

**SUBSTITUTE FOR
SENATE BILL NO. 225**

A bill to amend 1927 PA 372, entitled

"An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,"

by amending section 2 (MCL 28.422), as amended by 2015 PA 37.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) Except as otherwise provided in this act, a person
2 shall not purchase, carry, possess, or transport a pistol in this
3 state without first having obtained a license for the pistol as
4 prescribed in this section.

1 (2) A person who brings a pistol into this state who is on
2 leave from active duty with the armed forces of the United States
3 or who has been discharged from active duty with the armed forces
4 of the United States shall obtain a license for the pistol within
5 30 days after his or her arrival in this state.

6 (3) The commissioner or chief of police of a city, township,
7 or village police department that issues licenses to purchase,
8 carry, possess, or transport pistols, or his or her duly authorized
9 deputy, or the sheriff or his or her duly authorized deputy, in the
10 parts of a county not included within a city, township, or village
11 having an organized police department, in discharging the duty to
12 issue licenses shall with due speed and diligence issue licenses to
13 purchase, carry, possess, or transport pistols to qualified
14 applicants unless he or she has probable cause to believe that the
15 applicant would be a threat to himself or herself or to other
16 individuals, or would commit an offense with the pistol that would
17 violate a law of this or another state or of the United States. An
18 applicant is qualified if all of the following circumstances exist:

19 (a) The person is not subject to an order or disposition for
20 which he or she has received notice and an opportunity for a
21 hearing, and which was entered into the law enforcement information
22 network under any of the following:

23 (i) Section 464a of the mental health code, 1974 PA 258, MCL
24 330.1464a.

25 (ii) Section 5107 of the estates and protected individuals
26 code, 1998 PA 386, MCL 700.5107, or section 444a of former 1978 PA
27 642.

1 (iii) Section 2950 of the revised judicature act of 1961, 1961
2 PA 236, MCL 600.2950.

3 (iv) Section 2950a of the revised judicature act of 1961, 1961
4 PA 236, MCL 600.2950a.

5 (v) Section 14 of 1846 RS 84, MCL 552.14.

6 (vi) Section 6b of chapter V of the code of criminal
7 procedure, 1927 PA 175, MCL 765.6b, if the order has a condition
8 imposed under section 6b(3) of chapter V of the code of criminal
9 procedure, 1927 PA 175, MCL 765.6b.

10 (vii) Section 16b of chapter IX of the code of criminal
11 procedure, 1927 PA 175, MCL 769.16b.

12 (b) The person is 18 years of age or older or, if the seller
13 is licensed under 18 USC 923, is 21 years of age or older.

14 (c) The person is a citizen of the United States or an alien
15 lawfully admitted into the United States and is a legal resident of
16 this state. For the purposes of this section, a person ~~shall be~~ IS
17 considered a legal resident of this state if any of the following
18 apply:

19 (i) The person has a valid, lawfully obtained Michigan driver
20 license issued under the Michigan vehicle code, 1949 PA 300, MCL
21 257.1 to 257.923, or an official state personal identification card
22 issued under 1972 PA 222, MCL 28.291 to 28.300.

23 (ii) The person is lawfully registered to vote in this state.

24 (iii) The person is on active duty status with the United
25 States armed forces and is stationed outside of this state, but the
26 person's home of record is in this state.

27 (iv) The person is on active duty status with the United

1 States armed forces and is permanently stationed in this state, but
2 the person's home of record is in another state.

3 (d) A felony charge or a criminal charge listed in section 5b
4 against the person is not pending at the time of application.

5 (e) The person is not prohibited from possessing, using,
6 transporting, selling, purchasing, carrying, shipping, receiving,
7 or distributing a firearm under section 224f of the Michigan penal
8 code, 1931 PA 328, MCL 750.224f.

9 (f) The person has not been adjudged insane in this state or
10 elsewhere unless he or she has been adjudged restored to sanity by
11 court order.

