



HOUSE BILL No. 4795

May 9, 1995, Introduced by Reps. Jaye, Green, Horton, Whyman, Kaza, Jersevic, Kukuk, Cropsey, Walberg, Gustafson, Weeks and Hill and referred to the Committee on Judiciary and Civil Rights.

A bill to amend sections 2, 4, 6, 6a, and 8 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,"

sections 2 and 6 as amended by Act No. 338 of the Public Acts of 1994, section 4 as added by Act No. 219 of the Public Acts of 1992, and section 6a as amended by Act No. 34 of the Public Acts of 1991, being sections 28.422, 28.424, 28.426, 28.426a, and 28.428 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2, 4, 6, 6a, and 8 of Act No. 372 of
2 the Public Acts of 1927, sections 2 and 6 as amended by Act

1 No. 338 of the Public Acts of 1994, section 4 as added by Act
2 No. 219 of the Public Acts of 1992, and section 6a as amended by
3 Act No. 34 of the Public Acts of 1991, being sections 28.422,
4 28.424, 28.426, 28.426a, and 28.428 of the Michigan Compiled
5 Laws, are amended to read as follows:

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

10 (2) A person who brings a pistol into this state who is on
11 leave from active duty with the armed forces of the United States
12 or who has been discharged from active duty with the armed forces
13 of the United States shall obtain a license for the pistol within
14 30 days after his or her arrival in this state.

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

1 the United States. An applicant is qualified if all of the
2 following circumstances exist:

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

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

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

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

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

20 ~~(v) Section 14(7) of chapter 84 of the Revised Statutes of~~
21 ~~1846, being section 552.14 of the Michigan Compiled Laws.~~

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

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

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

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

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

11 (e) The person is not prohibited from possessing, using,
12 transporting, selling, purchasing, carrying, shipping, receiving,
13 or distributing a firearm under section 224f of the Michigan
14 penal code, Act No. 328 of the Public Acts of 1931, being section
15 750.224f of the Michigan Compiled Laws.

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

21 (5) Upon the sale of the pistol, the seller shall fill out
22 the license forms describing the pistol sold, together with the
23 date of sale, and sign his or her name in ink indicating that the
24 pistol was sold to the licensee. The licensee shall also sign
25 his or her name in ink indicating the purchase of the pistol from
26 the seller. The seller may retain a copy of the license as a
27 record of the sale of the pistol. The licensee shall return

1 2 copies of the license to the licensing authority within 10 days
2 following the purchase of the pistol.

3 (6) One copy of the license shall be retained by the licens-
4 ing authority as an official record for a period of 6 years. The
5 other copy of the license shall be forwarded by the licensing
6 authority within 48 hours to the director of the department of
7 state police. A license is void unless used within ~~10~~ 30 days
8 after the date of its issue.

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

19 (8) The licensing authority shall provide a basic pistol
20 safety brochure to each applicant for a license under this sec-
21 tion before the applicant answers the basic pistol safety review
22 questionnaire. A basic pistol safety brochure shall contain, but
23 is not limited to providing, information on all of the following
24 subjects:

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

26 (b) Safe storage of pistols.

1 (c) Nomenclature and description of various types of
2 pistols.

3 (d) The responsibilities of owning a pistol.

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

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

11 (11) A person who forges any matter on an application for a
12 license under this section is guilty of a felony, punishable by
13 imprisonment for not more than 4 years or a fine of not more than
14 \$2,000.00, or both.

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

19 Sec. 4. (1) A person who is prohibited from possessing,
20 using, transporting, selling, purchasing, carrying, shipping,
21 receiving, or distributing a firearm under section 224f(2) of the
22 Michigan penal code, Act No. 328 of the Public Acts of 1931,
23 being section 750.224f of the Michigan Compiled Laws, may apply
24 to the ~~concealed weapons licensing board in the county in which~~
25 ~~he or she resides~~ SECRETARY OF STATE for restoration of those
26 rights.

