

# HOUSE BILL No. 5520

October 15, 2009, Introduced by Rep. Bolger and referred to the Committee on Tourism,  
Outdoor Recreation and Natural Resources.

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 or other authorization; to provide for the forfeiture of firearms 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 2a (MCL 28.422a), as amended by 2008 PA 194.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 2a. (1) An individual who is licensed under section 5b to  
2 carry a concealed pistol **OR WHO IS A FEDERALLY LICENSED FIREARMS**  
3 **DEALER** is not required to obtain a license under section 2 to

1 purchase, carry, possess, or transport a pistol.

2 (2) If an individual licensed under section 5b **OR A FEDERALLY**  
3 **LICENSED FIREARMS DEALER** purchases or otherwise acquires a pistol,  
4 the seller shall complete a record in quadruplicate on a form  
5 provided by the department of state police. The record shall  
6 include the purchaser's concealed weapon license number **OR, IF THE**  
7 **PURCHASER IS A FEDERALLY LICENSED FIREARMS DEALER, HIS OR HER**  
8 **DEALER LICENSE NUMBER**. The purchaser shall sign the record. The  
9 seller may retain 1 copy of the record. The purchaser shall receive  
10 3 copies of the record and forward 2 copies to the police  
11 department of the city, village, or township in which the purchaser  
12 resides, or, if the purchaser does not reside in a city, village,  
13 or township having a police department, to the county sheriff,  
14 within 10 days following the purchase or acquisition. The return of  
15 the copies to the police department or county sheriff may be made  
16 in 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. ~~and~~ **IF THE PURCHASER IS LICENSED UNDER SECTION 5B, THE**  
24 **COURT SHALL NOTIFY** the concealed weapon licensing board that issued  
25 the license of that determination.

26 (3) Within 48 hours after receiving the record copies returned  
27 under subsection (2), the police department or county sheriff shall

1 forward 1 copy of the record to the department of state police. The  
2 police department or county sheriff shall retain the other copy of  
3 the record as an official record for not less than 6 years. Within  
4 10 days after receiving the record copies returned under subsection  
5 (2), the police department or county sheriff shall electronically  
6 enter the information into the pistol entry database as required by  
7 the department of state police if it has the ability to  
8 electronically enter that information. If the police department or  
9 county sheriff does not have that ability, the police department or  
10 county sheriff shall provide that information to the department of  
11 state police in a manner otherwise required by the department of  
12 state police. Any police department or county sheriff that provided  
13 pistol descriptions to the department of state police under former  
14 section 9 of this act shall continue to provide pistol descriptions  
15 to the department of state police under this subsection. The  
16 purchaser has the right to obtain a copy of the information placed  
17 in the pistol entry database under this subsection to verify the  
18 accuracy of that information. The police department or county  
19 sheriff may charge a fee not to exceed \$1.00 for the cost of  
20 providing the copy. The purchaser may carry, use, possess, and  
21 transport the pistol for 30 days beginning on the date of purchase  
22 or acquisition only while he or she is in possession of his or her  
23 copy of the record. However, the person is not required to have the  
24 record in his or her possession while carrying, using, possessing,  
25 or transporting the pistol after this period.

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

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

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

7           **(7) AS USED IN THIS SECTION, "FEDERALLY LICENSED FIREARMS**  
8 **DEALER" MEANS AN INDIVIDUAL WHO HOLDS A TYPE 01 DEALER LICENSE**  
9 **UNDER 18 USC 923.**

10           Enacting section 1. This amendatory act takes effect January  
11 1, 2010.

12           Enacting section 2. This amendatory act does not take effect  
13 unless House Bill No. 5473 of the 95th Legislature is enacted into  
14 law.