



HOUSE BILL No. 6028

September 11, 1996, Introduced by Rep. Anthony and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 6 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; to provide for the forfeiture of firearms possessed in violation of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act,"

as amended by Act No. 338 of the Public Acts of 1994, being section 28.426 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 6 of Act No. 372 of the Public Acts of
2 1927, as amended by Act No. 338 of the Public Acts of 1994, being
3 section 28.426 of the Michigan Compiled Laws, is amended to read
4 as follows:

1 Sec. 6. (1) The prosecuting attorney, the sheriff, and the
2 director of the department of state police, or their respective
3 authorized deputies, AND THE MEMBERS APPOINTED UNDER
4 SUBSECTION (2) shall constitute CONCEALED WEAPON LICENSING boards
5 exclusively authorized to issue a license to an applicant resid-
6 ing within their respective counties ~~—~~ to carry a pistol con-
7 cealed on the person and to carry a pistol, whether concealed or
8 otherwise, in a vehicle operated or occupied by the applicant.
9 The county clerk of each county shall be clerk of the COUNTY'S
10 CONCEALED WEAPON licensing board. ~~—, which board shall be known~~
11 ~~as the concealed weapon licensing board.~~

12 (2) THE COUNTY BOARD OF COMMISSIONERS OF EACH COUNTY SHALL
13 APPOINT 4 MEMBERS TO THE COUNTY'S CONCEALED WEAPON LICENSING
14 BOARD. EACH MEMBER SHALL REPRESENT A FIREARMS SPORTING GROUP
15 THAT IS ACTIVE WITHIN THE COUNTY. EACH MEMBER SHALL BE APPOINTED
16 FOR A 2-YEAR TERM AND SHALL SERVE UNTIL HIS OR HER SUCCESSOR IS
17 APPOINTED. THE COUNTY BOARD OF COMMISSIONERS MAY REMOVE ANY
18 MEMBER APPOINTED UNDER THIS SUBSECTION FOR FAILURE TO ATTEND 2
19 CONSECUTIVE MEETINGS OF THE CONCEALED WEAPON LICENSING BOARD.

20 (3) A CONCEALED WEAPON LICENSING BOARD SHALL NOT GRANT A
21 license to carry a pistol concealed on the person or to carry a
22 pistol, whether concealed or otherwise, in a vehicle operated or
23 occupied by the person applying for the license ~~—, shall not be~~
24 ~~granted~~ to a person unless the person is 18 years of age or
25 older, is a citizen of the United States, and has resided in this
26 state 6 months or more. ~~A~~ THE BOARD SHALL NOT ISSUE A license
27 ~~shall not be issued~~ unless it ~~appears~~ DETERMINES that the

1 applicant has good reason to fear injury to his or her person or
 2 property, or has other proper reasons, and is a suitable person
 3 to be licensed. ~~A~~ THE BOARD SHALL NOT ISSUE A license ~~shall~~
 4 ~~not be issued~~ under this section unless all of the following
 5 circumstances exist:

6 (a) The person is not the subject of an order or disposition
 7 entered into the law enforcement information network ~~pursuant~~
 8 ~~to~~ UNDER any of the following:

9 (i) Section 464a(1) of the mental health code, Act No. 258
 10 of the Public Acts of 1974, being section 330.1464a of the
 11 Michigan Compiled Laws.

12 (ii) Section 444a(1) of the revised probate code, Act
 13 No. 642 of the Public Acts of 1978, being section 700.444a of the
 14 Michigan Compiled Laws.

15 (iii) Section ~~2950(9)~~ 2950(16) of the revised judicature
 16 act of 1961, Act No. 236 of the Public Acts of 1961, being sec-
 17 tion 600.2950 of the Michigan Compiled Laws.

18 (iv) Section ~~2950a(7)~~ 2950A(13) of Act No. 236 of the
 19 Public Acts of 1961, being section 600.2950a of the Michigan
 20 Compiled Laws.

21 ~~(v) Section 14(7) of chapter 84 of the Revised Statutes of~~
 22 ~~1846, being section 552.14 of the Michigan Compiled Laws.~~

23 (v) ~~(vi)~~ Section 6b(5) of chapter V of the code of crimi-
 24 nal procedure, Act No. 175 of the Public Acts of 1927, being sec-
 25 tion 765.6b of the Michigan Compiled Laws, if the order has a
 26 condition imposed ~~pursuant to~~ UNDER section 6b(3) of chapter V
 27 of Act No. 175 of the Public Acts of 1927.

1 (vi) ~~(vii)~~ Section ~~16b(1)~~ 16B(2) of chapter IX of Act
2 No. 175 of the Public Acts of 1927, being section 769.16b of the
3 Michigan Compiled Laws.