1 (2) Not more than 1 application may be submitted under
2 subsection (1) in any calendar year. The ~~concealed weapons~~
3 ~~licensing board~~ SECRETARY OF STATE may charge a fee of not more
4 than \$10.00 for the actual and necessary expenses of each
5 application.

6 (3) The ~~concealed weapons licensing board~~ SECRETARY OF
7 STATE shall, by written order, ~~of the board,~~ restore the rights
8 of a person to possess, use, transport, sell, purchase, carry,
9 ship, receive, or distribute a firearm if the ~~board~~ SECRETARY
10 OF STATE determines, by clear and convincing evidence, that all
11 of the following circumstances exist:

12 (a) The person properly submitted an application for resto-
13 ration of those rights as provided under this section.

14 (b) The expiration of 5 years after all of the following
15 circumstances:

16 (i) The person has paid all fines imposed for the violation
17 resulting in the prohibition.

18 (ii) The person has served all terms of imprisonment imposed
19 for the violation resulting in the prohibition.

20 (iii) The person has successfully completed all conditions
21 of probation or parole imposed for the violation resulting in the
22 prohibition.

23 (c) The person's record and reputation are such that the
24 person is not likely to act in a manner dangerous to the safety
25 of other persons.

26 (4) If the ~~concealed weapons licensing board~~ SECRETARY OF
27 STATE pursuant to subsection (3) refuses to restore a right under

1 this section, the person may petition the circuit court for
2 review of that decision.

3 Sec. 6. (1) ~~The prosecuting attorney, the sheriff, and the~~
4 ~~director of the department of state police, or their respective~~
5 ~~authorized deputies, shall constitute boards exclusively~~
6 SECRETARY OF STATE IS authorized to issue a license to an appli-
7 cant residing within ~~their respective counties,~~ THIS STATE to
8 carry a pistol concealed on the person and to carry a pistol,
9 whether concealed or otherwise, in a vehicle operated or occupied
10 by the applicant. ~~The county clerk of each county shall be~~
11 ~~clerk of the licensing board, which board shall be known as the~~
12 ~~concealed weapon licensing board. A license to carry a pistol~~
13 ~~concealed on the person or to carry a pistol, whether concealed~~
14 ~~or otherwise, in a vehicle operated or occupied by the person~~
15 ~~applying for the license, shall not be granted to a person unless~~
16 ~~the person is 18 years of age or older, is a citizen of the~~
17 ~~United States, and has resided in this state 6 months or more. A~~
18 ~~license shall not be issued unless it appears that the applicant~~
19 ~~has good reason to fear injury to his or her person or property,~~
20 ~~or has other proper reasons, and is a suitable person to be~~
21 ~~licensed. A license shall not be issued under this section~~
22 ~~unless all of the following circumstances exist:~~

23 (a) ~~The person is not the subject of an order or disposition~~
24 ~~entered into the law enforcement information network pursuant to~~
25 ~~any of the following:~~

1 ~~(i) Section 464a(1) of the mental health code, Act No. 258~~
2 ~~of the Public Acts of 1974, being section 330.464a of the~~
3 ~~Michigan Compiled Laws.~~

4 ~~(ii) Section 444a(1) of the revised probate code, Act~~
5 ~~No. 642 of the Public Acts of 1970, being section 700.444a of the~~
6 ~~Michigan Compiled Laws.~~

7 ~~(iii) Section 2950(9) of the revised judicature act of 1961,~~
8 ~~Act No. 236 of the Public Acts of 1961, being section 600.2950 of~~
9 ~~the Michigan Compiled Laws.~~

10 ~~(iv) Section 2950a(7) of Act No. 236 of the Public Acts of~~
11 ~~1961, being section 600.2950a of the Michigan Compiled Laws.~~

12 ~~(v) Section 14(7) of chapter 84 of the Revised Statutes of~~
13 ~~1846, being section 552.14 of the Michigan Compiled Laws.~~

