

**SUBSTITUTE FOR
HOUSE BILL NO. 4138**

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, 2, 2a, 2b, 12, and 14a (MCL 28.421, 28.422, 28.422a, 28.422b, 28.432, and 28.434a), section 1 as amended by



2017 PA 95, section 2 as amended by 2015 PA 200, section 2a as amended by 2016 PA 301, section 2b as amended by 2014 PA 205, section 12 as amended by 2010 PA 209, and section 14a as added by 2010 PA 295.

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, or any form, permit, or license issued by a
19 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



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

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

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

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

20 (j) "Purchaser" means a person who receives a ~~pistol~~ **firearm**
21 from another person by purchase or gift.

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



1 firearm under this act.

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

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

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

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



1 maintained a Michigan commission on law enforcement standards or
 2 equivalent state certification or license from this state or
 3 another state for not less than 10 consecutive years.

4 (p) "Seller" means a person who sells or gives a ~~pistol~~
 5 **firearm** to another person.

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

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

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

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

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

21 (c) The person possesses a copy of the license or record
 22 issued to ~~him or her~~ **the person** under section 2 or 2a.

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

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



1 (a) **Purchase**, carry, possess, or transport a pistol in this
2 state without first having obtained a license for the pistol as
3 prescribed in this section.

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

9 (2) ~~A person~~ **An individual** who brings a ~~pistol~~ **firearm** into
10 this state who is on leave from active duty with the ~~armed forces~~
11 **Armed Forces** of the United States or who has been discharged from
12 active duty with the ~~armed forces~~ **Armed Forces** of the United States
13 shall obtain a license for the ~~pistol~~ **firearm not later than**
14 30 days after ~~his or her arrival~~ **the individual arrives** in this
15 state.

16 (3) The commissioner or chief of police of a city, township,
17 or village police department that issues licenses to purchase,
18 carry, possess, or transport ~~pistols,~~ **firearms**, or ~~his or her~~ **the**
19 **commissioner's or chief's** duly authorized deputy, or the sheriff or
20 ~~his or her~~ **the sheriff's** duly authorized deputy, in the parts of a
21 county not included ~~within~~ **in** a city, township, or village having
22 an organized police department, in discharging the duty to issue
23 licenses shall with due speed and diligence issue licenses to
24 purchase, carry, possess, or transport ~~pistols~~ **firearms** to
25 qualified applicants unless ~~he or she~~ **the individual** has probable
26 cause to believe that the applicant would be a threat to ~~himself or~~
27 ~~herself~~ **the applicant** or to other individuals, or would commit an
28 offense with the ~~pistol~~ **firearm** that would violate a law of this or
29 another state or of the United States. An applicant is qualified if



1 all of the following circumstances exist:

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

6 (i) Section 464a of the mental health code, 1974 PA 258, MCL
7 330.1464a.

8 (ii) Section 5107 of the estates and protected individuals
9 code, 1998 PA 386, MCL 700.5107, or section 444a of former 1978 PA
10 642.

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

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

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

16 (vi) Section 6b of chapter V of the code of criminal procedure,
17 1927 PA 175, MCL 765.6b, if the order has a condition imposed under
18 section 6b(3) of chapter V of the code of criminal procedure, 1927
19 PA 175, MCL 765.6b.

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

22 (b) The ~~person~~**individual** is 18 years of age or older or, if
23 the **firearm is a pistol and the** seller is licensed under 18 USC
24 923, is 21 years of age or older.

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



1 (i) The ~~person~~**individual** has a valid, lawfully obtained
2 Michigan driver license issued under the Michigan vehicle code,
3 1949 PA 300, MCL 257.1 to 257.923, or an official state personal
4 identification card issued under 1972 PA 222, MCL 28.291 to 28.300.

5 (ii) The ~~person~~**individual** is lawfully registered to vote in
6 this state.

7 (iii) The ~~person~~**individual** is on active duty status with the
8 **Armed Forces of the** United States ~~armed forces~~ and is stationed
9 outside of this state, but the ~~person's~~**individual's** home of record
10 is in this state.

11 (iv) The ~~person~~**individual** is on active duty status with the
12 **Armed Forces of the** United States ~~armed forces~~ and is permanently
13 stationed in this state, but the ~~person's~~**individual's** home of
14 record is in another state.

