

SENATE BILL NO. 969

March 3, 1998, Introduced by Senators BULLARD and JAYE and referred to the Committee on Hunting, Fishing and Forestry.

A bill to amend 1927 PA 372, entitled

"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,"

by amending section 6 (MCL 28.426), as amended by 1994 PA 338.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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, ~~shall~~ constitute CONCEALED WEAPON
4 LICENSING boards exclusively authorized to issue a license to an
5 applicant residing within their respective counties ~~—~~ to carry
6 a pistol concealed on the person and to carry a pistol, whether
7 concealed or otherwise, in a vehicle operated or occupied by the

1 applicant. The county clerk of each county shall be clerk of the
 2 COUNTY'S CONCEALED WEAPON licensing board. ~~, which board shall~~
 3 ~~be known as the concealed weapon licensing board.~~

4 (2) A CONCEALED WEAPON LICENSING BOARD SHALL NOT GRANT A
 5 license to carry a pistol concealed on the person or to carry a
 6 pistol, whether concealed or otherwise, in a vehicle operated or
 7 occupied by the person applying for the license ~~, shall not be~~
 8 ~~granted~~ to a person unless the person is 18 years of age or
 9 older, is a citizen of the United States, and has resided in this
 10 state 6 months or more. ~~A~~ THE BOARD SHALL NOT ISSUE A license
 11 ~~shall not be issued~~ unless it ~~appears~~ DETERMINES that the
 12 applicant has good reason to fear injury to his or her person or
 13 property, or has other proper reasons, and is a suitable person
 14 to be licensed. ~~A~~ THE BOARD SHALL NOT ISSUE A license ~~shall~~
 15 ~~not be issued~~ under this section unless all of the following
 16 circumstances exist:

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

20 (i) Section ~~464a(1)~~ 464A of the mental health code, ~~Act~~
 21 ~~No. 258 of the Public Acts of 1974, being section 330.1464a of~~
 22 ~~the Michigan Compiled Laws 1974 PA 258, MCL 330.1464A.~~

23 (ii) Section ~~444a(1)~~ 444A of the revised probate code,
 24 ~~Act No. 642 of the Public Acts of 1978, being section 700.444a~~
 25 ~~of the Michigan Compiled Laws 1978 PA 642, MCL 700.444A.~~

26 (iii) Section ~~2950(9)~~ 2950 OR 2950A of the revised
 27 ~~judicature act of 1961, Act No. 236 of the Public Acts of 1961,~~

1 ~~being section 600.2950 of the Michigan Compiled Laws~~ 1961 PA
2 236, MCL 600.2950 AND 600.2950A.

3 ~~(iv) Section 2950a(7) of Act No. 236 of the Public Acts of~~
4 ~~1961, being section 600.2950a of the Michigan Compiled Laws.~~

5 ~~(v) Section 14(7) of chapter 84 of the Revised Statutes of~~
6 ~~1846, being section 552.14 of the Michigan Compiled Laws.~~

7 (iv) ~~(vi)~~ Section ~~6b(5)~~ 6B of chapter V of the code of
8 criminal procedure, ~~Act No. 175 of the Public Acts of 1927,~~
9 ~~being section 765.6b of the Michigan Compiled Laws~~ 1927 PA 175,
10 MCL 765.6B, if the order has a condition imposed ~~pursuant to~~
11 UNDER section 6b(3) of chapter V of ~~Act No. 175 of the Public~~
12 ~~Acts of 1927~~ THAT ACT.

13 (v) ~~(vii)~~ Section ~~16b(1)~~ 16B of chapter IX of ~~Act~~
14 ~~No. 175 of the Public Acts of 1927, being section 769.16b of the~~
15 ~~Michigan Compiled Laws~~ THE CODE OF CRIMINAL PROCEDURE, 1927 PA
16 175, MCL 769.16B.

