



HOUSE BILL No. 5802

April 24, 1996, Introduced by Reps. Crissman, Green, Horton, LeTarte, Law, Gustafson, Jamian, Goschka, Hill, Rhead, Llewellyn, McBryde, Voorhees, Middleton, Brackenridge, Dobb, Kaza, London, Geiger, Gilmer, Bodem, Sikkema, Gnodtke, Ryan, Bush, Whyman, McManus, Galloway, Kukuk, Middaugh and Perricone and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 4 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,"

as added by Act No. 219 of the Public Acts of 1992, being section 28.424 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 4 of Act No. 372 of the Public Acts of
2 1927, as added by Act No. 219 of the Public Acts of 1992, being
3 section 28.424 of the Michigan Compiled Laws, is amended to read
4 as follows:

1 Sec. 4. (1) A person who is prohibited from possessing,
2 using, transporting, selling, purchasing, carrying, shipping,
3 receiving, or distributing a firearm under section 224f(2) of the
4 Michigan penal code, Act No. 328 of the Public Acts of 1931,
5 being section 750.224f of the Michigan Compiled Laws, may apply
6 to the concealed weapons licensing board in the county in which
7 he or she resides for restoration of those rights.

8 (2) Not more than 1 application may be submitted under
9 subsection (1) in any calendar year. The concealed weapons
10 licensing board may charge a fee of not more than \$10.00 for the
11 actual and necessary expenses of each application.

12 (3) The concealed weapons licensing board shall, by written
13 order of the board, restore the rights of a person to possess,
14 use, transport, sell, purchase, carry, ship, receive, or distrib-
15 ute a firearm if the board determines, by clear and convincing
16 evidence, that all of the following circumstances exist:

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

19 (b) The expiration of 5 years after all of the following
20 circumstances, AS APPLICABLE:

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

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

25 (iii) The person has successfully completed all conditions
26 of probation or parole imposed for the violation resulting in the
27 prohibition.

1 (iv) THE PERSON HAS SUCCESSFULLY COMPLETED ALL TERMS,
2 CONDITIONS, OR REQUIREMENTS IMPOSED IN THE ORDER OF DISPOSITION
3 FOR THE VIOLATION RESULTING IN THE PROHIBITION.

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

7 (4) If the concealed weapons licensing board pursuant to
8 subsection (3) refuses to restore a right under this section, the
9 person may petition the circuit court for review of that
10 decision.

11 Section 2. This amendatory act shall not take effect unless
12 Senate Bill No. _____ or House Bill No. 5801 (request
13 no. 05142'95) of the 88th Legislature is enacted into law.