14 ~~(vi) Section 6b(5) of chapter V of the code of criminal pro-~~
15 ~~cedure, Act No. 175 of the Public Acts of 1927, being section~~
16 ~~765.6b of the Michigan Compiled Laws, if the order has a condi-~~
17 ~~tion imposed pursuant to section 6b(3) of chapter V of Act~~
18 ~~No. 175 of the Public Acts of 1927.~~

19 ~~(vii) Section 16b(1) of chapter IX of Act No. 175 of the~~
20 ~~Public Acts of 1927, being section 769.16b of the Michigan~~
21 ~~Compiled Laws.~~

22 ~~(b) The person has not been convicted of a felony or con-~~
23 ~~fined for a felony conviction in this state or elsewhere during~~
24 ~~the 8 year period immediately preceding the date of the applica-~~
25 ~~tion, and a felony charge against the person is not pending at~~
26 ~~the time he or she applies for a license described in this~~
27 ~~section.~~

1 ~~(c) The person has not been adjudged insane unless the~~
2 ~~person has been adjudged restored to sanity by court order.~~

3 ~~(d) The person is not under an order of involuntary commit-~~
4 ~~ment in an inpatient or outpatient setting due to mental~~
5 ~~illness.~~

6 ~~(e) The person has not been adjudged legally incapacitated~~
7 ~~in this state or elsewhere. This subdivision does not apply to a~~
8 ~~person who has had his or her legal capacity restored by court~~
9 ~~order.~~

10 ~~(2) If an applicant resides in a city, village, or township~~
11 ~~having an organized department of police, a license shall not be~~
12 ~~issued unless the application is first approved in writing by the~~
13 ~~supervisor, commissioner or chief of police, or marshal of that~~
14 ~~city, village, or township. If an application is not approved in~~
15 ~~the manner prescribed by this subsection, the applicant has +0~~
16 ~~days to appeal, in writing, to the concealed weapon licensing~~
17 ~~board in the county in which the applicant resides. Upon receipt~~
18 ~~of a written appeal, that concealed weapon licensing board shall~~
19 ~~schedule a hearing to be held at its next scheduled meeting,~~
20 ~~which shall not be less than +5 days after the receipt of the~~
21 ~~fingerprint comparison report. The concealed weapon licensing~~
22 ~~board shall determine at the hearing whether the applicant is~~
23 ~~qualified to carry a concealed weapon pursuant to this section.~~
24 ~~Notice of the hearing shall be mailed to the applicant and the~~
25 ~~organized department of police not less than +0 days before the~~
26 ~~scheduled hearing. The applicant shall deposit the sum of \$+0.00~~
27 ~~with the county clerk at the time the appeal is made. If, after~~

1 ~~appeal, a license is not issued, the deposit shall be credited to~~
2 ~~the general fund of the county. If a license is issued, the~~
3 ~~deposit shall be processed as the license fee required under sub~~
4 ~~section (6).~~

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

1 ~~appeal is made. If, after appeal, a license is not issued, the~~
2 ~~deposit shall be credited to the general fund of the county. If~~
3 ~~a license is issued, the deposit shall be processed as the~~
4 ~~license fee required under subsection (6).~~

5 (2) ~~(4)~~ An applicant FOR A LICENSE TO CARRY A CONCEALED
6 WEAPON shall have 2 sets of fingerprints taken by the sheriff, or
7 the sheriff's authorized representative, of the county in which
8 the applicant resides, if the applicant does not reside in a
9 city, village, or township having an organized department of
10 police, or by the commissioner or chief of police, or marshal, or
11 an authorized representative of the commissioner or chief of
12 police or marshal, if the applicant resides within a city, vil-
13 lage, or township having an organized department of police. The
14 first set of fingerprints shall be taken on forms furnished by
15 the department of state police, and the second set on forms fur-
16 nished by the federal bureau of investigation. The person taking
17 the prints shall forward the first set of fingerprints to the
18 department of state police and the second set to the federal
19 bureau of investigation or other agency designated by the federal
20 bureau of investigation. The director of the bureau of identifi-
21 cation of the department of state police shall compare the fin-
22 gerprints with those already on file in the bureau. A license
23 shall not be issued unless the report is received by the ~~clerk~~
24 ~~of the board~~ SECRETARY OF STATE from the department of state
25 police and the federal bureau of investigation that the compari-
26 sons do not show that the applicant was convicted of ~~or confined~~
27 ~~for~~ a felony ~~during the 8 year period~~ OR AN ASSAULTIVE