12 (g) The person is not under an order of involuntary commitment
13 in an inpatient or outpatient setting due to mental illness.

14 (h) The person has not been adjudged legally incapacitated in
15 this state or elsewhere. This subdivision does not apply to a
16 person who has had his or her legal capacity restored by order of
17 the court.

18 (4) Applications for licenses under this section shall be
19 signed by the applicant under oath upon forms provided by the
20 director of the department of state police. Licenses to purchase,
21 carry, possess, or transport pistols shall be executed in
22 triplicate upon forms provided by the director of the department of
23 state police and shall be signed by the licensing authority. Three
24 copies of the license shall be delivered to the applicant by the
25 licensing authority. A license is void unless used within 30 days
26 after the date it is issued.

27 (5) If an individual purchases or otherwise acquires a pistol,

1 the seller shall fill out the license forms describing the pistol,
2 together with the date of sale or acquisition, and sign his or her
3 name in ink indicating that the pistol was sold to or otherwise
4 acquired by the purchaser. The purchaser shall also sign his or her
5 name in ink indicating the purchase or other acquisition of the
6 pistol from the seller. The seller may retain a copy of the license
7 as a record of the transaction. The purchaser shall receive 2
8 copies of the license. The purchaser shall return 1 copy of the
9 license to the licensing authority within 10 days after the date
10 the pistol is purchased or acquired. The return of the copy to the
11 licensing authority may be made in person or may be made by first-
12 class mail or certified mail sent within the 10-day period to the
13 proper address of the licensing authority. A purchaser who fails to
14 comply with the requirements of this subsection is responsible for
15 a state civil infraction and may be fined not more than \$250.00. If
16 a purchaser is found responsible for a state civil infraction under
17 this subsection, the court shall notify the department of state
18 police of that determination.

19 (6) Within 10 days after receiving the license copy returned
20 under subsection (5), the licensing authority shall electronically
21 enter the information into the pistol entry database as required by
22 the department of state police if it has the ability to
23 electronically enter that information. If the licensing authority
24 does not have that ability, the licensing authority shall provide
25 that information to the department of state police in a manner
26 otherwise required by the department of state police. Any licensing
27 authority that provided pistol descriptions to the department of

1 state police under former section 9 of this act shall continue to
2 provide pistol descriptions to the department of state police under
3 this subsection. Within 48 hours after entering or otherwise
4 providing the information on the license copy returned under
5 subsection (5) to the department of state police, the licensing
6 authority shall forward the copy of the license to the department
7 of state police. The purchaser has the right to obtain a copy of
8 the information placed in the pistol entry database under this
9 subsection to verify the accuracy of that information. The
10 licensing authority may charge a fee not to exceed \$1.00 for the
11 cost of providing the copy. The licensee may carry, use, possess,
12 and transport the pistol for 30 days beginning on the date of
13 purchase or acquisition only while he or she is in possession of
14 his or her copy of the license. However, the person is not required
15 to have the license in his or her possession while carrying, using,
16 possessing, or transporting the pistol after this period.

17 (7) This section does not apply to the purchase of pistols
18 from wholesalers by dealers regularly engaged in the business of
19 selling pistols at retail, or to the sale, barter, or exchange of
20 pistols kept as relics or curios not made for modern ammunition or
21 permanently deactivated. ~~This section does not prevent the transfer
22 of ownership of pistols that are inherited if the license to
23 purchase is approved by the commissioner or chief of police,
24 sheriff, or their authorized deputies, and signed by the personal
25 representative of the estate or by the next of kin having authority
26 to dispose of the pistol.~~