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

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

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

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

5 (3) ~~(2) If~~ THE CONCEALED WEAPON LICENSING BOARD SHALL NOT
6 ISSUE A LICENSE TO an applicant WHO resides in a city, village,
7 or township having an organized POLICE department ~~of police, a~~
8 ~~license shall not be issued~~ unless the application is first
9 approved in writing by the supervisor, commissioner or chief of
10 police, or marshal of that city, village, or township. If an
11 application is not approved in the manner prescribed by this sub-
12 section, the applicant has 10 days to appeal ~~, in writing,~~
13 to the concealed weapon licensing board in the county in which
14 the applicant resides. Upon ~~receipt of~~ RECEIVING a written
15 appeal, that concealed weapon licensing board shall schedule a
16 hearing to be held at its next scheduled meeting. ~~, which~~ THE
17 MEETING shall BE HELD not ~~be~~ less than 15 days after ~~the~~
18 ~~receipt of~~ the fingerprint comparison report IS RECEIVED. The
19 concealed weapon licensing board shall determine at the hearing
20 whether the applicant is qualified to carry a concealed weapon
21 ~~pursuant to~~ UNDER this section. Notice of the hearing shall be
22 mailed to the applicant and the organized POLICE department ~~of~~
23 ~~police~~ not less than 10 days before the scheduled hearing. The
24 applicant shall deposit ~~the sum of~~ \$10.00 with the county clerk
25 ~~at the time~~ WHEN the appeal is made. If ~~, after appeal,~~ a
26 license is not issued AFTER APPEAL, the deposit shall be credited
27 to the COUNTY'S general fund. ~~of the county.~~ If a license is

1 issued, the deposit shall be processed as the license fee
2 required under subsection (6).

3 ~~-(3) If an applicant does not reside in a city, village, or~~
4 ~~township that has an organized department of police, a license~~
5 ~~shall not be issued unless the application is first submitted for~~
6 ~~approval or objection to the supervisor of the township in which~~
7 ~~the applicant resides. The supervisor shall indicate in writing~~
8 ~~on the application whether he or she objects to the license being~~
9 ~~issued. If action is not taken by a supervisor within 14 days~~
10 ~~after the application is submitted to the supervisor, the con-~~
11 ~~cealed weapon licensing board shall consider the application as~~
12 ~~if a statement of no objection had been included. If the super-~~
13 ~~visor objects to the application in writing, the applicant may~~
14 ~~appeal the objection to the concealed weapon licensing board of~~
15 ~~the county in which the applicant resides within 10 days after~~
16 ~~the objection. Upon receipt of a written appeal, that concealed~~
17 ~~weapon licensing board shall schedule a hearing to be held at its~~
18 ~~next scheduled meeting, which shall not be less than 15 days~~
19 ~~after the receipt of the fingerprint comparison report. The con-~~
20 ~~cealed weapon licensing board shall determine at the hearing~~
21 ~~whether the applicant is qualified to carry a concealed weapon~~
22 ~~pursuant to this section. Notice of the hearing shall be mailed~~
23 ~~to the applicant and the supervisor of the township not less than~~
24 ~~10 days before the scheduled hearing. The applicant shall~~
25 ~~deposit the sum of \$10.00 with the county clerk at the time the~~
26 ~~appeal is made. If, after appeal, a license is not issued, the~~
27 ~~deposit shall be credited to the general fund of the county. If~~

1 ~~a license is issued, the deposit shall be processed as the~~
2 ~~license fee required under subsection (6).~~

3 (4) An applicant shall have 2 sets of fingerprints taken by
4 the sheriff ~~, or the sheriff's authorized representative,~~ of
5 the county in which the applicant resides ~~, OR THE SHERIFF'S~~
6 ~~AUTHORIZED REPRESENTATIVE~~ if the applicant ~~does not reside~~
7 ~~RESIDES~~ in a city, village, or township ~~having~~ THAT DOES NOT
8 HAVE an organized POLICE department ~~of police,~~ or by the com-
9 missioner or chief of police ~~, or marshal,~~ or an authorized
10 representative of the commissioner or chief of police or marshal,
11 if the applicant resides ~~within~~ IN a city, village, or township
12 having an organized POLICE department. ~~of police.~~ The first set
13 of fingerprints shall be taken on forms furnished by the depart-
14 ment of state police ~~,~~ and the second set on forms furnished by
15 the federal bureau of investigation. The person taking the
16 prints shall forward the first set of fingerprints to the depart-
17 ment of state police and the second set to the federal bureau of
18 investigation or other agency designated by the federal bureau of
19 investigation. The director of the bureau of identification of
20 the department of state police shall compare the fingerprints
21 with those already on file in the bureau. A CONCEALED WEAPON
22 LICENSING BOARD SHALL NOT ISSUE A license ~~shall not be issued~~
23 unless ~~the report is received by~~ the clerk of the board
24 RECEIVES REPORTS from the department of state police and the fed-
25 eral bureau of investigation that the comparisons do not show
26 ~~that~~ the applicant was convicted of or confined for a felony
27 during the 8-year period. The CONCEALED WEAPON LICENSING board

