



# HOUSE BILL No. 4288

February 2, 1995, Introduced by Reps. Stallworth, Bennane, Clack, Dobronski, DeMars, Wallace, Scott, Murphy, Parks, Leland, Martinez, Gire, Kilpatrick, Baird, Hood, Vaughn, Saunders, Schroer, Price and Ciaramitaro and referred to the Committee on Judiciary and Civil Rights.

A bill to amend sections 2 and 9a 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,"

section 2 as amended by Act No. 338 of the Public Acts of 1994 and section 9a as added by Act No. 320 of the Public Acts of 1990, being sections 28.422 and 28.429b of the Michigan Compiled Laws; and to add section 2c.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2 and 9a of Act No. 372 of the Public  
2 Acts of 1927, section 2 as amended by Act No. 338 of the Public  
3 Acts of 1994 and section 9a as added by Act No. 320 of the Public

1 Acts of 1990, being sections 28.422 and 28.429b of the Michigan  
2 Compiled Laws, are amended and section 2c is added read as  
3 follows:

4       Sec. 2. (1) Except as provided in subsection (2), a person  
5 shall not purchase, carry, or transport a pistol in this state  
6 without first having obtained a license for the pistol as pre-  
7 scribed in this section.

8       (2) A person who brings a pistol into this state who is on  
9 leave from active duty with the armed forces of the United States  
10 or who has been discharged from active duty with the armed forces  
11 of the United States shall obtain a license for the pistol within  
12 30 days after his or her arrival in this state.

13       (3) The commissioner or chief of police of a city, township,  
14 or village police department that issues licenses to purchase,  
15 carry, or transport pistols, or his or her duly authorized  
16 deputy, or the sheriff or his or her duly authorized deputy, in  
17 the parts of a county not included within a city, township, or  
18 village having an organized police department, in discharging the  
19 duty to issue licenses shall with due speed and diligence issue  
20 licenses to purchase, carry, or transport pistols to qualified  
21 applicants residing within the city, village, township, or  
22 county, as applicable unless he or she has probable cause to  
23 believe that the applicant would be a threat to himself or her-  
24 self or to other individuals, or would commit an offense with the  
25 pistol that would violate a law of this or another state or of  
26 the United States. An applicant is qualified if all of the  
27 following circumstances exist:

1 (a) ~~The~~ BEGINNING APRIL 1, 1996, THE person is not subject  
 2 to an order or disposition for which he or she has received  
 3 notice and an opportunity for a hearing, and which was entered  
 4 into the law enforcement information network pursuant to any of  
 5 the following:

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

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

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

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

18 ~~(v) Section 14(7) of chapter 84 of the Revised Statutes of~~  
 19 ~~1846, being section 552.14 of the Michigan Compiled Laws.~~

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

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

1 (b) The person is 18 years of age or older or, if the seller  
2 is licensed pursuant to section 923 of title 18 of the United  
3 States Code, 18 U.S.C. 923, is 21 years of age or older.

4 (c) The person is a citizen of the United States and is a  
5 legal resident of this state.

6 (d) A felony charge against the person is not pending at the  
7 time of application.

8 (e) The person is not prohibited from possessing, using,  
9 transporting, selling, purchasing, carrying, shipping, receiving,  
10 or distributing a firearm under section 224f of the Michigan  
11 penal code, Act No. 328 of the Public Acts of 1931, being section  
12 750.224f of the Michigan Compiled Laws. A LICENSE SHALL NOT BE  
13 ISSUED UNDER THIS SECTION UNTIL THE REQUIREMENT OF THIS SUBDIVI-  
14 SION IS VERIFIED BY A COMPUTERIZED CRIMINAL HISTORY INVESTIGATION  
15 THROUGH THE LAW ENFORCEMENT INFORMATION NETWORK.

16 (f) The person has not been adjudged insane in this state or  
17 elsewhere unless he or she has been adjudged restored to sanity  
18 by court order.

19 (g) The person is not under an order of involuntary commit-  
20 ment in an inpatient or outpatient setting due to mental  
21 illness.

22 (h) The person has not been adjudged legally incapacitated  
23 in this state or elsewhere. This subdivision does not apply to a  
24 person who has had his or her legal capacity restored by order of  
25 the court.

26 (i) The person correctly answers 70% or more of the  
27 questions on a basic pistol safety review questionnaire approved

1 by the basic pistol safety review board and provided to the  
2 individual free of charge by the licensing authority. If the  
3 person fails to correctly answer 70% or more of the questions on  
4 the basic pistol safety review questionnaire, the licensing  
5 authority shall inform the person of the questions he or she  
6 answered incorrectly and allow the person to attempt to complete  
7 another basic pistol safety review questionnaire. The person  
8 shall not be allowed to attempt to complete more than 2 basic  
9 pistol safety review questionnaires on any single day. The  
10 licensing authority shall allow the person to attempt to complete  
11 the questionnaire during normal business hours on the day the  
12 person applies for his or her license.