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

16 (3) ~~(5)~~ The application for a license shall state each
17 reason for the necessity or desirability of carrying a pistol
18 concealed on the person or carrying a pistol, whether or not con-
19 cealed, in a vehicle occupied by the person applying for the
20 license. A license issued under this section shall limit the
21 carrying of a pistol to the reason or reasons satisfactory to the
22 ~~board~~ SECRETARY OF STATE, and each restriction shall appear
23 conspicuously on the face of the license. The license shall be
24 an authorization to carry a pistol in compliance with this sec-
25 tion only to the extent contained in the face of the license and
26 the license shall be revoked by the ~~board~~ SECRETARY OF STATE if
27 the pistol is carried contrary to the authorization.

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

1 impossible to obtain, the license shall bear the imprint of the
2 left thumb or some other finger of the licensee. The licensee
3 shall carry the license upon his or her person when carrying a
4 pistol concealed upon his or her person, or when carrying the
5 pistol, whether or not concealed, in a vehicle occupied by the
6 licensee. The licensee shall display the license upon the
7 request of a peace officer. On the first day of each month the
8 ~~county clerk~~ SECRETARY OF STATE shall remit to the state trea-
9 surer \$2.00 for each license issued during the preceding month.
10 On the first day of each month the ~~county clerk~~ SECRETARY OF
11 STATE shall pay into the general fund of the ~~county~~ STATE the
12 remainder of each license fee for each license issued during the
13 preceding month.

14 (5) THE SECRETARY OF STATE SHALL ISSUE A LICENSE TO CARRY A
15 PISTOL CONCEALED ON THE PERSON OR TO CARRY A PISTOL, WHETHER CON-
16 CEALED OR OTHERWISE, OR IN A VEHICLE OPERATED OR OCCUPIED BY THE
17 PERSON APPLYING FOR THE LICENSE, IF ALL OF THE FOLLOWING CIRCUM-
18 STANCES EXIST:

19 (A) FOR APPLICATIONS FILED ON OR AFTER APRIL 1, 1996, THE
20 APPLICANT IS NOT THE SUBJECT OF AN ORDER OR DISPOSITION ENTERED
21 INTO THE LAW ENFORCEMENT INFORMATION NETWORK PURSUANT TO ANY OF
22 THE FOLLOWING:

23 (i) SECTION 464A(1) OF THE MENTAL HEALTH CODE, ACT NO. 258
24 OF THE PUBLIC ACTS OF 1974, BEING SECTION 330.1464A OF THE
25 MICHIGAN COMPILED LAWS.

1 (ii) SECTION 444A(1) OF THE REVISED PROBATE CODE, ACT
2 NO. 642 OF THE PUBLIC ACTS OF 1978, BEING SECTION 700.444A OF THE
3 MICHIGAN COMPILED LAWS.

4 (iii) SECTION 2950(16) OF THE REVISED JUDICATURE ACT OF
5 1961, ACT NO. 236 OF THE PUBLIC ACTS OF 1961, BEING SECTION
6 600.2950 OF THE MICHIGAN COMPILED LAWS.

7 (iv) SECTION 2950A(13) OF ACT NO. 236 OF THE PUBLIC ACTS OF
8 1961, BEING SECTION 600.2950A OF THE MICHIGAN COMPILED LAWS.

9 (v) SECTION 6B(5) OF CHAPTER V OF THE CODE OF CRIMINAL PRO-
10 CEDURE, ACT NO. 175 OF THE PUBLIC ACTS OF 1927, BEING SECTION
11 765.6B OF THE MICHIGAN COMPILED LAWS, IF THE ORDER HAS A CONDI-
12 TION IMPOSED PURSUANT TO SECTION 6B(3) OF CHAPTER V OF ACT
13 NO. 175 OF THE PUBLIC ACTS OF 1927.