15 (d) A felony charge or a criminal charge listed in section 5b
16 against the ~~person~~**individual** is not pending at the time of
17 application.

18 (e) The ~~person~~**individual** is not prohibited from possessing,
19 using, transporting, selling, purchasing, carrying, shipping,
20 receiving, or distributing a firearm under section 224f of the
21 Michigan penal code, 1931 PA 328, MCL 750.224f.

22 (f) The ~~person~~**individual** has not been adjudged insane in this
23 state or elsewhere unless ~~he or she~~**the individual** has been
24 adjudged restored to sanity by court order.

25 (g) The ~~person~~**individual** is not under an order of involuntary
26 commitment in an inpatient or outpatient setting due to mental
27 illness.

28 (h) The ~~person~~**individual** has not been adjudged legally
29 incapacitated in this state or elsewhere. This subdivision does not



1 apply to ~~a person~~ **an individual** who has had ~~his or her~~ **the**
 2 **individual's** legal capacity restored by order of the court.

3 (4) ~~Applications~~ **An applicant** for licenses ~~a license~~ under
 4 this section shall ~~be signed by the applicant~~ **sign the application**
 5 under oath ~~upon forms~~ **on a form** provided by the director of the
 6 department of state police. ~~Licenses~~ **A licensing authority shall**
 7 **issue a license** to purchase, carry, possess, or transport ~~pistols~~
 8 ~~shall be executed~~ **firearms** in triplicate ~~upon forms~~ **on a form**
 9 provided by the director of the department of state police. ~~and~~
 10 ~~shall be signed by the~~ **The licensing authority shall sign any**
 11 **license issued under this section.** ~~Three~~ **The licensing authority**
 12 **shall deliver 3** copies of the license ~~shall be delivered to the~~
 13 applicant. ~~by the licensing authority.~~ A license is void unless
 14 used within 30 days after the date it is issued.

15 (5) If an individual purchases or otherwise acquires a ~~pistol,~~
 16 **firearm,** the seller shall fill out the license forms describing the
 17 ~~pistol,~~ **firearm,** together with the date of sale or acquisition, and
 18 sign ~~his or her~~ **the seller's** name in ink indicating that the ~~pistol~~
 19 **firearm** was sold to or otherwise acquired by the purchaser. The
 20 purchaser shall also sign ~~his or her~~ **the purchaser's** name in ink
 21 indicating the purchase or other acquisition of the ~~pistol~~ **firearm**
 22 from the seller. The seller may retain a copy of the license as a
 23 record of the transaction, ~~. The purchaser shall receive 2 copies~~
 24 **shall provide a copy** of the license ~~. The~~ **to the purchaser, and, if**
 25 **the firearm is a pistol,** ~~purchaser~~ shall return 1 copy of the
 26 license to the licensing authority ~~within~~ **not later than** 10 days
 27 after the date the pistol is purchased or acquired. The **seller**
 28 **shall** return ~~of~~ the copy to the licensing authority ~~may be made in~~
 29 person or ~~may be made by~~ first-class mail or certified mail sent



1 ~~within~~**in** the 10-day period to the proper address of the licensing
 2 authority. A ~~purchaser~~**seller** who fails to comply with the
 3 requirements of this subsection is responsible for a state civil
 4 infraction and may be fined not more than \$250.00. If a ~~purchaser~~
 5 **seller** is found responsible for a state civil infraction under this
 6 subsection, the court shall notify the department of state police
 7 of that determination.

8 (6) ~~Within~~**Not later than** 10 days after receiving the license
 9 copy **for a pistol** returned under subsection (5), the licensing
 10 authority shall electronically enter the information into the
 11 pistol entry database as required by the department of state police
 12 if ~~it~~**the licensing authority** has the ability to electronically
 13 enter that information. If the licensing authority does not have
 14 that ability, the licensing authority shall provide that
 15 information to the department of state police in a manner otherwise
 16 required by the department of state police. Any licensing authority
 17 that provided pistol descriptions to the department of state police
 18 under former section 9 of this act shall continue to provide pistol
 19 descriptions to the department of state police under this
 20 subsection. ~~Within~~**Not later than** 48 hours after entering or
 21 otherwise providing the information on the license copy returned
 22 under subsection (5) to the department of state police, the
 23 licensing authority shall forward the copy of the license to the
 24 department of state police. The purchaser ~~has the right to~~**may**
 25 obtain a copy of the information placed in the pistol entry
 26 database under this subsection to verify the accuracy of that
 27 information. The licensing authority may charge a fee not to exceed
 28 \$1.00 for the cost of providing the copy. The licensee may carry,
 29 use, possess, and transport the pistol for 30 days beginning on the