13 (J) THE PERSON HAS SUCCESSFULLY COMPLETED A PISTOL SAFETY  
14 TRAINING PROGRAM AND PRESENTS A CERTIFICATE OF COMPLETION ISSUED  
15 UNDER SECTION 2C BY ANY SHERIFF'S DEPARTMENT OR POLICE DEPARTMENT  
16 IN THIS STATE.

17 (4) Applications for licenses under this section shall be  
18 signed by the applicant under oath upon forms provided by the  
19 director of the department of state police. Licenses to pur-  
20 chase, carry, or transport pistols shall be executed in tripli-  
21 cate upon forms provided by the director of the department of  
22 state police and shall be signed by the licensing authority.  
23 Three copies of the license shall be delivered to the applicant  
24 by the licensing authority.

25 (5) Upon the sale of the pistol, the seller shall fill out  
26 the license forms describing the pistol sold, together with the  
27 date of sale, and sign his or her name in ink indicating that the

1 pistol was sold to the licensee. The licensee shall also sign  
2 his or her name in ink indicating the purchase of the pistol from  
3 the seller. The seller may retain a copy of the license as a  
4 record of the sale of the pistol. The licensee shall return  
5 2 copies of the license to the licensing authority within 10 days  
6 following the purchase of the pistol.

7       (6) One copy of the license shall be retained by the licens-  
8 ing authority as an official record for a period of 6 years. The  
9 other copy of the license shall be forwarded by the licensing  
10 authority within 48 hours to the director of the department of  
11 state police. A license is void unless used within 10 days after  
12 the date of its issue.

13       (7) This section does not apply to the purchase of pistols  
14 from wholesalers by dealers regularly engaged in the business of  
15 selling pistols at retail, or to the sale, barter, or exchange of  
16 pistols kept solely as relics, curios, or antiques not made for  
17 modern ammunition or permanently deactivated. This section does  
18 not prevent the transfer of ownership of pistols that are inher-  
19 ited if the license to purchase is approved by the commissioner  
20 or chief of police, sheriff, or their authorized deputies, and  
21 signed by the personal representative of the estate or by the  
22 next of kin having authority to dispose of the pistol.

23       (8) The licensing authority shall provide a basic pistol  
24 safety brochure to each applicant for a license under this sec-  
25 tion before the applicant answers the basic pistol safety review  
26 questionnaire. A basic pistol safety brochure shall contain, but

1 is not limited to providing, information on all of the following  
2 subjects:

3 (a) Rules for safe handling and use of pistols.

4 (b) Safe storage of pistols.

5 (c) Nomenclature and description of various types of  
6 pistols.

7 (d) The responsibilities of owning a pistol.

8 (9) The basic pistol safety brochure shall be supplied in  
9 addition to the safety pamphlet required by section 9b.

10 (10) The basic pistol safety brochure required in subsection  
11 (8) shall be produced by a national nonprofit membership organi-  
12 zation that provides voluntary pistol safety programs that  
13 include training individuals in the safe handling and use of  
14 pistols.

15 (11) A person who forges any matter on an application for a  
16 license under this section is guilty of a felony, punishable by  
17 imprisonment for not more than 4 years or a fine of not more than  
18 \$2,000.00, or both.

19 (12) A licensing authority shall implement this section  
20 during all of the licensing authority's normal business hours and  
21 shall set hours for implementation that allow an applicant to use  
22 the license within the time period set forth in subsection (6).

23 SEC. 2C. (1) EACH SHERIFF'S DEPARTMENT IN THIS STATE SHALL,  
24 AND EACH POLICE DEPARTMENT IN THIS STATE MAY, PROVIDE A PISTOL  
25 SAFETY TRAINING PROGRAM DEVELOPED BY THE BASIC PISTOL SAFETY  
26 REVIEW BOARD UNDER SECTION 9A TO INDIVIDUALS WHO WISH TO APPLY  
27 FOR A LICENSE ISSUED UNDER SECTION 2.

1           (2) EACH SHERIFF'S DEPARTMENT SHALL PROVIDE THE PROGRAM  
2 DESCRIBED IN SUBSECTION (1) AS OFTEN AS NECESSARY TO ENSURE THAT  
3 LICENSES ARE ISSUED UNDER SECTION 2 IN A TIMELY MANNER, BUT SHALL  
4 PROVIDE THAT PROGRAM AT LEAST ONCE A MONTH. EACH POLICE DEPART-  
5 MENT MAY PROVIDE THE PROGRAM AS OFTEN AS DETERMINED APPROPRIATE  
6 BY THAT POLICE DEPARTMENT.

