

# HOUSE BILL No. 4554

May 2, 2017, Introduced by Reps. Chatfield, Cole, Johnson, LaFave, Miller, Glenn, Tedder, Kahle, Barrett, Alexander, Theis, Lucido, Hornberger, Runestad, Hauck, Hoitenga, Hernandez and Vaupel and referred to the Committee on Judiciary.

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 sections 2 and 2a (MCL 28.422 and 28.422a), section 2 as amended by 2015 PA 200 and section 2a as amended by 2016 PA 301.

**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

1 prescribed in this section.

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

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

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

25 (i) Section 464a of the mental health code, 1974 PA 258, MCL  
26 330.1464a.

27 (ii) Section 5107 of the estates and protected individuals

1 code, 1998 PA 386, MCL 700.5107, or section 444a of former 1978 PA  
2 642.

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

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

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

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

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

14 (b) The ~~person~~**INDIVIDUAL** is 18 years of age or older or, if  
15 the seller is licensed under 18 USC 923, is 21 years of age or  
16 older.

17 (c) The ~~person~~**INDIVIDUAL** is a citizen of the United States or  
18 an alien lawfully admitted into the United States and is a legal  
19 resident of this state. For the purposes of this section, ~~a person~~  
20 **AN INDIVIDUAL** is considered a legal resident of this state if any  
21 of the following apply:

22 (i) The ~~person~~**INDIVIDUAL** has a valid, lawfully obtained  
23 Michigan driver license issued under the Michigan vehicle code,  
24 1949 PA 300, MCL 257.1 to 257.923, or an official state personal  
25 identification card issued under 1972 PA 222, MCL 28.291 to 28.300.

26 (ii) The ~~person~~**INDIVIDUAL** is lawfully registered to vote in  
27 this state.

1           (iii) The ~~person~~**INDIVIDUAL** is on active duty status with the  
2 United States ~~armed forces~~**ARMED FORCES** and is stationed outside of  
3 this state, but the ~~person's~~**INDIVIDUAL'S** home of record is in this  
4 state.

5           (iv) The ~~person~~**INDIVIDUAL** is on active duty status with the  
6 United States ~~armed forces~~**ARMED FORCES** and is permanently  
7 stationed in this state, but the ~~person's~~**INDIVIDUAL'S** home of  
8 record is in another state.

9           (d) A felony charge or a criminal charge listed in section 5b  
10 against the ~~person~~**INDIVIDUAL** is not pending at the time of  
11 application.

12           (e) The ~~person~~**INDIVIDUAL** is not prohibited from possessing,  
13 using, transporting, selling, purchasing, carrying, shipping,  
14 receiving, or distributing a firearm under section 224f of the  
15 Michigan penal code, 1931 PA 328, MCL 750.224f.

16           (f) The ~~person~~**INDIVIDUAL** has not been adjudged insane in this  
17 state or elsewhere unless he or she has been adjudged restored to  
18 sanity by court order.

19           (g) The ~~person~~**INDIVIDUAL** is not under an order of involuntary  
20 commitment in an inpatient or outpatient setting due to mental  
21 illness.

22           (h) The ~~person~~**INDIVIDUAL** has not been adjudged legally  
23 incapacitated in this state or elsewhere. This subdivision does not  
24 apply to a ~~person~~**AN INDIVIDUAL** who has had his or her legal  
25 capacity restored by order of the court.

26           (4) ~~Applications~~**AN APPLICANT** for ~~licenses~~**A LICENSE** under  
27 this section shall ~~be signed by the applicant~~**SIGN THE APPLICATION**

1 under oath ~~upon forms~~ **ON A FORM** provided by the director of the  
2 department of state police. ~~Licenses~~ **A LICENSING AUTHORITY SHALL**  
3 **ISSUE A LICENSE** to purchase, carry, possess, or transport pistols  
4 ~~shall be executed in triplicate upon forms~~ **ON A FORM** provided by  
5 the director of the department of state police. ~~and shall be signed~~  
6 ~~by the~~ **THE** licensing authority **SHALL SIGN ANY LICENSE ISSUED UNDER**  
7 **THIS SECTION.** ~~Three~~ **THE LICENSING AUTHORITY SHALL DELIVER 3** copies  
8 of the license ~~shall be delivered to the applicant. by the~~  
9 ~~licensing authority.~~ A license is void unless used within 30 days  
10 after the date it is issued.