1 date of purchase or acquisition only while ~~he or she~~ **the licensee**
2 is in possession of ~~his or her~~ **a** copy of the license. However, the
3 ~~person~~ **licensee** is not required to have the license in ~~his or her~~
4 **the licensee's** possession while carrying, using, possessing, or
5 transporting the pistol after this period.

6 (7) This section does not apply to the purchase of ~~pistols~~
7 **firearms** from wholesalers by dealers regularly engaged in the
8 business of selling ~~pistols~~ **firearms** at retail, or to the sale,
9 barter, or exchange of ~~pistols~~ **firearms** kept as relics or curios
10 not made for modern ammunition or permanently deactivated.

11 (8) This section does not prevent the transfer of ownership of
12 pistols to an heir or devisee, whether by testamentary bequest or
13 by the laws of intestacy regardless of whether the pistol is
14 ~~registered with this state.~~ **entered into the pistol entry database.**
15 An individual who has inherited a ~~pistol~~ **firearm** shall obtain a
16 license as required in this section ~~within~~ **not later than** 30 days
17 ~~of~~ **after** taking physical possession of the ~~pistol.~~ **firearm.** The
18 license may be signed by a next of kin of the decedent or the
19 person authorized to dispose of property under the estates and
20 protected individuals code, 1998 PA 386, MCL 700.1101 to 700.8206,
21 including when the next of kin is the individual inheriting the
22 ~~pistol.~~ **firearm.** If the heir or devisee is not qualified for a
23 license under this section, the heir or devisee may direct the next
24 of kin or person authorized to dispose of property under the
25 estates and protected individuals code, 1998 PA 386, MCL 700.1101
26 to 700.8206, to dispose of the ~~pistol~~ **firearm** in any manner that is
27 lawful and the heir or devisee considers appropriate. The person
28 authorized to dispose of property under the estates and protected
29 individuals code, 1998 PA 386, MCL 700.1101 to 700.8206, is not



1 required to obtain a license under this section if ~~he or she~~ **the**
 2 **person** takes temporary lawful possession of the ~~pistol~~ **firearm** in
 3 the process of disposing of the ~~pistol~~ **firearm** pursuant to the
 4 decedent's testamentary bequest or the laws of intestacy. A law
 5 enforcement agency may not seize or confiscate a ~~pistol~~ **firearm**
 6 being transferred by testamentary bequest or the laws of intestacy
 7 unless the heir or devisee does not qualify for obtaining a license
 8 under this section and the next of kin or person authorized to
 9 dispose of property under the estates and protected individuals
 10 code, 1998 PA 386, MCL 700.1101 to 700.8206, is unable to retain
 11 ~~his or her~~ temporary possession of the ~~pistol~~ **firearm** or find
 12 alternative lawful storage. If a law enforcement agency seizes or
 13 confiscates a ~~pistol~~ **firearm** under this subsection, the heir or
 14 devisee who is not qualified to obtain a license under this section
 15 retains ownership interest in the ~~pistol~~ **firearm** and, ~~within~~ **not**
 16 **later than** 30 days ~~of~~ **after** being notified of the seizure or
 17 confiscation, may file with a court of competent jurisdiction to
 18 direct the law enforcement agency to lawfully transfer or otherwise
 19 dispose of the ~~pistol~~ **firearm**. **The seizing entity or its**
 20 **agents shall not destroy, sell, or use a firearm** seized under this
 21 subsection ~~shall not be destroyed, sold, or used while in~~
 22 ~~possession of the seizing entity or its agents~~ until 30 days have
 23 passed since the heir or devisee has been notified of the seizure
 24 and no legal action regarding the lawful possession or ownership of
 25 the seized ~~pistol~~ **firearm** has been filed in any court and is
 26 pending. As used in this subsection:

27 (a) "Devisee" means that term as defined in section 1103 of
 28 the estates and protected individuals code, 1998 PA 386, MCL
 29 700.1103.



