

# SENATE BILL NO. 1086

November 13, 2024, Introduced by Senators BAYER, POLEHANKI, MCMORROW, CHANG, KLINEFELT, SANTANA and GEISS and referred to the Committee on Civil Rights, Judiciary, and Public Safety.

A bill to amend 1927 PA 372, entitled

"An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,"

by amending sections 1 and 2 (MCL 28.421 and 28.422), section 1 as amended by 2023 PA 19 and section 2 as amended by 2023 PA 37, and by adding section 12c.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. (1) As used in this act:

2           (a) "Corrections officer of the department of corrections"  
3 means a state correctional officer as that term is defined in  
4 section 2 of the correctional officers' training act of 1982, 1982  
5 PA 415, MCL 791.502.

6           (b) "Felony" means, except as otherwise provided in this  
7 subdivision, that term as defined in section 1 of chapter I of the  
8 code of criminal procedure, 1927 PA 175, MCL 761.1, or a violation  
9 of a law of the United States or another state that is designated  
10 as a felony or that is punishable by death or by imprisonment for  
11 more than 1 year. Felony does not include a violation of a penal  
12 law of this state that is expressly designated as a misdemeanor.

13           (c) "Firearm" means any weapon which will, is designed to, or  
14 may readily be converted to expel a projectile by action of an  
15 explosive.

16           (d) "Firearms records" means any form, information, or record  
17 required for submission to a government agency under sections 2,  
18 2a, 2b, ~~and 5b~~, **and 12c**, or any form, permit, or license issued by  
19 a government agency under this act.

20           (e) "Local corrections officer" means that term as defined in  
21 section 2 of the local corrections officers training act, 2003 PA  
22 125, MCL 791.532.

23           (f) "Misdemeanor" means a violation of a penal law of this  
24 state or violation of a local ordinance substantially corresponding  
25 to a violation of a penal law of this state that is not a felony or

1 a violation of an order, rule, or regulation of a state agency that  
2 is punishable by imprisonment or a fine that is not a civil fine,  
3 or both.

4 (g) "Parole or probation officer of the department of  
5 corrections" means any individual employed by the department of  
6 corrections to supervise felony probationers or parolees or that  
7 individual's immediate supervisor.

8 (h) "Peace officer" means, except as otherwise provided in  
9 this act, an individual who is employed as a law enforcement  
10 officer, as that term is defined under section 2 of the Michigan  
11 commission on law enforcement standards act, 1965 PA 203, MCL  
12 28.602, by this state or another state, a political subdivision of  
13 this state or another state, or the United States, and who is  
14 required to carry a firearm in the course of the individual's  
15 duties as a law enforcement officer.

16 (i) "Pistol" means a loaded or unloaded firearm that is 26  
17 inches or less in length, or a loaded or unloaded firearm that by  
18 its construction and appearance conceals it as a firearm.

19 (j) "Purchaser" means a person who receives a firearm from  
20 another person by purchase or gift.

21 (k) "Reserve peace officer", "auxiliary officer", or "reserve  
22 officer" means, except as otherwise provided in this act, an  
23 individual authorized on a voluntary or irregular basis by a duly  
24 authorized police agency of this state or a political subdivision  
25 of this state to act as a law enforcement officer, who is  
26 responsible for the preservation of the peace, the prevention and  
27 detection of crime, and the enforcement of the general criminal  
28 laws of this state, and who is otherwise eligible to possess a  
29 firearm under this act.

1           (l) "Retired corrections officer of the department of  
2 corrections" means an individual who was a corrections officer of  
3 the department of corrections and who retired in good standing from  
4 the individual's employment as a corrections officer of the  
5 department of corrections.

6           (m) "Retired federal law enforcement officer" means an  
7 individual who was an officer or agent employed by a law  
8 enforcement agency of the United States government whose primary  
9 responsibility was enforcing laws of the United States, who was  
10 required to carry a firearm in the course of the individual's  
11 duties as a law enforcement officer, and who retired in good  
12 standing from the individual's employment as a federal law  
13 enforcement officer.