4 (b) The person has not been convicted of a felony or con-
5 fined for a felony conviction in this state or elsewhere during
6 the 8-year period immediately preceding the date of the applica-
7 tion ~~—~~ and a felony charge against the person is not pending
8 ~~at the time~~ WHEN he or she applies for a license described in
9 this section.

10 (c) The person has not been adjudged insane unless the
11 person has been adjudged restored to sanity by court order.

12 (d) The person is not under an order of involuntary commit-
13 ment in an inpatient or outpatient setting due to mental
14 illness.

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

19 (4) ~~(2) If~~ THE BOARD SHALL NOT ISSUE A LICENSE TO an
20 applicant WHO resides in a city, village, or township having an
21 organized POLICE department ~~of police, a license shall not be~~
22 ~~issued~~ unless the application is first approved in writing by
23 the supervisor, commissioner or chief of police, or marshal of
24 that city, village, or township. If an application is not
25 approved in the manner prescribed by this subsection, the appli-
26 cant has 10 days to appeal ~~—~~ in writing ~~—~~ to the concealed
27 weapon licensing board in the county in which the applicant

1 resides. Upon ~~receipt of~~ RECEIVING a written appeal, that
2 concealed weapon licensing board shall schedule a hearing to be
3 held at its next scheduled meeting. ~~, which~~ THE MEETING shall
4 BE HELD not ~~be~~ less than 15 days after ~~the receipt of~~ the
5 fingerprint comparison report IS RECEIVED. The concealed weapon
6 licensing board shall determine at the hearing whether the appli-
7 cant is qualified to carry a concealed weapon ~~pursuant to~~ UNDER
8 this section. Notice of the hearing shall be mailed to the
9 applicant and the organized POLICE department ~~of police~~ not
10 less than 10 days before the scheduled hearing. The applicant
11 shall deposit ~~the sum of~~ \$10.00 with the county clerk ~~at the~~
12 ~~time~~ WHEN the appeal is made. If ~~, after appeal,~~ a license is
13 not issued AFTER APPEAL, the deposit shall be credited to the
14 COUNTY'S general fund. ~~of the county.~~ If a license is issued,
15 the deposit shall be processed as the license fee required under
16 subsection ~~(6)~~ (8).

17 (5) ~~(3) If~~ THE BOARD SHALL NOT ISSUE A LICENSE TO an
18 applicant WHO does not reside in a city, village, or township
19 that has an organized POLICE department ~~of police, a license~~
20 ~~shall not be issued~~ unless the application is first submitted
21 for approval or objection to the supervisor of the township in
22 which the applicant resides. The supervisor shall indicate in
23 writing on the application whether he or she objects to the
24 license being issued. If action is not taken by a supervisor
25 within 14 days after the application is submitted to the supervi-
26 sor, the concealed weapon licensing board shall consider the
27 application as if a statement of no objection had been included.

1 If the supervisor objects to the application in writing, the
2 applicant may appeal the objection to the concealed weapon
3 licensing board of the county in which the applicant resides
4 within 10 days after the objection. Upon ~~receipt of~~ RECEIVING
5 a written appeal, that concealed weapon licensing board shall
6 schedule a hearing to be held at its next scheduled meeting. ~~—~~
7 ~~which~~ THE HEARING shall BE HELD not ~~be~~ less than 15 days after
8 ~~the receipt of~~ the fingerprint comparison report IS RECEIVED.
9 The concealed weapon licensing board shall determine at the hear-
10 ing whether the applicant is qualified to carry a concealed
11 weapon ~~pursuant to~~ UNDER this section. Notice of the hearing
12 shall be mailed to the applicant and the supervisor of the town-
13 ship not less than 10 days before the scheduled hearing. The
14 applicant shall deposit ~~the sum of~~ \$10.00 with the county clerk
15 ~~at the time~~ WHEN the appeal is made. If ~~— after appeal, —~~ a
16 license is not issued AFTER APPEAL, the deposit shall be credited
17 to the COUNTY'S general fund. ~~of the county.~~ If a license is
18 issued, the deposit shall be processed as the license fee
19 required under subsection ~~(6)~~ (8).

20 (6) ~~(4)~~ An applicant shall have 2 sets of fingerprints
21 taken by the sheriff ~~— or the sheriff's authorized~~
22 ~~representative,~~ of the county in which the applicant resides ~~—~~
23 OR THE SHERIFF'S AUTHORIZED REPRESENTATIVE if the applicant does
24 not reside in a city, village, or township having an organized
25 POLICE department ~~of police,~~ or by the commissioner or chief of
26 police ~~—~~ or marshal, or an authorized representative of the
27 commissioner or chief of police or marshal, if the applicant