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

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

6 (a) The individual is licensed in ~~his or her~~ **the individual's**
7 state of residence to purchase, carry, or transport a pistol.

8 (b) The individual is in possession of the license described
9 in subdivision (a).

10 (c) The individual is the owner of the pistol ~~he or she~~ **the**
11 **individual** possesses, carries, or transports.

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

13 (e) The individual is in this state for a period of 180 days
14 or less and does not intend to establish residency in this state.

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

20 (11) The licensing authority may require ~~a person an~~
21 **individual** claiming active duty status with the **Armed Forces of the**
22 United States ~~armed forces~~ to provide proof of 1 or both of the
23 following:

24 (a) The ~~person's~~ **individual's** home of record.

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

26 (12) This section does not apply to ~~a person an~~ **individual** who
27 is younger than the age required under subsection (3) (b) and who
28 possesses a pistol if ~~all~~ **1** of the following conditions
29 ~~apply~~ **applies**:



1 (a) The ~~person~~**individual** is not otherwise prohibited from
2 possessing that pistol ~~and all of the following apply:~~

3 (i) ~~(b)~~The ~~person~~**individual** is at a recognized target range.

4 (ii) ~~(c)~~The ~~person~~**individual** possesses the pistol for the
5 purpose of target practice or instruction in the safe use of a
6 pistol.

7 (iii) ~~(d)~~The ~~person~~**individual** is in the physical presence and
8 under the direct supervision of any of the following:

9 (A) ~~(i)~~The ~~person's~~**individual's** parent.

10 (B) ~~(ii)~~The ~~person's~~**individual's** guardian.

11 (C) ~~(iii)~~An individual who is 21 years of age or older, who is
12 authorized by the ~~person's~~**individual's** parent or guardian, and who
13 has successfully completed a pistol safety training course or class
14 that meets the requirements of section 5j(1)(a), (b), or (d), and
15 received a certificate of completion.

16 (iv) ~~(e)~~The owner of the pistol is physically present.

17 (b) **The individual is not otherwise prohibited from possessing**
18 **that pistol, the individual possesses the pistol for the purpose of**
19 **hunting, and the individual is in compliance with all applicable**
20 **hunting laws.**

21 (13) This section does not apply to ~~a person~~**an individual** who
22 possesses a pistol if all of the following conditions apply:

23 (a) The ~~person~~**individual** is not otherwise prohibited from
24 possessing a pistol.

25 (b) The ~~person~~**individual** is at a recognized target range or
26 shooting facility.

27 (c) The ~~person~~**individual** possesses the pistol for the purpose
28 of target practice or instruction in the safe use of a pistol.

29 (d) The owner of the pistol is physically present and



1 supervising the use of the pistol.

2 (14) A person who forges any matter on an application for a
3 license under this section is guilty of a felony ~~punishable~~ by
4 imprisonment for not more than 4 years or a fine of not more than
5 \$2,000.00, or both.

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

10 Sec. 2a. (1) The following individuals are not required to
11 obtain a license under section 2 to purchase, carry, possess, use,
12 or transport a ~~pistol~~:**firearm**:

13 (a) An individual licensed under section 5b, except for an
14 individual who has an emergency license issued under section 5a(4)
15 or a receipt serving as a concealed pistol license under section
16 5b(9) or 5l(3).

17 (b) A federally licensed firearms dealer.

18 ~~(c) An individual who purchases a pistol from a federally
19 licensed firearms dealer in compliance with 18 USC 922(t).~~

20 ~~(c) (d)~~ An individual currently employed as a police officer
21 who is licensed or certified under the Michigan commission on law
22 enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615.