27 (8) THIS SECTION DOES NOT PREVENT THE TRANSFER OF OWNERSHIP OF

1 PISTOLS TO AN HEIR OR DEVISEE, WHETHER BY TESTAMENTARY BEQUEST OR
2 BY THE LAWS OF INTESTACY REGARDLESS OF WHETHER THE PISTOL IS
3 REGISTERED WITH THIS STATE. AN INDIVIDUAL WHO HAS INHERITED A
4 PISTOL SHALL OBTAIN A LICENSE AS REQUIRED IN THIS SECTION WITHIN 30
5 DAYS OF TAKING PHYSICAL POSSESSION OF THE PISTOL. THE LICENSE MAY
6 BE SIGNED BY A NEXT OF KIN OF THE DECEDENT OR THE PERSON AUTHORIZED
7 TO DISPOSE OF PROPERTY UNDER THE ESTATES AND PROTECTED INDIVIDUALS
8 CODE, 1998 PA 386, MCL 700.1101 TO 700.8206, INCLUDING WHEN THE
9 NEXT OF KIN IS THE INDIVIDUAL INHERITING THE PISTOL. IF THE HEIR OR
10 DEVISEE IS NOT QUALIFIED FOR A LICENSE UNDER THIS SECTION, THE HEIR
11 OR DEVISEE MAY DIRECT THE NEXT OF KIN OR PERSON AUTHORIZED TO
12 DISPOSE OF PROPERTY UNDER THE ESTATES AND PROTECTED INDIVIDUALS
13 CODE, 1998 PA 386, MCL 700.1101 TO 700.8206, TO DISPOSE OF THE
14 PISTOL IN ANY MANNER THAT IS LAWFUL AND THE HEIR OR DEVISEE
15 CONSIDERS APPROPRIATE. THE PERSON AUTHORIZED TO DISPOSE OF PROPERTY
16 UNDER THE ESTATES AND PROTECTED INDIVIDUALS CODE, 1998 PA 386, MCL
17 700.1101 TO 700.8206, IS NOT REQUIRED TO OBTAIN A LICENSE UNDER
18 THIS SECTION IF HE OR SHE TAKES TEMPORARY LAWFUL POSSESSION OF THE
19 PISTOL IN THE PROCESS OF DISPOSING OF THE PISTOL PURSUANT TO THE
20 DECEDENT'S TESTAMENTARY BEQUEST OR THE LAWS OF INTESTACY. A LAW
21 ENFORCEMENT AGENCY MAY NOT SEIZE OR CONFISCATE A PISTOL BEING
22 TRANSFERRED BY TESTAMENTARY BEQUEST OR THE LAWS OF INTESTACY UNLESS
23 THE HEIR OR DEVISEE DOES NOT QUALIFY FOR OBTAINING A LICENSE UNDER
24 THIS SECTION AND THE NEXT OF KIN OR PERSON AUTHORIZED TO DISPOSE OF
25 PROPERTY UNDER THE ESTATES AND PROTECTED INDIVIDUALS CODE, 1998 PA
26 386, MCL 700.1101 TO 700.8206, IS UNABLE TO RETAIN HIS OR HER
27 TEMPORARY POSSESSION OF THE PISTOL OR FIND ALTERNATIVE LAWFUL

1 STORAGE. IF A LAW ENFORCEMENT AGENCY SEIZES OR CONFISCATES A PISTOL
2 UNDER THIS SUBSECTION, THE HEIR OR DEVISEE WHO IS NOT QUALIFIED TO
3 OBTAIN A LICENSE UNDER THIS SECTION RETAINS OWNERSHIP INTEREST IN
4 THE PISTOL AND, WITHIN 30 DAYS OF BEING NOTIFIED OF THE SEIZURE OR
5 CONFISCATION, MAY FILE WITH A COURT OF COMPETENT JURISDICTION TO
6 DIRECT THE LAW ENFORCEMENT AGENCY TO LAWFULLY TRANSFER OR OTHERWISE
7 DISPOSE OF THE PISTOL. A PISTOL SEIZED UNDER THIS SUBSECTION SHALL
8 NOT BE DESTROYED, SOLD, OR USED WHILE IN POSSESSION OF THE SEIZING
9 ENTITY OR ITS AGENTS UNTIL 30 DAYS HAVE PASSED SINCE THE HEIR OR
10 DEVISEE HAS BEEN NOTIFIED OF THE SEIZURE AND NO LEGAL ACTION
11 REGARDING THE LAWFUL POSSESSION OR OWNERSHIP OF THE SEIZED PISTOL
12 HAS BEEN FILED IN ANY COURT AND IS PENDING. AS USED IN THIS
13 SUBSECTION:

14 (A) "DEVISEE" MEANS THAT TERM AS DEFINED IN SECTION 1103 OF
15 THE ESTATES AND PROTECTED INDIVIDUALS CODE, 1998 PA 386, MCL
16 700.1103.

17 (B) "HEIR" MEANS THAT TERM AS DEFINED IN SECTION 1104 OF THE
18 ESTATES AND PROTECTED INDIVIDUALS CODE, 1998 PA 386, MCL 700.1104.

19 (9) ~~(8)~~—An individual who is not a resident of this state is
20 not required to obtain a license under this section if all of the
21 following conditions apply:

22 (a) The individual is licensed in his or her state of
23 residence to purchase, carry, or transport a pistol.

24 (b) The individual is in possession of the license described
25 in subdivision (a).

26 (c) The individual is the owner of the pistol he or she
27 possesses, carries, or transports.

1 (d) The individual possesses the pistol for a lawful purpose.

2 (e) The individual is in this state for a period of 180 days
3 or less and does not intend to establish residency in this state.

4 **(10)** ~~(9)~~—An individual who is a nonresident of this state
5 shall present the license described in subsection ~~(8)(a)~~ **(9) (A)**
6 upon the demand of a police officer. An individual who violates
7 this subsection is guilty of a misdemeanor punishable by
8 imprisonment for not more than 90 days or a fine of not more than
9 \$100.00, or both.

10 **(11)** ~~(10)~~—The licensing authority may require a person
11 claiming active duty status with the United States armed forces to
12 provide proof of 1 or both of the following:

13 (a) The person's home of record.

14 (b) Permanent active duty assignment in this state.

15 **(12)** ~~(11)~~—This section does not apply to a person who is
16 younger than the age required under subsection (3)(b) and who
17 possesses a pistol if all of the following conditions apply:

18 (a) The person is not otherwise prohibited from possessing
19 that pistol.

20 (b) The person is at a recognized target range.

21 (c) The person possesses the pistol for the purpose of target
22 practice or instruction in the safe use of a pistol.

23 (d) The person is in the physical presence and under the
24 direct supervision of any of the following:

25 (i) The person's parent.

26 (ii) The person's guardian.

27 (iii) An individual who is 21 years of age or older, who is

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1 authorized by the person's parent or guardian, and who has
2 successfully completed a pistol safety training course or class
3 that meets the requirements of section 5j(1)(a), (b), or (d), and
4 received a certificate of completion.

5 (e) The owner of the pistol is physically present.

6 (13) ~~(12)~~—This section does not apply to a person who
7 possesses a pistol if all of the following conditions apply:

8 (a) The person is not otherwise prohibited from possessing a
9 pistol.

10 (b) The person is at a recognized target range or shooting
11 facility.

12 (c) The person possesses the pistol for the purpose of target
13 practice or instruction in the safe use of a pistol.

14 (d) The owner of the pistol is physically present and
15 supervising the use of the pistol.

16 (14) ~~(13)~~—A person who forges any matter on an application for
17 a license under this section is guilty of a felony, punishable by
18 imprisonment for not more than 4 years or a fine of not more than
19 \$2,000.00, or both.

20 (15) ~~(14)~~—A licensing authority shall implement this section
21 during all of the licensing authority's normal business hours and
22 shall set hours for implementation that allow an applicant to use
23 the license within the time period set forth in subsection (4).

<<Enacting section 1. This amendatory act takes effect 90 days
after the date it is enacted into law.>>