

HOUSE BILL No. 5552

February 10, 1998, Introduced by Reps. Curtis, Cropsey, Llewellyn, Middaugh, Lowe, DeHart, McNutt, Profit, Wetters, Nye, McBryde, Gernaat, Horton, Middleton, Kukuk, Schauer, Walberg, Wojno, Kaza, Frank, Brewer, Jelinek, Hammerstrom, Rocca, Dalman, Prusi, Gustafson, Birkholz, Schermesser, Tesanovich, Jellema, Dobb, Law, Jansen, Raczkowski, Leland, DeVuyst, Geiger, McManus, Sikkema, Rhead, Owen, Whyman, Baade, Galloway, Varga, Crissman, Cassis, Bodem, Green, Goschka, Voorhees, Callahan, London, Oxender, Alley, Vaughn, Harder and Mans and referred to the Committee on House Oversight and Ethics.

A bill to amend 1927 PA 372, entitled

"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,"

by amending sections 12 and 14 (MCL 28.432 and 28.434); and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 12. Sections 2 and 9 do not apply to ~~a duty~~

2 ~~authorized~~ ANY OF THE FOLLOWING:

3 (A) A police or correctional agency of the United States or
4 of ~~the~~ THIS state or any subdivision ~~thereof, nor to the~~ OF
5 THIS STATE.

1 (B) THE UNITED STATES army, air force, navy, or marine
2 corps. ~~of the United States, nor to organizations~~

3 (C) AN ORGANIZATION authorized by law to purchase or receive
4 weapons from the United States or from this state. ~~, nor to the~~

5 (D) THE national guard, armed forces reserves, or other duly
6 authorized military ~~organizations, or to members of the above~~
7 ~~agencies or organizations for weapons used for the purposes of or~~
8 ~~incidental to such agencies or organizations, nor to a person~~
9 ORGANIZATION.

10 (E) A MEMBER OF AN ENTITY OR ORGANIZATION DESCRIBED IN
11 SUBDIVISIONS (A) TO (D) FOR A PISTOL USED IN THE COURSE OF HIS OR
12 HER DUTIES WITH THAT ENTITY.

13 (F) A NONRESIDENT holding a license to carry a pistol con-
14 cealed upon his OR HER person issued by another state ~~, nor to~~
15 ~~the~~ WHO MEETS THE CRITERIA SET FORTH IN SECTION 5B(8)(C), (D),
16 (E), (G), (H), OR (I).

17 (G) THE regular and ordinary transportation of ~~pistols~~ A
18 PISTOL as merchandise by AN authorized ~~agents~~ AGENT of ~~any~~ A
19 person licensed to manufacture firearms OR A LICENSED DEALER.

20 Sec. 14. (1) ~~All pistols, weapons or devices~~ EXCEPT AS
21 PROVIDED IN SUBSECTION (2), A PISTOL, WEAPON, OR DEVICE carried
22 or possessed ~~contrary to~~ IN VIOLATION OF this act ~~are hereby~~
23 ~~declared~~ IS forfeited to the state ~~,~~ and shall be turned over
24 to the ~~commissioner~~ DIRECTOR of the ~~Michigan~~ DEPARTMENT OF
25 state police or his OR HER designated representative, for ~~such~~
26 disposition as ~~said commissioner may prescribe~~ THE DIRECTOR OF
27 THE DEPARTMENT OF STATE POLICE PRESCRIBES.

1 (2) A CONCEALED PISTOL CARRIED IN VIOLATION OF THIS ACT BY
2 AN INDIVIDUAL LICENSED UNDER SECTION 5B TO CARRY A CONCEALED
3 PISTOL IS SUBJECT TO SEIZURE AND FORFEITURE UNDER SECTION 5G.

4 Enacting section 1. Sections 6 and 9d of 1927 PA 372, MCL
5 28.426 and 28.429d, are repealed.

6 Enacting section 2. This amendatory act takes effect
7 January 1, 1999.

8 Enacting section 3. This amendatory act does not take
9 effect unless all of the following bills of the 89th Legislature
10 are enacted into law:

11 (a) Senate Bill No. _____ or House Bill No. _____ (request
12 no. 00241'97 ***).

13 (b) Senate Bill No. _____ or House Bill No. _____ (request
14 no. 00241'97 a ***).

15 (c) Senate Bill No. _____ or House Bill No. _____ (request
16 no. 00241'97 b ***).

17 (d) Senate Bill No. _____ or House Bill No. _____ (request
18 no. 03890'97 **).

19 (e) Senate Bill No. _____ or House Bill No. _____ (request
20 no. 04590'97 **).

21 (f) Senate Bill No. _____ or House Bill No. _____ (request
22 no. 04591'97 **).

23 (g) Senate Bill No. _____ or House Bill No. _____ (request
24 no. 04592'97 **).

25 (h) Senate Bill No. _____ or House Bill No. _____ (request
26 no. 05184'97 *).