

SUBSTITUTE FOR
HOUSE BILL NO. 4795

A bill to amend 1990 PA 319, entitled

"An act to prohibit local units of government from imposing certain restrictions on the ownership, registration, purchase, sale, transfer, transportation, or possession of pistols, other firearms, or pneumatic guns, ammunition for pistols or other firearms, or components of pistols or other firearms,"

(MCL 123.1101 to 123.1105) by amending the title, as amended by 2015 PA 29, and by adding sections 4a, 4b, and 4c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

An act to prohibit local units of government from imposing certain restrictions on the ownership, registration, purchase, sale, transfer, transportation, or possession of pistols, other firearms, or pneumatic guns, ammunition for pistols or other firearms, or components of pistols or other firearms; **TO PRESCRIBE THE DUTIES OF CERTAIN LOCAL OFFICERS AND OFFICIALS; TO REQUIRE**

1 LOCAL UNITS OF GOVERNMENT TO PROVIDE CERTAIN NOTICES; AND TO
2 PROVIDE FOR PENALTIES AND REMEDIES.

3 SEC. 4A. IF AN INDIVIDUAL OR ORGANIZATION IS ADVERSELY
4 AFFECTED BY AN ORDINANCE OR REGULATION THAT VIOLATES THIS ACT, THAT
5 INDIVIDUAL OR ORGANIZATION MAY BRING AN ACTION IN THE CIRCUIT COURT
6 IN THE JUDICIAL DISTRICT IN WHICH THAT LOCAL UNIT OF GOVERNMENT IS
7 LOCATED AS FOLLOWS:

8 (A) IF THE ORDINANCE OR REGULATION WAS IN EFFECT BEFORE THE
9 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, 90
10 DAYS AFTER THE DATE THE INDIVIDUAL OR ORGANIZATION PROVIDES WRITTEN
11 NOTICE TO THE LOCAL UNIT OF GOVERNMENT CONCERNING THE ORDINANCE OR
12 REGULATION.

13 (B) IF THE ORDINANCE OR REGULATION IS ADOPTED OR ENACTED AFTER
14 THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION,
15 IMMEDIATELY UPON OR AT ANY TIME AFTER ENACTMENT OR ENFORCEMENT OF
16 THE ORDINANCE OR REGULATION.

17 SEC. 4B. IF A LOCAL UNIT OF GOVERNMENT REPEALS OR AMENDS AN
18 ORDINANCE OR REGULATION WHILE AN ACTION IS PENDING IN THE CIRCUIT
19 COURT AS PROVIDED IN SECTION 4A, THE COURT SHALL AWARD COSTS AND
20 REASONABLE ATTORNEY FEES TO THE INDIVIDUAL OR ORGANIZATION
21 CHALLENGING THE ORDINANCE OR REGULATION.

22 SEC. 4C. (1) IF AN INDIVIDUAL OR ORGANIZATION BRINGS AN ACTION
23 AS DESCRIBED IN SECTION 4A AND THE COURT DETERMINES THAT THE
24 ORDINANCE OR REGULATION OF THE LOCAL UNIT OF GOVERNMENT VIOLATES
25 THIS ACT, THE COURT SHALL DO ALL OF THE FOLLOWING:

26 (A) ISSUE AN INJUNCTION RESTRAINING THE LOCAL UNIT OF
27 GOVERNMENT FROM ENFORCING THE ORDINANCE OR REGULATION.

1 (B) ORDER THE LOCAL UNIT OF GOVERNMENT TO AMEND OR REPEAL THE
2 ORDINANCE OR REGULATION.

3 (C) AWARD ACTUAL DAMAGES, COSTS, AND REASONABLE ATTORNEY FEES
4 TO THE INDIVIDUAL OR ORGANIZATION CHALLENGING THE ORDINANCE OR
5 REGULATION.

6 (2) IN ADDITION TO THE REQUIREMENTS UNDER SUBSECTION (1), IF
7 THE COURT DETERMINES THAT AN ELECTED OR APPOINTED OFFICIAL, OR THE
8 COUNCIL, COMMISSION, OR BOARD OF THE LOCAL UNIT OF GOVERNMENT,
9 KNOWINGLY AND WILLFULLY VIOLATED THIS ACT, THE COURT SHALL REQUIRE
10 THE ELECTIVE OR HIGHEST APPOINTIVE EXECUTIVE OFFICIAL OF THE LOCAL
11 UNIT OF GOVERNMENT TO NOTIFY EACH REGISTERED ELECTOR IN THE LOCAL
12 UNIT OF GOVERNMENT BY MAIL OF BOTH OF THE FOLLOWING:

13 (A) THE FINDING BY THE CIRCUIT COURT THAT THE LOCAL UNIT OF
14 GOVERNMENT KNOWINGLY AND WILLFULLY VIOLATED THIS ACT.

15 (B) THE AGGREGATE COST INCURRED BY THE LOCAL UNIT OF
16 GOVERNMENT IN DEFENDING AN ACTION BROUGHT UNDER THIS ACT,
17 INCLUDING, BUT NOT LIMITED TO, THE AMOUNT OF ACTUAL DAMAGES, COSTS,
18 AND REASONABLE ATTORNEY FEES THAT WERE AWARDED TO AN INDIVIDUAL OR
19 ORGANIZATION BRINGING AN ACTION UNDER THIS ACT.

20 (3) IF THE ELECTIVE OR HIGHEST APPOINTIVE EXECUTIVE OFFICIAL
21 OF THE LOCAL UNIT OF GOVERNMENT IS REQUIRED TO SEND A NOTICE TO
22 EACH REGISTERED ELECTOR AS PROVIDED UNDER SUBSECTION (2), THE
23 NOTICE SHALL NOT INCLUDE THE NAME OF THE INDIVIDUAL OR ORGANIZATION
24 THAT BROUGHT THE ACTION UNDER THIS ACT.

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