14           (n) "Retired parole or probation officer of the department of  
15 corrections" means an individual who was a parole or probation  
16 officer of the department of corrections and who retired in good  
17 standing from the individual's employment as a parole or probation  
18 officer of the department of corrections.

19           (o) "Retired police officer" or "retired law enforcement  
20 officer" means an individual who was a police officer or law  
21 enforcement officer who was licensed or certified as described in  
22 the Michigan commission on law enforcement standards act, 1965 PA  
23 203, MCL 28.601 to 28.615, and retired in good standing from the  
24 individual's employment as a police officer or law enforcement  
25 officer. A police officer or law enforcement officer retired in  
26 good standing if the individual receives a pension or other  
27 retirement benefit for the individual's service as a police officer  
28 or law enforcement officer or actively maintained a Michigan  
29 commission on law enforcement standards or equivalent state

1 certification or license from this state or another state for not  
2 less than 10 consecutive years.

3 (p) "Seller" means a person who sells or gives a firearm to  
4 another person.

5 (q) "State court judge" means a judge of the district court,  
6 circuit court, probate court, or court of appeals or justice of the  
7 supreme court of this state who is serving either by election or  
8 appointment.

9 (r) "State court retired judge" means a judge or justice  
10 described in subdivision (q) who is retired, or a retired judge of  
11 the recorders court.

12 (2) A person may lawfully own, possess, carry, or transport as  
13 a pistol a firearm greater than 26 inches in length if all of the  
14 following conditions apply:

15 (a) The person registered the firearm as a pistol under  
16 section 2 or 2a before January 1, 2013.

17 (b) The person who registered the firearm as described in  
18 subdivision (a) has maintained registration of the firearm since  
19 January 1, 2013 without lapse.

20 (c) The person possesses a copy of the license or record  
21 issued to the person under section 2 or 2a.

22 (3) A person who satisfies all of the conditions listed under  
23 subsection (2) nevertheless may elect to have the firearm not be  
24 considered to be a pistol. A person who makes the election under  
25 this subsection shall notify the department of state police of the  
26 election in a manner prescribed by that department.

27 Sec. 2. (1) Except as otherwise provided in this act, a person  
28 shall not do either of the following:

29 (a) Purchase, carry, possess, or transport a pistol in this

1 state without first having obtained a license for the pistol as  
2 prescribed in this section.

3 (b) Purchase a firearm that is not a pistol in this state  
4 without first having obtained a license for the firearm as  
5 prescribed in this section. This subdivision does not apply to the  
6 purchase or acquisition of a firearm that occurred before ~~the~~  
7 ~~effective date of the amendatory act that added this~~  
8 ~~subdivision.~~ **February 13, 2024.**

9 (2) An individual who brings a firearm into this state who is  
10 on leave from active duty with the Armed Forces of the United  
11 States or who has been discharged from active duty with the Armed  
12 Forces of the United States shall obtain a license for the firearm  
13 not later than 30 days after the individual arrives in this state.

14 (3) The commissioner or chief of police of a city, township,  
15 or village police department who issues licenses to purchase,  
16 carry, possess, or transport firearms, or the commissioner's or  
17 chief's duly authorized deputy, or the sheriff or the sheriff's  
18 duly authorized deputy, in the parts of a county not included in a  
19 city, township, or village having an organized police department,  
20 in discharging the duty to issue licenses shall with due speed and  
21 diligence issue licenses to purchase, carry, possess, or transport  
22 firearms to qualified applicants unless the individual has probable  
23 cause to believe that the applicant would be a threat to the  
24 applicant or to other individuals, or would commit an offense with  
25 the firearm 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:

28 (a) The individual is not subject to an order or disposition  
29 for which the individual has received notice and an opportunity for

1 a hearing, and that was entered into the law enforcement  
2 information network under any of the following:

3 (i) Section 464a of the mental health code, 1974 PA 258, MCL  
4 330.1464a.

5 (ii) Section 5107 of the estates and protected individuals  
6 code, 1998 PA 386, MCL 700.5107, or section 444a of former 1978 PA  
7 642.

