

HOUSE BILL No. 4795

August 18, 2015, Introduced by Reps. Chatfield, Rendon, Johnson, Outman, Hooker, Franz, Bumstead, Theis, Barrett, Poleski, Cole, Pettalia, Aaron Miller, Runestad, Kelly, Lauwers, Dianda, Courser and Glenn and referred to the Committee on Judiciary.

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:

1 TITLE

2 An act to prohibit local units of government from imposing
3 certain restrictions on the ownership, registration, purchase,
4 sale, transfer, transportation, or possession of pistols, other
5 firearms, or pneumatic guns, ammunition for pistols or other
6 firearms, or components of pistols or other firearms; **AND TO**
7 **PRESCRIBE PENALTIES.**

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

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

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

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

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

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

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

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

4 (2) IN ADDITION TO THE REQUIREMENTS UNDER SUBSECTION (1), IF
5 THE COURT DETERMINES AN ELECTED OR APPOINTED OFFICIAL OF THE LOCAL
6 UNIT OF GOVERNMENT KNOWINGLY AND WILLFULLY ENACTED OR ENFORCED AN
7 ORDINANCE OR REGULATION IN VIOLATION OF THIS ACT, THEN THE COURT
8 SHALL ASSESS A CIVIL FINE OF NOT MORE THAN \$5,000.00 AGAINST THAT
9 ELECTED OR APPOINTED OFFICIAL, WHICH IS IN ADDITION TO ANY OTHER
10 PENALTY PROVIDED BY LAW.

11 (3) EXCEPT AS OTHERWISE REQUIRED BY LAW, PUBLIC FUNDS SHALL
12 NOT BE USED TO DEFEND OR REIMBURSE AN ELECTED OR APPOINTED OFFICIAL
13 OF A LOCAL UNIT OF GOVERNMENT WHO IS DETERMINED TO HAVE KNOWINGLY
14 AND WILLFULLY ENACTED OR ENFORCED AN ORDINANCE OR REGULATION IN
15 VIOLATION OF THIS ACT.

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