11 (5) If an individual purchases or otherwise acquires a pistol,  
12 the seller shall fill out the license forms describing the pistol,  
13 together with the date of sale or acquisition, and sign his or her  
14 name in ink indicating that the pistol was sold to or otherwise  
15 acquired by the purchaser. The purchaser shall also sign his or her  
16 name in ink indicating the purchase or other acquisition of the  
17 pistol from the seller. The seller may retain a copy of the license  
18 as a record of the transaction. The purchaser shall receive 2  
19 copies of the license. The purchaser ~~shall~~ **MAY** return 1 copy of the  
20 license to the licensing authority. ~~within 10 days after the date~~  
21 ~~the pistol is purchased or acquired.~~ The **PURCHASER MAY** return of  
22 the copy to the licensing authority ~~may be made in person or may be~~  
23 ~~made by first-class mail or certified mail sent within the 10-day~~  
24 ~~period to the proper address of the licensing authority. A~~  
25 ~~purchaser who fails to comply with the requirements of this~~  
26 ~~subsection is responsible for a state civil infraction and may be~~  
27 ~~finned not more than \$250.00. If a purchaser is found responsible~~

1 ~~for a state civil infraction under this subsection, the court shall~~  
2 ~~notify the department of state police of that determination.~~

3 (6) Within 10 days after receiving the license copy returned  
4 under subsection (5), the licensing authority shall electronically  
5 enter the information into the pistol entry database as required by  
6 the department of state police if it has the ability to  
7 electronically enter that information. If the licensing authority  
8 does not have that ability, the licensing authority shall provide  
9 that information to the department of state police in a manner  
10 otherwise required by the department of state police. Any licensing  
11 authority that provided pistol descriptions to the department of  
12 state police under former section 9 of this act shall continue to  
13 provide pistol descriptions to the department of state police under  
14 this subsection. Within 48 hours after entering or otherwise  
15 providing the information on the license copy returned under  
16 subsection (5) to the department of state police, the licensing  
17 authority shall forward the copy of the license to the department  
18 of state police. The purchaser has the right to obtain a copy of  
19 the information placed in the pistol entry database under this  
20 subsection to verify the accuracy of that information. The  
21 licensing authority may charge a fee not to exceed \$1.00 for the  
22 cost of providing the copy. **IF AN INDIVIDUAL REQUESTS THAT HIS OR**  
23 **HER INFORMATION BE REMOVED FROM THE PISTOL ENTRY DATABASE, THE**  
24 **DEPARTMENT OF STATE POLICE SHALL REMOVE THAT INFORMATION WITHIN 14**  
25 **DAYS OF THE REQUEST. THE DEPARTMENT OF STATE POLICE SHALL**  
26 **IMMEDIATELY NOTIFY AN INDIVIDUAL BY FIRST-CLASS MAIL THAT HIS OR**  
27 **HER INFORMATION HAS BEEN REMOVED FROM THE PISTOL ENTRY DATABASE.**

1 The licensee may carry, use, possess, and transport the pistol for  
2 30 days beginning on the date of purchase or acquisition only while  
3 he or she is in possession of his or her copy of the license.  
4 However, the person is not required to have the license in his or  
5 her possession while carrying, using, possessing, or transporting  
6 the pistol after this period.

7 (7) This section does not apply to the purchase of pistols  
8 from wholesalers by dealers regularly engaged in the business of  
9 selling pistols at retail, or to the sale, barter, or exchange of  
10 pistols kept as relics or curios not made for modern ammunition or  
11 permanently deactivated.

12 (8) This section does not prevent the transfer of ownership of  
13 pistols to an heir or devisee, whether by testamentary bequest or  
14 by the laws of intestacy regardless of whether the pistol is  
15 registered with this state. An individual who has inherited a  
16 pistol shall obtain a license as required in this section within 30  
17 days of taking physical possession of the pistol. The license may  
18 be signed by a next of kin of the decedent or the person authorized  
19 to dispose of property under the estates and protected individuals  
20 code, 1998 PA 386, MCL 700.1101 to 700.8206, including when the  
21 next of kin is the individual inheriting the pistol. If the heir or  
22 devisee is not qualified for a license under this section, the heir  
23 or devisee may direct the next of kin or person authorized to  
24 dispose of property under the estates and protected individuals  
25 code, 1998 PA 386, MCL 700.1101 to 700.8206, to dispose of the  
26 pistol in any manner that is lawful and the heir or devisee  
27 considers appropriate. The person authorized to dispose of property