8 (iii) Section 2950 of the revised judicature act of 1961, 1961  
9 PA 236, MCL 600.2950.

10 (iv) Section 2950a of the revised judicature act of 1961, 1961  
11 PA 236, MCL 600.2950a.

12 (v) Section 14 of 1846 RS 84, MCL 552.14.

13 (vi) Section 6b of chapter V of the code of criminal procedure,  
14 1927 PA 175, MCL 765.6b, if the order has a condition imposed under  
15 section 6b(3) of chapter V of the code of criminal procedure, 1927  
16 PA 175, MCL 765.6b.

17 (vii) Section 16b of chapter IX of the code of criminal  
18 procedure, 1927 PA 175, MCL 769.16b.

19 (viii) The extreme risk protection order act.

20 (b) The individual is 18 years of age or older or, if the  
21 firearm is a pistol and the seller is licensed under 18 USC 923, is  
22 21 years of age or older.

23 (c) The individual is a citizen of the United States or an  
24 alien lawfully admitted into the United States and is a legal  
25 resident of this state. For the purposes of this section, an  
26 individual is considered a legal resident of this state if any of  
27 the following apply:

28 (i) The individual has a valid, lawfully obtained Michigan  
29 driver license issued under the Michigan vehicle code, 1949 PA 300,

1 MCL 257.1 to 257.923, or an official state personal identification  
2 card issued under 1972 PA 222, MCL 28.291 to 28.300.

3 (ii) The individual is lawfully registered to vote in this  
4 state.

5 (iii) The individual is on active duty status with the Armed  
6 Forces of the United States and is stationed outside of this state,  
7 but the individual's home of record is in this state.

8 (iv) The individual is on active duty status with the Armed  
9 Forces of the United States and is permanently stationed in this  
10 state, but the individual's home of record is in another state.

11 (d) A felony charge or a criminal charge listed in section 5b  
12 against the individual is not pending at the time of application.

13 (e) The individual is not prohibited from possessing, using,  
14 transporting, selling, purchasing, carrying, shipping, receiving,  
15 or distributing a firearm under section 224f of the Michigan penal  
16 code, 1931 PA 328, MCL 750.224f.

17 (f) The individual has not been adjudged insane in this state  
18 or elsewhere unless the individual has been adjudged restored to  
19 sanity by court order.

20 (g) The individual is not under an order of involuntary  
21 commitment in an inpatient or outpatient setting due to mental  
22 illness.

23 (h) The individual has not been adjudged legally incapacitated  
24 in this state or elsewhere. This subdivision does not apply to an  
25 individual who has had the individual's legal capacity restored by  
26 order of the court.

27 **(i) The individual's name is not on the temporary do-not-sell**  
28 **list or the indefinite do-not-sell list created under section 12c.**

29 (4) An applicant for a license under this section shall sign



1 the application under oath on a form provided by the director of  
2 the department of state police. A licensing authority shall issue a  
3 license to purchase, carry, possess, or transport firearms in  
4 triplicate on a form provided by the director of the department of  
5 state police. The licensing authority shall sign any license issued  
6 under this section. The licensing authority shall deliver 3 copies  
7 of the license to the applicant. A license is void unless used  
8 within 30 days after the date it is issued.

9 (5) If an individual purchases or otherwise acquires a  
10 firearm, the seller shall fill out the license forms describing the  
11 firearm, together with the date of sale or acquisition, and sign  
12 the seller's name in ink indicating that the firearm was sold to or  
13 otherwise acquired by the purchaser. The purchaser shall also sign  
14 the purchaser's name in ink indicating the purchase or other  
15 acquisition of the firearm from the seller. The seller may retain a  
16 copy of the license as a record of the transaction, shall provide a  
17 copy of the license to the purchaser, and, if the firearm is a  
18 pistol, shall return 1 copy of the license to the licensing  
19 authority not later than 10 days after the date the pistol is  
20 purchased or acquired. The seller shall return the copy to the  
21 licensing authority in person or by first-class mail or certified  
22 mail sent in the 10-day period to the proper address of the  
23 licensing authority. A seller who fails to comply with the  
24 requirements of this subsection is responsible for a state civil  
25 infraction and may be fined not more than \$250.00. If a seller is  
26 found responsible for a state civil infraction under this  
27 subsection, the court shall notify the department of state police  
28 of that determination.