23 **(d) An individual purchasing a firearm other than a pistol who
24 has a federal national instant criminal background check performed
25 on the individual by a federally licensed firearms dealer not more
26 than 5 days before the purchase.**

27 (2) If an individual described in subsection (1) purchases or
28 otherwise acquires a ~~pistol~~,**firearm**, the seller shall complete a
29 record in triplicate on a form provided by the department of state



1 police ~~. The record shall include~~ **that includes** the purchaser's
2 concealed weapon license number, the number of the purchaser's
3 license or certificate issued under the Michigan commission on law
4 enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, or,
5 if the purchaser is a federally licensed firearms dealer, ~~his or~~
6 ~~her~~ **the purchaser's** dealer license number. If the purchaser is not
7 licensed under section 5b or does not have a license or certificate
8 issued under the Michigan commission on law enforcement standards
9 act, 1965 PA 203, MCL 28.601 to 28.615, and is not a federally
10 licensed firearms dealer, the record ~~shall~~ **must** include the dealer
11 license number of the federally licensed firearms dealer ~~who is~~
12 ~~selling the pistol.~~ **that performed the federal national instant**
13 **criminal background check.** The purchaser shall sign the record. The
14 seller may retain 1 copy of the record, ~~. The purchaser shall~~
15 ~~receive 2 copies~~ **shall provide a copy** of the record **to the**
16 **purchaser,** and, **if the firearm is a pistol, shall** forward 1 copy to
17 the police department of the city, village, or township in which
18 the ~~purchaser~~ **seller** resides, or, if the ~~purchaser~~ **seller** does not
19 reside in a city, village, or township having a police department,
20 to the county sheriff, ~~within~~ **not later than** 10 days following the
21 purchase or acquisition. The **seller shall** return ~~of~~ the copy to the
22 police department or county sheriff ~~may be made~~ in person or ~~may be~~
23 ~~made~~ by first-class mail or certified mail sent ~~within~~ **in** the 10-
24 day period to the proper address of the police department or county
25 sheriff. A ~~purchaser~~ **seller** who fails to comply with the
26 requirements of this subsection is responsible for a state civil
27 infraction and may be fined not more than \$250.00. If a ~~purchaser~~
28 **seller** is found responsible for a state civil infraction under this
29 subsection, the court shall notify the department of state police.



1 If the ~~purchaser~~**seller** is licensed under section 5b, the court
2 shall notify the licensing authority of that determination.

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



1 transporting the pistol after this period.

2 (4) This section does not apply to a person or entity exempt
3 under section 2(7).

4 (5) An individual who makes a material false statement on a
5 sales record under this section is guilty of a felony punishable by
6 imprisonment for not more than 4 years or a fine of not more than
7 \$2,500.00, or both.

8 (6) The department of state police may promulgate rules to
9 implement this section.

10 (7) The Michigan commission on law enforcement standards shall
11 provide license or certificate information, as applicable, to the
12 department of state police to verify the requirements of this
13 section.

14 (8) As used in this section:

15 (a) "Federally licensed firearms dealer" means a person
16 licensed to sell firearms under 18 USC 923.

17 (b) "Person" means an individual, partnership, corporation,
18 association, or other legal entity.

19 Sec. 2b. (1) Except as provided in subsection (5), upon entry
20 of an order or disposition into the law enforcement information
21 network under any provision of law described in section 2(3)(a),
22 the department of state police shall immediately send written
23 notice of that entry to the ~~person~~**individual** who is the subject of
24 the order or disposition ~~. The notice shall be sent by first-class~~
25 mail to the last known address of the ~~person~~**individual**. The
26 notice ~~shall~~**must** include at least all of the following:

27 (a) The name of the ~~person~~**individual**.

28 (b) The date the order or disposition was entered into the law
29 enforcement information network.



1 (c) A statement that the ~~person~~**individual** cannot obtain a
 2 license to purchase a ~~pistol~~**firearm** or obtain a concealed weapon
 3 license until the order or disposition is removed from the law
 4 enforcement information network.

5 (d) A statement that the ~~person~~**individual** may request that
 6 the state police correct or expunge inaccurate information entered
 7 into the law enforcement information network.

8 (2) ~~A person~~**An individual** who is the subject of an order
 9 entered into the law enforcement information network under any
 10 provision of law described in section 2(3)(a) may request that the
 11 department of state police do either of the following:

12 (a) Amend an inaccuracy in the information entered into the
 13 law enforcement information network under any provision of law
 14 described in section 2(3)(a).

