL.

20 SEC. 4C. (1) THE ATTORNEY GENERAL MAY RECEIVE COMPLAINTS
21 REGARDING VIOLATIONS OF THIS ACT AND INVESTIGATE THOSE COMPLAINTS.
22 A LOCAL UNIT OF GOVERNMENT SHALL COOPERATE WITH ANY INVESTIGATION
23 CONDUCTED BY THE DEPARTMENT OF THE ATTORNEY GENERAL CONCERNING A
24 VIOLATION OF THIS ACT.

25 (2) BEGINNING 61 DAYS AFTER THE EFFECTIVE DATE OF THE
26 AMENDATORY ACT THAT ADDED THIS SECTION, IF A LOCAL UNIT OF
27 GOVERNMENT ENACTS, ENFORCES, OR REFUSES TO BRING INTO COMPLIANCE AN

House Bill No. 4616 as amended September 27, 2017

1 ORDINANCE OR REGULATION THAT VIOLATES THIS ACT, THE ATTORNEY
2 GENERAL SHALL, AFTER GIVING 90 DAYS' WRITTEN NOTICE TO THE LOCAL
3 UNIT OF GOVERNMENT, BRING AN ACTION TO ENFORCE THIS ACT IN THE
4 CIRCUIT COURT IN THE JUDICIAL DISTRICT IN WHICH THAT LOCAL UNIT OF
5 GOVERNMENT IS LOCATED.

6 SEC. 4D. IF A LOCAL UNIT OF GOVERNMENT REPEALS OR AMENDS AN
7 ORDINANCE OR REGULATION TO BRING THAT ORDINANCE OR REGULATION INTO
8 COMPLIANCE WITH THIS ACT WHILE AN ACTION IS PENDING IN THE CIRCUIT
9 COURT, THE COURT SHALL AWARD COSTS AND REASONABLE ATTORNEY FEES TO
10 THE PARTY CHALLENGING THE ORDINANCE OR REGULATION.

11 SEC. 4E. [] IF AN INDIVIDUAL BRINGS AN ACTION AS DESCRIBED IN
12 SECTION 4B, OR IF THE ATTORNEY GENERAL BRINGS AN ACTION AS
13 DESCRIBED IN SECTION 4C, AND THE COURT DETERMINES THAT THE
14 ORDINANCE OR REGULATION OF THE LOCAL UNIT OF GOVERNMENT VIOLATES
15 THIS ACT, THE COURT SHALL DO ALL OF THE FOLLOWING:

16 (A) ISSUE AN INJUNCTION RESTRAINING THE LOCAL UNIT OF
17 GOVERNMENT FROM ENFORCING THE ORDINANCE OR REGULATION.

18 (B) ORDER THE LOCAL UNIT OF GOVERNMENT TO AMEND OR REPEAL THE
19 ORDINANCE OR REGULATION.

20 (C) AWARD ACTUAL DAMAGES, COSTS, AND REASONABLE ATTORNEY FEES
21 TO THE PARTY CHALLENGING THE ORDINANCE OR REGULATION.

22 [

23

24

25

26

27

1 House Bill No. 4616 as amended September 27, 2017]