



HOUSE BILL No. 4879

May 18, 1995, Introduced by Reps. Berman, Gire, Gubow, Curtis, Dobronski, Hanley, Owen, Hill, Yokich, Baade, Pitoniak, Brater, Parks, Scott, Bush and Wallace and referred to the Committee on Judiciary and Civil Rights.

A bill to amend sections 4, 5, 9, and 10 of Act No. 202 of the Public Acts of 1970, entitled "Explosives act of 1970," being sections 29.44, 29.45, 29.49, and 29.50 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 4, 5, 9, and 10 of Act No. 202 of the
2 Public Acts of 1970, being sections 29.44, 29.45, 29.49, and
3 29.50 of the Michigan Compiled Laws, are amended to read as
4 follows:

5 Sec. 4. (1) A permit may be issued by an issuing officer
6 ONLY upon the ~~completion in writing by the applicant on forms~~
7 ~~prescribed and provided by the director, of an application, the~~
8 ~~content of which shall at least include the (a)~~ SUBMISSION OF A
9 PROPER APPLICATION THAT CONTAINS ALL OF THE FOLLOWING:

1 (A) THE APPLICANT'S name, ~~(b)~~ address, ~~(c)~~ AND date of
2 birth. ~~, (d)~~

3 (B) THE APPLICANT'S social security number. ~~, and (e)~~

4 (C) THE APPLICANT'S signature. ~~of the applicant. The~~
5 ~~applicant shall also indicate in writing the~~

6 (D) A STATEMENT BY THE APPLICANT OF THE APPLICANT'S intended
7 use ~~of~~ FOR the explosive. ~~for which the permit is to be~~
8 ~~issued, and whether he has been convicted of a felony within 5~~
9 ~~years. A~~

10 (2) THE APPLICANT SHALL PAY AN APPLICATION fee of ~~-\$1.00~~
11 ~~shall accompany each~~ \$5.00 AT THE TIME THE application IS
12 SUBMITTED. ~~All fees~~

13 (3) EACH FEE RECEIVED UNDER THIS SECTION shall be retained
14 by the local law enforcement ~~office~~ AGENCY as full compensation
15 for processing the APPLICATION AND permit.

16 Sec. 5. A permit shall not be issued to an applicant ~~who~~
17 ~~has not, on or before the date of application, attained the age~~
18 ~~of 18 years or who has been duly adjudged insane, unless subse-~~
19 ~~quently restored by court order to full mental competency and~~
20 ~~capacity.~~ UNLESS ALL OF THE FOLLOWING CIRCUMSTANCES EXIST:

21 (A) BEGINNING APRIL 1, 1996, THE APPLICANT IS NOT SUBJECT TO
22 AN ORDER OR DISPOSITION FOR WHICH HE OR SHE HAS RECEIVED NOTICE
23 AND AN OPPORTUNITY FOR A HEARING, AND WHICH WAS ENTERED INTO THE
24 LAW ENFORCEMENT INFORMATION NETWORK PURSUANT TO ANY OF THE
25 FOLLOWING:

1 (i) SECTION 464A(1) OF THE MENTAL HEALTH CODE, ACT NO. 258
2 OF THE PUBLIC ACTS OF 1974, BEING SECTION 330.1464A 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 1978, BEING SECTION 700.444A OF THE
6 MICHIGAN COMPILED LAWS.

7 (iii) SECTION 2950(16) OF THE REVISED JUDICATURE ACT OF
8 1961, ACT NO. 236 OF THE PUBLIC ACTS OF 1961, BEING SECTION
9 600.2950 OF THE MICHIGAN COMPILED LAWS.

10 (iv) SECTION 2950A(13) OF ACT NO. 236 OF THE PUBLIC ACTS OF
11 1961, BEING SECTION 600.2950A OF THE MICHIGAN COMPILED LAWS.

12 (v) SECTION 6B(5) OF CHAPTER V OF THE CODE OF CRIMINAL PRO-
13 CEDURE, ACT NO. 175 OF THE PUBLIC ACTS OF 1927, BEING SECTION
14 765.6B OF THE MICHIGAN COMPILED LAWS, IF THE ORDER HAS A CONDI-
15 TION IMPOSED PURSUANT TO SECTION 6B(3) OF CHAPTER V OF ACT
16 NO. 175 OF THE PUBLIC ACTS OF 1927.

17 (vi) SECTION 16B(1) OF CHAPTER IX OF ACT NO. 175 OF THE
18 PUBLIC ACTS OF 1927, BEING SECTION 769.16B OF THE MICHIGAN
19 COMPILED LAWS.

20 (B) THE APPLICANT IS 18 YEARS OF AGE OR OLDER.

21 (C) THE APPLICANT IS A CITIZEN OF THE UNITED STATES AND IS A
22 LEGAL RESIDENT OF THIS STATE.

23 (D) A FELONY CHARGE AGAINST THE APPLICANT IS NOT PENDING AT
24 THE TIME OF APPLICATION.

25 (E) THE APPLICANT IS NOT PROHIBITED FROM POSSESSING, USING,
26 TRANSPORTING, SELLING, PURCHASING, CARRYING, SHIPPING, RECEIVING,
27 OR DISTRIBUTING A FIREARM UNDER SECTION 224F OF THE MICHIGAN

1 PENAL CODE, ACT NO. 328 OF THE PUBLIC ACTS OF 1931, BEING SECTION
2 750.224F OF THE MICHIGAN COMPILED LAWS.

3 (F) THE APPLICANT HAS NOT BEEN ADJUDGED INSANE IN THIS STATE
4 OR ELSEWHERE UNLESS HE OR SHE HAS BEEN ADJUDGED RESTORED TO
5 SANITY BY COURT ORDER.

6 (G) THE APPLICANT IS NOT UNDER AN ORDER OF INVOLUNTARY COM-
7 MITMENT IN AN INPATIENT OR OUTPATIENT SETTING DUE TO MENTAL
8 ILLNESS.

9 (H) THE APPLICANT HAS NOT BEEN ADJUDGED LEGALLY INCAPACI-
10 TATED IN THIS STATE OR ELSEWHERE. THIS SUBDIVISION DOES NOT
11 APPLY TO AN APPLICANT WHO HAS HAD HIS OR HER LEGAL CAPACITY
12 RESTORED BY ORDER OF THE COURT.

13 Sec. 9. An issuing officer ~~may~~ SHALL revoke a permit
14 ~~when he~~ IF THE ISSUING OFFICER has reasonable cause to believe
15 ~~that its possession by~~ the PERMIT holder constitutes a substan-
16 tial and immediate danger to the public health, safety, ~~and~~ OR
17 welfare. The procedures set forth in this act ~~applicable~~ THAT
18 APPLY to the refusal ~~of issuance of~~ TO ISSUE a permit ~~shall~~
19 apply to THE revocation OF A PERMIT.

20 Sec. 10. The director may ~~in his discretion~~ issue a per-
21 manent permit to ~~persons~~ AN APPLICANT of known moral character,
22 who ~~have~~ IS OTHERWISE QUALIFIED TO RECEIVE A PERMIT AND WHO HAS
23 constant legitimate ~~use of~~ USES FOR explosives.