14 (vi) SECTION 16B(2) OF CHAPTER IX OF ACT NO. 175 OF THE
15 PUBLIC ACTS OF 1927, BEING SECTION 769.16B OF THE MICHIGAN
16 COMPILED LAWS.

17 (B) THE APPLICANT HAS NOT BEEN CONVICTED OF A FELONY OR AN
18 ASSAULTIVE MISDEMEANOR, AND A FELONY OR ASSAULTIVE MISDEMEANOR
19 CHARGE AGAINST THE APPLICANT IS NOT PENDING AT THE TIME HE OR SHE
20 APPLIES FOR A LICENSE DESCRIBED IN THIS SECTION.

21 (C) THE APPLICANT IS NOT PROHIBITED FROM POSSESSING, USING,
22 TRANSPORTING, SELLING, PURCHASING, CARRYING, SHIPPING, RECEIVING,
23 OR DISTRIBUTING A FIREARM UNDER SECTION 224F OF THE MICHIGAN
24 PENAL CODE, ACT NO. 328 OF THE PUBLIC ACTS OF 1931, BEING
25 SECTION 750.224F OF THE MICHIGAN COMPILED LAWS.

26 (D) THE APPLICANT HAS NOT BEEN ADJUDGED INSANE UNLESS THE
27 APPLICANT HAS BEEN ADJUDGED RESTORED TO SANITY BY COURT ORDER.

1 (E) THE APPLICANT IS NOT UNDER AN ORDER OF INVOLUNTARY
2 COMMITMENT IN AN INPATIENT OR OUTPATIENT SETTING DUE TO MENTAL
3 ILLNESS.

4 (F) THE APPLICANT HAS NOT BEEN ADJUDGED LEGALLY INCAPACI-
5 TATED IN THIS STATE OR ELSEWHERE. THIS SUBDIVISION DOES NOT
6 APPLY TO AN APPLICANT WHO HAS HAD HIS OR HER LEGAL CAPACITY
7 RESTORED BY COURT ORDER.

8 (G) THE APPLICANT HAS NO PHYSICAL INFIRMITY THAT WOULD PRE-
9 VENT THE APPLICANT FROM SAFELY HANDLING A PISTOL.

10 (H) THE APPLICANT INTENDS TO CARRY THE PISTOL FOR A LAWFUL
11 PURPOSE.

12 (I) THE APPLICANT CAN DOCUMENT KNOWLEDGE OR TRAINING IN THE
13 SAFE USE AND HANDLING OF A PISTOL BY 1 OF THE FOLLOWING:

14 (i) SUCCESSFUL COMPLETION OF A HUNTER SAFETY EDUCATION
15 COURSE OR CLASS PRESENTED BY THIS STATE OR BY ANOTHER STATE.

16 (ii) SUCCESSFUL COMPLETION OF A FIREARMS SAFETY OR TRAINING
17 COURSE OR CLASS PRESENTED BY THE NATIONAL RIFLE ASSOCIATION.

18 (iii) SUCCESSFUL COMPLETION OF A FIREARMS SAFETY TRAINING
19 COURSE OR CLASS AVAILABLE TO THE GENERAL PUBLIC AND PRESENTED BY
20 A LAW ENFORCEMENT AGENCY, JUNIOR COLLEGE, COLLEGE, OR PUBLIC OR
21 PRIVATE INSTITUTION OR ORGANIZATION OR FIREARMS TRAINING SCHOOL,
22 AND USING INSTRUCTORS CERTIFIED BY THE NATIONAL RIFLE ASSOCIATION
23 OR BY THIS STATE.

24 (iv) SUCCESSFUL COMPLETION OF A LAW ENFORCEMENT FIREARMS
25 SAFETY TRAINING COURSE OR CLASS OFFERED FOR SECURITY GUARDS,
26 INVESTIGATORS, SPECIAL DEPUTIES, OR LAW ENFORCEMENT OFFICERS.