1 under the estates and protected individuals code, 1998 PA 386, MCL  
2 700.1101 to 700.8206, is not required to obtain a license under  
3 this section if he or she takes temporary lawful possession of the  
4 pistol in the process of disposing of the pistol pursuant to the  
5 decedent's testamentary bequest or the laws of intestacy. A law  
6 enforcement agency may not seize or confiscate a pistol being  
7 transferred by testamentary bequest or the laws of intestacy unless  
8 the heir or devisee does not qualify for obtaining a license under  
9 this section and the next of kin or person authorized to dispose of  
10 property under the estates and protected individuals code, 1998 PA  
11 386, MCL 700.1101 to 700.8206, is unable to retain his or her  
12 temporary possession of the pistol or find alternative lawful  
13 storage. If a law enforcement agency seizes or confiscates a pistol  
14 under this subsection, the heir or devisee who is not qualified to  
15 obtain a license under this section retains ownership interest in  
16 the pistol and, within 30 days of being notified of the seizure or  
17 confiscation, may file with a court of competent jurisdiction to  
18 direct the law enforcement agency to lawfully transfer or otherwise  
19 dispose of the pistol. A pistol seized under this subsection shall  
20 not be destroyed, sold, or used while in possession of the seizing  
21 entity or its agents until 30 days have passed since the heir or  
22 devisee has been notified of the seizure and no legal action  
23 regarding the lawful possession or ownership of the seized pistol  
24 has been filed in any court and is pending. As used in this  
25 subsection:

26 (a) "Devisee" means that term as defined in section 1103 of  
27 the estates and protected individuals code, 1998 PA 386, MCL



1 700.1103.

2 (b) "Heir" means that term as defined in section 1104 of the  
3 estates and protected individuals code, 1998 PA 386, MCL 700.1104.

4 (9) An individual who is not a resident of this state is not  
5 required to obtain a license under this section if all of the  
6 following conditions apply:

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

9 (b) The individual is in possession of the license described  
10 in subdivision (a).

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

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

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

16 (10) An individual who is a nonresident of this state shall  
17 present the license described in subsection (9) (a) upon the demand  
18 of a police officer. An individual who violates this subsection is  
19 guilty of a misdemeanor punishable by imprisonment for not more  
20 than 90 days or a fine of not more than \$100.00, or both.

21 (11) The licensing authority may require ~~a person~~ **AN**  
22 **INDIVIDUAL** claiming active duty status with the United States ~~armed~~  
23 ~~forces~~ **ARMED FORCES** to provide proof of 1 or both of the following:

24 (a) The ~~person's~~ **INDIVIDUAL'S** home of record.

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

26 (12) This section does not apply to ~~a person~~ **AN INDIVIDUAL** who  
27 is younger than the age required under subsection (3) (b) and who

1 possesses a pistol if all of the following conditions apply:

2 (a) The ~~person~~-**INDIVIDUAL** is not otherwise prohibited from  
3 possessing that pistol.

4 (b) The ~~person~~-**INDIVIDUAL** is at a recognized target range.

5 (c) The ~~person~~-**INDIVIDUAL** possesses the pistol for the purpose  
6 of target practice or instruction in the safe use of a pistol.

7 (d) The ~~person~~-**INDIVIDUAL** is in the physical presence and  
8 under the direct supervision of any of the following:

9 (i) The ~~person's~~-**INDIVIDUAL'S** parent.

10 (ii) The ~~person's~~-**INDIVIDUAL'S** guardian.

11 (iii) An individual who is 21 years of age or older, who is  
12 authorized by the ~~person's~~-**INDIVIDUAL'S** parent or guardian, and who  
13 has successfully completed a pistol safety training course or class  
14 that meets the requirements of section 5j(1)(a), (b), or (d), and  
15 received a certificate of completion.

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

17 (13) This section does not apply to a ~~person~~-**AN INDIVIDUAL** who  
18 possesses a pistol if all of the following conditions apply:

19 (a) The ~~person~~-**INDIVIDUAL** is not otherwise prohibited from  
20 possessing a pistol.

21 (b) The ~~person~~-**INDIVIDUAL** is at a recognized target range or  
22 shooting facility.

23 (c) The ~~person~~-**INDIVIDUAL** possesses the pistol for the purpose  
24 of target practice or instruction in the safe use of a pistol.

25 (d) The owner of the pistol is physically present and  
26 supervising the use of the pistol.

27 (14) A ~~person~~-**AN INDIVIDUAL** who forges any matter on an

1 application for a license under this section is guilty of a felony,  
2 punishable by imprisonment for not more than 4 years or a fine of  
3 not more than \$2,000.00, or both.

4 (15) A licensing authority shall implement this section during  
5 all of the licensing authority's normal business hours and shall  
6 set hours for implementation that allow an applicant to use the  
7 license within the time period set forth in subsection (4).

8 Sec. 2a. (1) The following individuals are not required to  
9 obtain a license under section 2 to purchase, carry, possess, use,  
10 or transport a pistol:

11 (a) An individual licensed under section 5b, except for an  
12 individual who has an emergency license issued under section 5a(4)  
13 or a receipt serving as a concealed pistol license under section  
14 5b(9) or 5l(3).

15 (b) A federally licensed firearms dealer.

16 (c) An individual who purchases a pistol from a federally  
17 licensed firearms dealer in compliance with 18 USC 922(t).

18 (d) An individual currently employed as a police officer who  
19 is licensed or certified under the Michigan commission on law  
20 enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615.