15 (b) Expunge the ~~person's~~**individual's** name and other
 16 information concerning the ~~person~~**individual** from the law
 17 enforcement information network regarding 1 or more specific
 18 entries in the law enforcement information network under any
 19 provision of law described in section 2(3)(a) because 1 or more of
 20 the following circumstances exist:

21 (i) The ~~person~~**individual** is not subject to an order of
 22 involuntary commitment in an inpatient or outpatient setting due to
 23 mental illness.

24 (ii) The ~~person~~**individual** is not subject to an order or
 25 disposition determining that the ~~person~~**individual** is legally
 26 incapacitated.

27 (iii) The ~~person~~**individual** is not subject to a personal
 28 protection order issued under any of the following:

29 (A) Section 2950 of the revised judicature act of 1961, 1961



1 PA 236, MCL 600.2950.

2 (B) Section 2950a of the revised judicature act of 1961, 1961
3 PA 236, MCL 600.2950a.

4 (C) Section 14 of 1846 RS 84, MCL 552.14.

5 (iv) The ~~person~~**individual** is not subject to an order for
6 release subject to protective conditions that prohibits the
7 purchase or possession of a firearm by the ~~person~~**individual** issued
8 under section 6b of chapter V of the code of criminal procedure,
9 1927 PA 175, MCL 765.6b.

10 (3) Before the expiration of 30 days after a request is made
11 to amend an inaccuracy in the law enforcement information network
12 under subsection (2)(a) or to expunge 1 or more specific entries
13 from the law enforcement information network under subsection
14 (2)(b)(i) to (iv), the department of state police shall conduct an
15 investigation concerning the accuracy of the information contained
16 in the law enforcement information network, either grant or deny
17 the request and provide the ~~person~~**individual** with written notice
18 of that grant or denial. ~~A notice of denial shall~~**The department of**
19 **state police shall** include **in a notice of denial** a statement
20 specifying the basis of the denial, and that a ~~person~~**an individual**
21 may appeal the denial ~~pursuant to~~**in accordance with** the
22 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
23 24.328.

24 (4) If the department of state police ~~refuses~~**denies** a request
25 by a ~~person~~**an individual** for amendment or expunction under
26 subsection (2), or fails to act within 30 days after receiving the
27 request under subsection (2), the ~~person~~**individual** may request a
28 hearing before a hearing officer appointed by the department of
29 state police for a determination of whether information entered



1 into the law enforcement information network should be amended or
 2 expunged because it is inaccurate or false. The department of state
 3 police shall conduct the hearing ~~pursuant to~~ **in accordance with** the
 4 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
 5 24.328.

6 (5) The department of state police shall not send written
 7 notice of an entry of an order or disposition into the law
 8 enforcement information network as required for a personal
 9 protection order issued under section 2950 or 2950a of the revised
 10 judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a,
 11 until ~~that~~ **the** department has received notice that the respondent
 12 of the order has been served with or has received notice of the
 13 personal protection order.

14 Sec. 12. (1) Section 2 does not apply to any of the following:

15 (a) A police or correctional agency of the United States or of
 16 this state or any subdivision of this state.

17 (b) The United States ~~army, air force, navy, or marine~~
 18 ~~corps.~~ **Army, Air Force, Navy, or Marine Corps.**

19 (c) An organization authorized by law to purchase or receive
 20 weapons from the United States or from this state.

21 (d) The ~~national guard, armed forces reserves,~~ **National Guard,**
 22 **United States Armed Forces Reserves,** or other duly authorized
 23 military organization.

24 (e) A member of an entity or organization described in
 25 subdivisions (a) ~~through to~~ (d) for a ~~pistol~~ **firearm** while engaged
 26 in the course of ~~his or her~~ **that member's** duties with that entity
 27 or while going to or returning from those duties.

28 (f) A United States citizen holding a license to carry a
 29 pistol concealed upon ~~his or her~~ **that individual's** person issued by



1 another state.

2 (g) The regular and ordinary possession and transportation of
3 a ~~pistol~~**firearm** as merchandise by an authorized agent of a person
4 licensed to manufacture firearms or a licensed dealer.