1 (v) SUCCESSFUL COMPLETION OF A FIREARMS TRAINING OR SAFETY
2 COURSE OR CLASS CONDUCTED BY AN INSTRUCTOR CERTIFIED BY THIS
3 STATE, OR BY ANOTHER STATE, OR BY THE NATIONAL RIFLE
4 ASSOCIATION.

5 (vi) PROOF OF EXPERIENCE EQUIVALENT TO A COURSE OR CLASS
6 DESCRIBED IN SUBPARAGRAPHS (i) TO (v).

7 (vii) PROOF THAT HE OR SHE IS LICENSED OR HAS BEEN LICENSED
8 IN THIS STATE OR IN ANOTHER STATE TO CARRY A CONCEALED WEAPON
9 UNLESS THAT LICENSE WAS REVOKED FOR CAUSE.

10 (6) A PHOTOCOPY OF A CERTIFICATE OF COMPLETION OF A COURSE
11 OR CLASS DESCRIBED IN SUBSECTION (5)(I)(i) TO (v), OR AN AFFIDA-
12 VIT FROM THE INSTRUCTOR, SCHOOL, CLUB, OR GROUP PRESENTING A
13 CLASS OR COURSE DESCRIBED IN SUBSECTION (5)(I)(i) TO (v) STATING
14 THAT THE APPLICANT SUCCESSFULLY COMPLETED THE COURSE OR CLASS, OR
15 A COPY OF A DOCUMENT THAT SHOWS COMPLETION OF A COURSE OR CLASS
16 IN FIREARMS COMPETITION, IS EVIDENCE THAT THE APPLICANT SUCCESS-
17 FULLY COMPLETED THAT COURSE OR CLASS.

18 (7) A LICENSE SHALL BE ISSUED OR DENIED UNDER THIS SECTION
19 ON OR BEFORE THE EXPIRATION OF 90 DAYS AFTER THE APPLICATION FOR
20 THE LICENSE IS RECEIVED BY THE SECRETARY OF STATE.

21 (8) IF THE SECRETARY OF STATE ISSUES A LICENSE TO CARRY A
22 PISTOL, WHETHER CONCEALED OR OTHERWISE, IN A VEHICLE OPERATED OR
23 OCCUPIED BY THE APPLICANT, THE SECRETARY OF STATE SHALL PROVIDE
24 THE APPLICANT WITH A DECAL DISTRIBUTED PURSUANT TO SUBSECTION (9)
25 THAT THE APPLICANT MAY PLACE IN THE REAR WINDOW OF A MOTOR VEHI-
26 CLE OPERATED OR OCCUPIED BY THE APPLICANT.

1 (9) THE DEPARTMENT OF STATE SHALL DESIGN A DECAL BASED UPON
2 THE FIRST FLAG USED BY THE CONSTITUTIONAL CONGRESS, AND
3 CONTAINING THE PHRASE "DON'T TREAD ON ME". THE DEPARTMENT OF
4 STATE SHALL DISTRIBUTE THE DECALS TO APPLICANTS AS PROVIDED UNDER
5 SUBSECTION (8). THE DEPARTMENT OF STATE SHALL NOT CHARGE A FEE
6 FOR THE DECALS.

7 (10) ~~(7) The county clerk~~ SECRETARY OF STATE may issue a
8 copy of a license issued pursuant to this section for a fee of
9 \$3.00. ~~which~~ THE fee shall be paid into the general fund of the
10 ~~county~~ STATE.

11 ~~(8) A charter county may impose by ordinance a different~~
12 ~~amount for the concealed weapon licensing fee prescribed by sub~~
13 ~~section (6). A charter county shall not impose a fee which is~~
14 ~~greater than the cost of the service for which the fee is~~
15 ~~charged.~~

16 (11) A PERSON OTHER THAN THE SECRETARY OF STATE OR HIS OR
17 HER AUTHORIZED AGENT SHALL NOT ISSUE A LICENSE TO CARRY A PISTOL
18 CONCEALED ON THE PERSON OR TO CARRY A PISTOL, WHETHER CONCEALED
19 OR OTHERWISE, IN A VEHICLE OPERATED OR OCCUPIED BY THE PERSON.