7           (3) THE SHERIFF'S DEPARTMENT OR POLICE DEPARTMENT THAT PRO-  
8 VIDES THE PROGRAM SHALL ISSUE A CERTIFICATE OF COMPLETION TO EACH  
9 INDIVIDUAL WHO SUCCESSFULLY COMPLETES THAT PROGRAM. THE CERTIFI-  
10 CATE OF COMPLETION SHALL BE ON A FORM PRESCRIBED BY THE BASIC  
11 PISTOL SAFETY REVIEW BOARD UNDER SECTION 9A.

12           (4) A TRAINING PROGRAM SHALL BE TAUGHT BY AN INSTRUCTOR CER-  
13 TIFIED BY THE NATIONAL RIFLE ASSOCIATION OR AN INDIVIDUAL HAVING  
14 SUBSTANTIALLY SIMILAR QUALIFICATIONS AS DETERMINED BY THE BASIC  
15 PISTOL SAFETY REVIEW BOARD.

16           (5) THE SHERIFF'S DEPARTMENT OR POLICE DEPARTMENT MAY CHARGE  
17 THE INDIVIDUAL A FEE NOT TO EXCEED THE ACTUAL AND NECESSARY  
18 EXPENSE OF PROVIDING THE PROGRAM.

19           Sec. 9a. (1) The basic pistol safety review board is cre-  
20 ated in the department of state police. The board shall consist  
21 of the following members:

22           (a) The director of the department of state police or his or  
23 her representative.

24           (b) The director of the department of natural resources or  
25 his or her representative.



1 (c) One person appointed by the governor with the advice and  
2 consent of the senate representing the interests of organizations  
3 involved in shooting sports.

4 (d) One person appointed by the governor with the advice and  
5 consent of the senate representing the interests of a statewide  
6 conservation organization.

7 (e) One person appointed by the governor with the advice and  
8 consent of the senate representing the interests of the public.

9 (2) The director of the department of state police shall  
10 chair the basic pistol safety board.

11 (3) The basic pistol safety board shall do all of the  
12 following:

13 (a) Approve a pamphlet on basic pistol safety for distribu-  
14 tion to entities authorized to issue licenses under section 2.

15 (b) Approve basic pistol safety questionnaires for distribu-  
16 tion to entities authorized to issue licenses under section 2.

17 The board shall approve a questionnaire under this subdivision  
18 only if both of the following circumstances exist:

19 (i) The questionnaire only addresses material covered in the  
20 pamphlet approved pursuant to subdivision (a).

21 (ii) The questionnaire reasonably examines the knowledge of  
22 pistol safety of individuals who are required to answer  
23 questionnaires.

24 (c) Upon the expiration of 90 days after the effective date  
25 of the amendatory act that added this section, provide the  
26 department of state police with master copies of the basic pistol  
27 safety pamphlet and basic pistol safety questionnaires for

1 printing by the department of state police and for distribution  
2 by the department of state police to entities authorized to issue  
3 licenses under section 2.

4 (D) WITHIN THE EXPIRATION OF 180 DAYS AFTER THE EFFECTIVE  
5 DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBDIVISION, DO ALL OF  
6 THE FOLLOWING:

7 (i) DEVELOP 1 OR MORE PROGRAMS TO PROVIDE PISTOL SAFETY  
8 TRAINING TO INDIVIDUALS WHO WISH TO APPLY FOR A LICENSE UNDER  
9 SECTION 2, AND DISTRIBUTE COPIES OF THOSE PROGRAM PLANS TO EACH  
10 SHERIFF'S DEPARTMENT AND POLICE DEPARTMENT IN THIS STATE. A  
11 TRAINING PROGRAM SHALL BE AT LEAST THE EQUIVALENT OF TRAINING  
12 REQUIRED FOR A CERTIFICATION OF COMPETENCY IN HUNTER SAFETY.  
13 EACH PROGRAM SHALL PROVIDE, AT MINIMUM, INFORMATION ON THE  
14 SUBJECTS SET FORTH IN SECTION 2(8)(A) TO (D), AND SHALL REQUIRE  
15 THE INDIVIDUAL TO DISCHARGE A PISTOL ON A FIRING RANGE UNDER THE  
16 DIRECT SUPERVISION OF A FIREARMS INSTRUCTOR. EACH PROGRAM SHALL  
17 BE TAUGHT IN A SINGLE SESSION OF NOT LESS THAN 2 HOURS OR MORE  
18 THAN 6 HOURS.

19 (ii) PRESCRIBE A FORM FOR CERTIFICATES OF COMPLETION ISSUED  
20 UNDER SECTION 2B.

21 (iii) DETERMINE THE QUALIFICATIONS REQUIRED FOR A PISTOL  
22 SAFETY TRAINING PROGRAM INSTRUCTOR WHO IS NOT CERTIFIED BY THE  
23 NATIONAL RIFLE ASSOCIATION.