1 resides within a city, village, or township having an organized
2 POLICE department. ~~of police.~~ The first set of fingerprints
3 shall be taken on forms furnished by the department of state
4 police ~~—~~ and the second set on forms furnished by the federal
5 bureau of investigation. The person taking the prints shall for-
6 ward the first set of fingerprints to the department of state
7 police and the second set to the federal bureau of investigation
8 or other agency designated by the federal bureau of
9 investigation. The director of the bureau of identification of
10 the department of state police shall compare the fingerprints
11 with those already on file in the bureau. A CONCEALED WEAPON
12 LICENSING BOARD SHALL NOT ISSUE A license ~~shall not be issued~~
13 unless ~~the report is received by~~ the clerk of the board
14 RECEIVES REPORTS from the department of state police and the fed-
15 eral bureau of investigation that the comparisons do not show
16 ~~that~~ the applicant was convicted of or confined for a felony
17 during the 8-year period. The board may grant a temporary permit
18 in case of emergency pending the results of the comparisons. The
19 temporary permit shall be issued for a period of not more than 30
20 days and shall expire automatically at the end of the period for
21 which it was issued. Upon ~~receipt of~~ RECEIVING the comparison
22 report from the federal bureau of investigation, the bureau of
23 identification of the department of state police shall forward a
24 report of both comparisons to the officer taking the prints and
25 also to the county clerk of the county in which the applicant
26 resides. ~~— who~~ THE COUNTY CLERK as clerk of the board shall
27 keep a record of the report and shall report to the board. The

1 fingerprints received under this section shall be filed in the
2 bureau of identification of the department of state police in the
3 noncriminal section of the files.

4 (7) ~~-(5)-~~ The application for a license shall state each
5 reason for the necessity or desirability of carrying a pistol
6 concealed on the person or carrying a pistol, whether or not con-
7 cealed, in a vehicle occupied by the person applying for the
8 license. A license issued under this section shall limit the
9 carrying of a pistol to the reason or reasons satisfactory to the
10 board ~~—~~ and each restriction shall ~~appear~~ BE PLACED conspicu-
11 ously on the face of the license. The license shall be an autho-
12 rization to carry a pistol in compliance with this section only
13 to the extent contained in the face of the license and the
14 license shall be revoked by the CONCEALED WEAPON LICENSING board
15 if the pistol is carried contrary to the authorization.

16 (8) ~~-(6)-~~ The prosecuting attorney ~~shall be~~ IS the chair-
17 person of the CONCEALED WEAPON LICENSING board. ~~—, which~~ THE
18 BOARD shall convene at least once in each calendar month and at
19 other times as the board is called to convene by the
20 chairperson. Each license shall be issued only upon written
21 application signed by the applicant under oath and upon a form
22 provided by the director of the department of state police. Each
23 license shall be issued only with the approval of a majority of
24 the BOARD members ~~of the board~~ and shall be executed in tripli-
25 cate upon forms provided by the director of the department of
26 state police. Each license shall be signed in the name of the
27 concealed weapon licensing board by the county clerk with the

1 seal of the circuit court affixed to the license. The county
2 clerk shall first collect a licensing fee of \$10.00 from the
3 applicant for each license delivered to the applicant. One copy
4 of the license shall be delivered to the applicant, the duplicate
5 shall be retained by the county clerk as a permanent official
6 record for ~~a period of~~ 6 years, and the triplicate of the
7 license shall be forwarded within 48 hours to the director of the
8 department of state police who shall file and index each license
9 received and retain it as ~~a permanent~~ AN official record for ~~a~~
10 ~~period of~~ 6 years. A license is valid for a definite period of
11 not more than 3 years ~~—~~ and that period shall be stated in the
12 license. A renewal of the license shall not be granted except
13 upon the filing of a new application. A license shall bear the
14 imprint of the right thumb of the licensee ~~—~~ or, if a right
15 thumb imprint is impossible to obtain, the license shall bear the
16 imprint of the left thumb or some other finger of the licensee.
17 The licensee shall carry the license upon his or her person when
18 carrying a pistol concealed upon his or her person ~~—~~ or when
19 carrying the pistol, whether or not concealed, in a vehicle occu-
20 pied by the licensee. The licensee shall display the license
21 upon the request of a peace officer. On the first day of each
22 month, the county clerk shall remit to the state treasurer \$2.00
23 for each license issued during the preceding month. On the first
24 day of each month the county clerk shall pay into the COUNTY'S
25 general fund ~~of the county~~ the remainder of each license fee
26 for each license issued during the preceding month.

1 (9) ~~(7)~~ The county clerk may issue a copy of a license
2 issued ~~pursuant to~~ UNDER this section for a fee of \$3.00, which
3 ~~fee~~ shall be paid into the COUNTY'S general fund. ~~of the~~
4 ~~county.~~

5 (10) ~~(8)~~ A charter county may impose by ordinance a dif-
6 ferent amount for the concealed weapon licensing fee prescribed
7 by subsection ~~(6)~~ (8). A charter county shall not impose a fee
8 ~~which~~ THAT is greater than the cost of the service for which
9 the fee is charged.