29 (6) Not later than 10 days after receiving the license copy

1 for a pistol returned under subsection (5), the licensing authority  
2 shall electronically enter the information into the pistol entry  
3 database as required by the department of state police if the  
4 licensing authority has the ability to electronically enter that  
5 information. If the licensing authority does not have that ability,  
6 the licensing authority shall provide that information to the  
7 department of state police in a manner otherwise required by the  
8 department of state police. Any licensing authority that provided  
9 pistol descriptions to the department of state police under former  
10 section 9 of this act shall continue to provide pistol descriptions  
11 to the department of state police under this subsection. Not later  
12 than 48 hours after entering or otherwise providing the information  
13 on the license copy returned under subsection (5) to the department  
14 of state police, the licensing authority shall forward the copy of  
15 the license to the department of state police. The purchaser may  
16 obtain a copy of the information placed in the pistol entry  
17 database under this subsection to verify the accuracy of that  
18 information. The licensing authority may charge a fee not to exceed  
19 \$1.00 for the cost of providing the copy. The licensee may carry,  
20 use, possess, and transport the pistol for 30 days beginning on the  
21 date of purchase or acquisition only while the licensee is in  
22 possession of a copy of the license. However, the licensee is not  
23 required to have the license in the licensee's possession while  
24 carrying, using, possessing, or transporting the pistol after this  
25 period.

26 (7) This section does not apply to the purchase of firearms  
27 from wholesalers by dealers regularly engaged in the business of  
28 selling firearms at retail, or to the sale, barter, or exchange of  
29 firearms kept as relics or curios not made for modern ammunition or

1 permanently deactivated.

2       (8) This section does not prevent the transfer of ownership of  
3 pistols to an heir or devisee, whether by testamentary bequest or  
4 by the laws of intestacy regardless of whether the pistol is  
5 entered into the pistol entry database. An individual who has  
6 inherited a firearm shall obtain a license as required in this  
7 section not later than 30 days after taking physical possession of  
8 the firearm. The license may be signed by a next of kin of the  
9 decedent or the person authorized to dispose of property under the  
10 estates and protected individuals code, 1998 PA 386, MCL 700.1101  
11 to 700.8206, including when the next of kin is the individual  
12 inheriting the firearm. If the heir or devisee is not qualified for  
13 a license under this section, the heir or devisee may direct the  
14 next of kin or person authorized to dispose of property under the  
15 estates and protected individuals code, 1998 PA 386, MCL 700.1101  
16 to 700.8206, to dispose of the firearm in any manner that is lawful  
17 and the heir or devisee considers appropriate. The person  
18 authorized to dispose of property under the estates and protected  
19 individuals code, 1998 PA 386, MCL 700.1101 to 700.8206, is not  
20 required to obtain a license under this section if the person takes  
21 temporary lawful possession of the firearm in the process of  
22 disposing of the firearm pursuant to the decedent's testamentary  
23 bequest or the laws of intestacy. A law enforcement agency may not  
24 seize or confiscate a firearm being transferred by testamentary  
25 bequest or the laws of intestacy unless the heir or devisee does  
26 not qualify for obtaining a license under this section and the next  
27 of kin or person authorized to dispose of property under the  
28 estates and protected individuals code, 1998 PA 386, MCL 700.1101  
29 to 700.8206, is unable to retain temporary possession of the

1 firearm or find alternative lawful storage. If a law enforcement  
2 agency seizes or confiscates a firearm under this subsection, the  
3 heir or devisee who is not qualified to obtain a license under this  
4 section retains ownership interest in the firearm and, not later  
5 than 30 days after being notified of the seizure or confiscation,  
6 may file with a court of competent jurisdiction to direct the law  
7 enforcement agency to lawfully transfer or otherwise dispose of the  
8 firearm. The seizing entity or its agents shall not destroy, sell,  
9 or use a firearm seized under this subsection until 30 days have  
10 passed since the heir or devisee has been notified of the seizure  
11 and no legal action regarding the lawful possession or ownership of  
12 the seized firearm has been filed in any court and is pending. As  
13 used in this subsection:

14 (a) "Devisee" means that term as defined in section 1103 of  
15 the estates and protected individuals code, 1998 PA 386, MCL  
16 700.1103.