20 Sec. 6a. (1) ~~A concealed weapons licensing board~~ THE SEC-
21 RETARY OF STATE may issue to any bank, trust company, armored car
22 company, railway company, express company, or other company,
23 institution, copartnership, or individual ~~having in its, their,~~
24 ~~or the individual's possession~~ POSSESSING large sums of money or
25 other valuables, a license authorizing the licensee to equip the
26 LICENSEE'S premises or vehicles ~~under its, their, or the~~
27 ~~individual's control~~ with gas ejecting devices to be used solely

1 ~~for the purpose of protecting~~ TO PROTECT those premises or
2 vehicles and the persons or property in the premises or vehicles
3 from criminal assaults.

4 (2) The ~~director of the department of state police~~
5 SECRETARY OF STATE shall promulgate rules to govern the issuing
6 of the license and the making of an application for the license.
7 The rules shall be promulgated pursuant to the administrative
8 procedures act of 1969, Act No. 306 of the Public Acts of 1969,
9 ~~as amended,~~ being sections 24.201 to 24.328 of the Michigan
10 Compiled Laws. The ~~concealed weapons licensing board~~ SECRETARY
11 OF STATE may issue to any company, copartnership, or individual
12 ~~under the limitations and pursuant to the rules promulgated by~~
13 ~~the director of the department of state police~~ a license autho-
14 rizing the corporation, copartnership, or individual to manufac-
15 ture or sell, or both, a gas ejecting or emitting weapon, cart-
16 ridge, or device to any person authorized by law to possess the
17 weapon, cartridge, or device.

18 (3) For purposes of this section, "gas ejecting device"
19 means a device designed for the purpose of rendering a person
20 either temporarily or permanently disabled by the ejection,
21 release, or emission of a gas or other substance.

22 (4) A license ~~shall~~ IS not ~~be~~ required under this sec-
23 tion for the sale, purchase, or possession of a self-defense
24 spray device, as defined in section 224d of the Michigan penal
25 code, Act No. 328 of the Public Acts of 1931, being section
26 750.224d of the Michigan Compiled Laws.

1 Sec. 8. The ~~licensing board herein created by section 6~~
2 SECRETARY OF STATE may revoke any license issued ~~by it~~ UNDER
3 SECTION 6 upon receiving a certificate of any magistrate showing
4 that ~~such~~ THE licensee has been convicted of violating any of
5 the provisions of this act, or has been convicted of a felony OR
6 AN ASSAULTIVE MISDEMEANOR. ~~Such~~ A license ISSUED UNDER
7 SECTION 6 may also be revoked ~~whenever~~ IF in the judgment of
8 ~~said board~~ THE SECRETARY OF STATE the reason for granting
9 ~~such~~ THE license ~~shall have ceased~~ CEASES to exist, or
10 ~~whenever said board shall~~ IF THE SECRETARY OF STATE for any
11 reasonable cause ~~determine said~~ DETERMINES THE licensee ~~to be~~
12 ~~an~~ IS unfit ~~person~~ to carry a pistol concealed upon his OR HER
13 person. ~~No such~~ A license shall be revoked ~~except~~ ONLY upon
14 written complaint and ~~then only~~ after a hearing by ~~said board,~~
15 ~~of which~~ THE SECRETARY OF STATE. THE SECRETARY OF STATE SHALL
16 PROVIDE THE PERSON WITH at least 7 days' notice ~~shall be given~~
17 ~~to the licensee either~~ OF AN ACTION UNDER THIS SECTION by per-
18 sonal service or by registered mail to ~~his~~ THE PERSON'S last
19 known address. The ~~clerk of said licensing board is hereby~~
20 ~~authorized to~~ SECRETARY OF STATE MAY administer an oath to any
21 person testifying ~~before such board~~ at ~~any such~~ A hearing
22 UNDER THIS SECTION.