21 (2) If an individual described in subsection (1) purchases or  
22 otherwise acquires a pistol, the seller shall complete a record in  
23 triplicate on a form provided by the department of state police -  
24 ~~The record shall include~~ **THAT INCLUDES** the purchaser's concealed  
25 weapon license number, the number of the purchaser's license or  
26 certificate issued under the Michigan commission on law enforcement  
27 standards act, 1965 PA 203, MCL 28.601 to 28.615, or, if the

1 purchaser is a federally licensed firearms dealer, his or her  
2 dealer license number. If the purchaser is not licensed under  
3 section 5b or does not have a license or certificate issued under  
4 the Michigan commission on law enforcement standards act, 1965 PA  
5 203, MCL 28.601 to 28.615, and is not a federally licensed firearms  
6 dealer, the record ~~shall~~ **MUST** include the dealer license number of  
7 the federally licensed firearms dealer who is selling the pistol.  
8 The purchaser shall sign the record. The seller may retain 1 copy  
9 of the record. The purchaser shall receive 2 copies of the record  
10 and **MAY** forward 1 copy to the police department of the city,  
11 village, or township in which the purchaser resides, or, if the  
12 purchaser does not reside in a city, village, or township having a  
13 police department, to the county sheriff. ~~, within 10 days~~  
14 ~~following the purchase or acquisition.~~ The **PURCHASER MAY** return of  
15 the copy to the police department or county sheriff ~~may be made in~~  
16 ~~person or may be made by first-class mail or certified mail sent~~  
17 ~~within the 10-day period to the proper address of the police~~  
18 ~~department or county sheriff. A purchaser who fails to comply with~~  
19 ~~the requirements of this subsection is responsible for a state~~  
20 ~~civil infraction and may be fined not more than \$250.00. If a~~  
21 ~~purchaser is found responsible for a state civil infraction under~~  
22 ~~this subsection, the court shall notify the department of state~~  
23 ~~police. If the purchaser is licensed under section 5b, the court~~  
24 ~~shall notify the licensing authority of that determination.~~

25 (3) Within 10 days after receiving the record copy returned  
26 under subsection (2), the police department or county sheriff shall  
27 electronically enter the information into the pistol entry database

1 as required by the department of state police if it has the ability  
2 to electronically enter that information. If the police department  
3 or county sheriff does not have that ability, the police department  
4 or county sheriff shall provide that information to the department  
5 of state police in a manner otherwise required by the department of  
6 state police. Any police department or county sheriff that provided  
7 pistol descriptions to the department of state police under former  
8 section 9 of this act shall continue to provide pistol descriptions  
9 to the department of state police under this subsection. Within 48  
10 hours after entering or otherwise providing the information on the  
11 record copy returned under subsection (2) to the department of  
12 state police, the police department or county sheriff shall forward  
13 the copy of the record to the department of state police. The  
14 purchaser ~~has the right to~~ **MAY** obtain a copy of the information  
15 placed in the pistol entry database under this subsection to verify  
16 the accuracy of that information. The police department or county  
17 sheriff may charge a fee not to exceed \$1.00 for the cost of  
18 providing the copy. **IF AN INDIVIDUAL REQUESTS THAT HIS OR HER**  
19 **INFORMATION BE REMOVED FROM THE PISTOL ENTRY DATABASE, THE**  
20 **DEPARTMENT OF STATE POLICE SHALL REMOVE THAT INFORMATION WITHIN 14**  
21 **DAYS OF THE REQUEST. THE DEPARTMENT OF STATE POLICE SHALL**  
22 **IMMEDIATELY NOTIFY AN INDIVIDUAL BY FIRST-CLASS MAIL THAT HIS OR**  
23 **HER INFORMATION HAS BEEN REMOVED FROM THE PISTOL ENTRY DATABASE.**  
24 The purchaser may carry, use, possess, and transport the pistol for  
25 30 days beginning on the date of purchase or acquisition only while  
26 he or she is in possession of his or her copy of the record.  
27 However, the person is not required to have the record in his or

1 her possession while carrying, using, possessing, or transporting  
2 the pistol after this period.

3 (4) This section does not apply to a person or entity exempt  
4 under section 2(7).

5 (5) An individual who makes a material false statement on a  
6 sales record under this section is guilty of a felony punishable by  
7 imprisonment for not more than 4 years or a fine of not more than  
8 \$2,500.00, or both.

9 (6) The department of state police may promulgate rules to  
10 implement this section.

11 (7) The Michigan commission on law enforcement standards shall  
12 provide license or certificate information, as applicable, to the  
13 department of state police to verify the requirements of this  
14 section.

15 (8) As used in this section:

16 (a) "Federally licensed firearms dealer" means a person  
17 licensed to sell firearms under 18 USC 923.

18 (b) "Person" means an individual, partnership, corporation,  
19 association, or other legal entity.

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