17 (b) "Heir" means that term as defined in section 1104 of the  
18 estates and protected individuals code, 1998 PA 386, MCL 700.1104.

19 (9) An individual who is not a resident of this state is not  
20 required to obtain a license under this section if all of the  
21 following conditions apply:

22 (a) The individual is licensed in the individual's state of  
23 residence to purchase, carry, or transport a pistol.

24 (b) The individual is in possession of the license described  
25 in subdivision (a).

26 (c) The individual is the owner of the pistol the individual  
27 possesses, carries, or transports.

28 (d) The individual possesses the pistol for a lawful purpose.

29 (e) The individual is in this state for a period of 180 days

1 or less and does not intend to establish residency in this state.

2 (10) An individual who is a nonresident of this state shall  
3 present the license described in subsection (9) (a) upon the demand  
4 of a police officer. An individual who violates this subsection is  
5 guilty of a misdemeanor punishable by imprisonment for not more  
6 than 90 days or a fine of not more than \$100.00, or both.

7 (11) The licensing authority may require an individual  
8 claiming active duty status with the Armed Forces of the United  
9 States to provide proof of 1 or both of the following:

10 (a) The individual's home of record.

11 (b) Permanent active duty assignment in this state.

12 (12) This section does not apply to an individual who is  
13 younger than the age required under subsection (3) (b) and who  
14 possesses a pistol if 1 of the following conditions applies:

15 (a) The individual is not otherwise prohibited from possessing  
16 that pistol and all of the following apply:

17 (i) The individual is at a recognized target range.

18 (ii) The individual possesses the pistol for the purpose of  
19 target practice or instruction in the safe use of a pistol.

20 (iii) The individual is in the physical presence and under the  
21 direct supervision of any of the following:

22 (A) The individual's parent.

23 (B) The individual's guardian.

24 (C) An individual who is 21 years of age or older, who is  
25 authorized by the individual's parent or guardian, and who has  
26 successfully completed a pistol safety training course or class  
27 that meets the requirements of section 5j(1) (a), (b), or (d), and  
28 received a certificate of completion.

29 (iv) The owner of the pistol is physically present.

1 (b) The individual is not otherwise prohibited from possessing  
2 that pistol, the individual possesses the pistol for the purpose of  
3 hunting, and the individual is in compliance with all applicable  
4 hunting laws.

5 (13) This section does not apply to an individual who  
6 possesses a pistol if all of the following conditions apply:

7 (a) The individual is not otherwise prohibited from possessing  
8 a pistol.

9 (b) The individual is at a recognized target range or shooting  
10 facility.

11 (c) The individual possesses the pistol for the purpose of  
12 target practice or instruction in the safe use of a pistol.

13 (d) The owner of the pistol is physically present and  
14 supervising the use of the pistol.

15 (14) A person that 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 (15) A licensing authority shall implement this section during  
20 all of the licensing authority's normal business hours and shall  
21 set hours for implementation that allow an applicant to use the  
22 license within the time period set forth in subsection (4).

23 **Sec. 12c. (1) By 1 year after the effective date of the**  
24 **amendatory act that added this section, the department shall do**  
25 **both of the following:**

26 (a) **Establish a temporary do-not-sell list and indefinite do-**  
27 **not-sell list for firearms.**

28 (b) **Develop an application for an individual to include that**  
29 **individual's name on the temporary do-not-sell list or indefinite**

1 do-not-sell list and an application for an individual to remove  
2 that individual's name from those lists.