5 (h) Purchasing, owning, carrying, possessing, using, or
6 transporting an antique firearm. As used in this subdivision,
7 "antique firearm" means that term as defined in section 231a of the
8 Michigan penal code, 1931 PA 328, MCL 750.231a.

9 (i) An individual carrying, possessing, using, or transporting
10 a pistol belonging to another individual, if the other individual's
11 possession of the pistol is authorized by law and the individual
12 carrying, possessing, using, or transporting the pistol has
13 obtained a license under section 5b to carry a concealed pistol or
14 is exempt from licensure as provided in section 12a.

15 (2) The amendatory act that added subsection (1)(h) ~~shall~~**may**
16 be known ~~and may be cited~~ as the "Janet Kukuk act".

17 Sec. 14a. (1) A law enforcement agency that seizes or
18 otherwise comes into possession of a firearm or a part of a firearm
19 subject to disposal under section 14 may, instead of forwarding the
20 firearm or part of a firearm to the director of the department of
21 state police or ~~his or her~~ **the director's** designated representative
22 for disposal under that section, retain that firearm or part of a
23 firearm for the following purposes:

24 (a) For legal sale or trade to a federally licensed firearm
25 dealer. The **law enforcement agency shall only use the** proceeds from
26 any sale or trade under this subdivision ~~shall be used by the law~~
27 ~~enforcement agency only~~ for law enforcement purposes. The law
28 enforcement agency shall not sell or trade a firearm or part of a
29 firearm under this subdivision to any individual who is a member of



1 that law enforcement agency unless the individual is a federally
 2 licensed firearms dealer and the sale is made pursuant to a public
 3 auction.

4 (b) For official use by members of the seizing law enforcement
 5 agency who are employed as peace officers. ~~A-The law enforcement~~
 6 **agency shall not sell a** firearm or part of a firearm ~~shall not be~~
 7 ~~sold~~ under this subdivision.

8 (2) A law enforcement agency that sells or trades any ~~pistol~~
 9 **firearm** to a licensed dealer under subsection (1)(a) or retains any
 10 ~~pistol~~ **firearm** under subsection (1)(b) shall complete a record of
 11 the transaction under section 2 or section 2a, as applicable.

12 (3) A law enforcement agency that sells or trades a firearm or
 13 part of a firearm under this section shall retain a receipt of the
 14 sale or trade for ~~a period of~~ not less than 7 years. The law
 15 enforcement agency shall make all receipts retained under this
 16 subsection available for inspection by the department of state
 17 police upon demand and for auditing purposes by the state and the
 18 local unit of government of which the agency is a part.

19 (4) Before disposing of a firearm under this section, the law
 20 enforcement agency shall do both of the following:

21 (a) Determine through the law enforcement information network
 22 whether the firearm has been reported lost or stolen. If the
 23 firearm has been reported lost or stolen and the name and address
 24 of the owner can be determined, the law enforcement agency shall
 25 provide 30 days' written notice of its intent to dispose of the
 26 firearm under this section to the owner, and allow the owner to
 27 claim the firearm ~~within~~ **in** that 30-day period if ~~he or she~~ **the**
 28 **owner** is authorized to possess the firearm. If the police agency
 29 determines that a serial number has been altered or has been



1 removed or obliterated from the firearm, the police agency shall
2 submit the firearm to the department of state police or a forensic
3 laboratory for serial number verification or restoration to
4 determine legal ownership.

5 (b) Provide 30 days' notice to the public on a website
6 maintained by the law enforcement agency of its intent to dispose
7 of the firearm under this section. The notice ~~shall~~**must** include a
8 description of the firearm and ~~shall~~ state the firearm's serial
9 number, if the serial number can be determined. The law enforcement
10 agency shall allow the owner of the firearm to claim the firearm
11 ~~within~~**in** that 30-day period if ~~he or she~~**the owner** is authorized
12 to possess the firearm. The 30-day period required under this
13 subdivision is in addition to the 30-day period required under
14 subdivision (a).

15 (5) The law enforcement agency is immune from civil liability
16 for disposing of a firearm in compliance with this section.

17 (6) As used in this section, "law enforcement agency" means
18 any agency that employs peace officers.