1 may grant a temporary permit in case of emergency pending the
2 results of the comparisons. The temporary permit shall be issued
3 for a period of not more than 30 days and shall expire automati-
4 cally at the end of the period for which it was issued. Upon
5 ~~receipt of~~ RECEIVING the comparison report from the federal
6 bureau of investigation, the bureau of identification of the
7 department of state police shall forward a report of both compar-
8 isons to the officer taking the prints and also to the county
9 clerk of the county in which the applicant resides. ~~, who~~ THE
10 COUNTY CLERK as clerk of the board shall keep a record of the
11 report and shall report to the CONCEALED WEAPON LICENSING board.
12 The fingerprints received under this section shall be filed in
13 the bureau of identification of the department of state police in
14 the noncriminal section of the files.

15 (5) The application for a license shall state each reason
16 for the necessity or desirability of carrying a pistol concealed
17 on the person or carrying a pistol, whether or not concealed, in
18 a vehicle occupied by the person applying for the license. A
19 license issued under this section shall limit the carrying of a
20 pistol to the reason or reasons satisfactory to the board ~~,~~ and
21 each restriction shall ~~appear~~ BE PLACED conspicuously on the
22 face of the license. The license shall be an authorization to
23 carry a pistol in compliance with this section only to the extent
24 contained in the face of the license and the license shall be
25 revoked by the CONCEALED WEAPON LICENSING board if the pistol is
26 carried contrary to the authorization.

1 (6) The prosecuting attorney ~~shall be~~ IS the chairperson
2 of the CONCEALED WEAPON LICENSING board. ~~, which~~ THE CONCEALED
3 WEAPON LICENSING BOARD shall convene at least once in each calen-
4 dar month and at other times as the board is called to convene by
5 the chairperson. Each license shall be issued only upon written
6 application signed by the applicant under oath and upon a form
7 provided by the director of the department of state police. Each
8 license shall be issued only with the approval of a majority of
9 the BOARD members ~~of the board~~ and shall be executed in tripli-
10 cate upon forms provided by the director of the department of
11 state police. Each license shall be signed in the name of the
12 concealed weapon licensing board by the county clerk with the
13 seal of the circuit court affixed to the license. The county
14 clerk shall first collect a licensing fee of \$10.00 from the
15 applicant for each license delivered to the applicant. One copy
16 of the license shall be delivered to the applicant, the duplicate
17 shall be retained by the county clerk as a permanent official
18 record for ~~a period of~~ 6 years, and the triplicate of the
19 license shall be forwarded within 48 hours to the director of the
20 department of state police, who shall file and index each license
21 received and retain it as ~~a permanent~~ AN official record for ~~a~~
22 ~~period of~~ 6 years. A license is valid for a definite period of
23 not more than 3 years ~~,~~ and that period shall be stated in the
24 license. A renewal of the license shall not be granted except
25 upon the filing of a new application. A license shall bear the
26 imprint of the right thumb of the licensee ~~,~~ or, if a right
27 thumb imprint is impossible to obtain, the license shall bear the

1 imprint of the left thumb or some other finger of the licensee.
2 The licensee shall carry the license upon his or her person when
3 carrying a pistol concealed upon his or her person ~~—,~~ or when
4 carrying the pistol, whether or not concealed, in a vehicle occu-
5 pied by the licensee. The licensee shall display the license
6 upon the request of a peace officer. On the first day of each
7 month, the county clerk shall remit to the state treasurer \$2.00
8 for each license issued during the preceding month. On the first
9 day of each month the county clerk shall pay into the COUNTY'S
10 general fund ~~of the county~~ the remainder of each license fee
11 for each license issued during the preceding month.

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

15 (8) A charter county may impose by ordinance a different
16 amount for the concealed weapon licensing fee prescribed by sub-
17 section (6). A charter county shall not impose a fee ~~which~~
18 THAT is greater than the cost of the service for which the fee is
19 charged.