3 (2) An individual may add that individual's name to the  
4 temporary do-not-sell list or indefinite do-not-sell list by doing  
5 any of the following:

6 (a) Submitting an application to the county clerk where the  
7 individual resides and presenting the individual's identification.

8 (b) Submitting an application to the law enforcement agency  
9 within whose jurisdiction the restrained individual resides and  
10 presenting the individual's identification.

11 (c) Submitting an application to a health professional.

12 (3) An individual's name that has been added to the temporary  
13 do-not-sell list will be automatically removed 180 days after being  
14 added to the list. An individual whose name is on the temporary do-  
15 not-sell list may request that the individual's name be removed  
16 from the list by doing any of the following no earlier than 30 days  
17 after adding the individual's name to the list:

18 (a) Submitting an application to the county clerk where the  
19 individual resides and presenting the individual's identification.

20 (b) Submitting an application to the law enforcement agency  
21 within whose jurisdiction the restrained individual resides and  
22 presenting the individual's identification.

23 (c) Submitting an application to a health professional.

24 (4) An individual's name that has been added to the indefinite  
25 do-not-sell list will remain on the list until the individual  
26 requests that it is removed or a court orders that it be removed.  
27 An individual whose name is on the indefinite do-not-sell list may  
28 have that individual's name removed from the list by doing any of  
29 the following:

1           (a) Submitting a petition to the circuit court of the county  
2 in which the individual requesting removal resides. The court, not  
3 later than 5 business days after receiving a petition, shall hold a  
4 hearing and determine, by a preponderance of evidence, whether the  
5 individual requesting to be removed from the list is doing so  
6 voluntarily, knowingly, and intelligently. The court, no later than  
7 3 business days after the hearing, shall issue an order granting or  
8 denying the request. If the court determines that the request is  
9 voluntary, knowing, and intelligent, the court shall immediately  
10 provide the department with its determination and the department  
11 shall immediately remove the individual from the list. If the court  
12 determines that the request is not voluntary, knowing, and  
13 intelligent and denies the request, the individual may request  
14 removal under subdivision (b).

15           (b) Requesting that the individual's name be removed from the  
16 list by doing any of the following no earlier than 90 days after  
17 adding the individual's name to the list:

18           (i) Submitting an application to the county clerk where the  
19 individual resides and presenting the individual's identification.

20           (ii) Submitting an application to the law enforcement agency  
21 within whose jurisdiction the restrained individual resides and  
22 presenting the individual's identification.

23           (5) Not later than 24 hours after an individual's name is  
24 added to the temporary do-not-sell list or indefinite do-not-sell  
25 list, the department shall enter that information into the national  
26 instant criminal background check system and any other federal or  
27 state computer-based systems used by law enforcement agencies or  
28 others to identify prohibited purchasers of firearms.

29           (6) Not later than 24 hours after an individual's name is



1 removed from the temporary do-not-sell list or indefinite do-not-  
2 sell list, the department shall remove that information from the  
3 national instant criminal background check system and any other  
4 federal or state computer-based systems used by law enforcement  
5 agencies or others to identify prohibited purchasers of firearms.

6 (7) An individual who adds another individual's name to the  
7 temporary do-not-sell list or indefinite do-not-sell list is guilty  
8 of a felony, punishable by imprisonment for not more than 5 years  
9 or a fine of not more than \$1,000.00, or both.

10 (8) As used in this section:

11 (a) "Department" means the department of state police.

12 (b) "Health professional" means that term as defined in  
13 section 5883 of the public health code, 1978 PA 368, MCL 333.5883.

14 (c) "Identification" means any of the following:

15 (i) A valid, lawfully obtained driver license issued under the  
16 Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

17 (ii) A valid official state personal identification card issued  
18 under 1972 PA 222, MCL 28.291 to 28.300.

19 (iii) A valid enhanced driver license or valid enhanced official  
20 state personal identification card issued under the enhanced driver  
21 license and enhanced official state personal identification card  
22 act, 2008 PA 23, MCL 28.301 to 28.308.