

**SUBSTITUTE FOR  
HOUSE BILL NO. 4647**

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 2 and 6 (MCL 28.422 and 28.426), as amended by 1994 PA 338.

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

1       Sec. 2. (1) Except as provided in subsection (2), a person  
2 shall not purchase, carry, or transport a pistol in this state  
3 without first having obtained a license for the pistol as pre-  
4 scribed in this section.

5       (2) A person who brings a pistol into this state who is on  
6 leave from active duty with the armed forces of the United States

**HB4647, As Passed House, May 19, 1999**

House Bill No. 4647

2

1 or who has been discharged from active duty with the armed forces  
2 of the United States shall obtain a license for the pistol within  
3 30 days after his or her arrival in this state.

4 (3) The commissioner or chief of police of a city, township,  
5 or village police department that issues licenses to purchase,  
6 carry, or transport pistols, or his or her duly authorized  
7 deputy, or the sheriff or his or her duly authorized deputy, in  
8 the parts of a county not included within a city, township, or  
9 village having an organized police department, in discharging the  
10 duty to issue licenses shall with due speed and diligence issue  
11 licenses to purchase, carry, or transport pistols to qualified  
12 applicants residing within the city, village, township, or  
13 county, as applicable unless he or she has probable cause to  
14 believe that the applicant would be a threat to himself or her-  
15 self or to other individuals, or would commit an offense with the  
16 pistol that would violate a law of this or another state or of  
17 the United States. An applicant is qualified if all of the fol-  
18 lowing circumstances exist:

19 (a) The person is not subject to an order or disposition for  
20 which he or she has received notice and an opportunity for a  
21 hearing, and which was entered into the law enforcement informa-  
22 tion network ~~pursuant to~~ UNDER any of the following:

23 (i) Section ~~464a(1)~~ 464A of the mental health code, ~~Act~~  
24 ~~No. 258 of the Public Acts of 1974, being section 330.1464a of~~  
25 ~~the Michigan Compiled Laws~~ 1974 PA 258, MCL 330.1464A.

26 (ii) Section ~~444a(1)~~ 444A of the revised probate code,  
27 ~~Act No. 642 of the Public Acts of 1978, being section 700.444a~~

**HB4647, As Passed House, May 19, 1999**

House Bill No. 4647

3

1 ~~of the Michigan Compiled Laws~~ 1978 PA 642, MCL 700.444A, OR  
2 SECTION 5107 OF THE ESTATES AND PROTECTED INDIVIDUALS CODE, 1998  
3 PA 386, MCL 700.5107.

4 (iii) Section ~~2950(9)~~ 2950 of the revised judicature act  
5 of 1961, ~~Act No. 236 of the Public Acts of 1961, being section~~  
6 ~~600.2950 of the Michigan Compiled Laws~~ 1961 PA 236, MCL  
7 600.2950.

8 (iv) Section ~~2950a(7)~~ 2950A of ~~Act No. 236 of the Public~~  
9 ~~Acts of 1961, being section 600.2950a of the Michigan Compiled~~  
10 ~~Laws~~ THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL  
11 600.2950A.

12 (v) Section ~~14(7)~~ 14 of ~~chapter 84 of the Revised~~  
13 ~~Statutes of 1846, being section 552.14 of the Michigan Compiled~~  
14 ~~Laws~~ 1846 RS 84, MCL 552.14.

15 (vi) Section ~~6b(5)~~ 6B of chapter V of the code of criminal  
16 procedure, ~~Act No. 175 of the Public Acts of 1927, being section~~  
17 ~~765.6b of the Michigan Compiled Laws~~ 1927 PA 175, MCL 765.6B, if  
18 the order has a condition imposed ~~pursuant to section 6b(3) of~~  
19 ~~chapter V of Act No. 175 of the Public Acts of 1927~~ UNDER SUB-  
20 SECTION (3) OF THAT SECTION.

21 (vii) Section ~~16b(1)~~ 16B of chapter IX of ~~Act No. 175 of~~  
22 ~~the Public Acts of 1927, being section 769.16b of the Michigan~~  
23 ~~Compiled Laws~~ THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL  
24 769.16B.

25 (b) The person is ~~18~~ 21 years of age or older or, if the  
26 ~~seller is licensed pursuant to section 923 of title 18 of the~~  
27 ~~United States Code, 18 U.S.C. 923, is 21 years of age or older.~~

**HB4647, As Passed House, May 19, 1999**

Sub. H.B. 4647 (H-1) as amended May 19, 1999

4

1 PERSON IS 18 YEARS OF AGE OR OLDER BUT LESS THAN 21 YEARS OF AGE,  
2 ONLY TO CARRY A PISTOL TO AND FROM HIS OR HER PLACE OF EMPLOYMENT  
3 AND IN THE COURSE OF HIS OR HER EMPLOYMENT IF CARRYING A PISTOL  
4 IS REQUIRED BY HIS OR HER EMPLOYER [, OR IS OVER 18 YEARS OF AGE AND  
HAS EARNED AND RECEIVED A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT].

5 (c) The person is a citizen of the United States and is a  
6 legal resident of this state.

7 (d) A felony charge against the person is not pending at the  
8 time of application.

9 (e) The person is not prohibited from possessing, using,  
10 transporting, selling, purchasing, carrying, shipping, receiving,  
11 or distributing a firearm under section 224f of the Michigan  
12 penal code, ~~Act No. 328 of the Public Acts of 1931, being sec-~~  
13 ~~tion 750.224f of the Michigan Compiled Laws~~ 1931 PA 328, MCL  
14 750.224F.

15 (f) The person has not been adjudged insane in this state or  
16 elsewhere unless he or she has been adjudged restored to sanity  
17 by court order.

18 (g) The person is not under an order of involuntary commit-  
19 ment in an inpatient or outpatient setting due to mental  
20 illness.

21 (h) The person has not been adjudged legally incapacitated  
22 in this state or elsewhere. This subdivision does not apply to a  
23 person who has had his or her legal capacity restored by order of  
24 the court.

25 (i) The person correctly answers 70% or more of the ques-  
26 tions on a basic pistol safety review questionnaire approved by  
27 the basic pistol safety review board and provided to the

**HB4647, As Passed House, May 19, 1999**

House Bill No. 4647

5

1 individual free of charge by the licensing authority. If the  
2 person fails to correctly answer 70% or more of the questions on  
3 the basic pistol safety review questionnaire, the licensing  
4 authority shall inform the person of the questions he or she  
5 answered incorrectly and allow the person to attempt to complete  
6 another basic pistol safety review questionnaire. The person  
7 shall not be allowed to attempt to complete more than 2 basic  
8 pistol safety review questionnaires on any single day. The  
9 licensing authority shall allow the person to attempt to complete  
10 the questionnaire during normal business hours on the day the  
11 person applies for his or her license.

12 (4) Applications for licenses under this section shall be  
13 signed by the applicant under oath upon forms provided by the  
14 director of the department of state police. Licenses to pur-  
15 chase, carry, or transport pistols shall be executed in tripli-  
16 cate upon forms provided by the director of the department of  
17 state police and shall be signed by the licensing authority.  
18 Three copies of the license shall be delivered to the applicant  
19 by the licensing authority.

20 (5) Upon the sale of the pistol, the seller shall fill out  
21 the license forms describing the pistol sold, together with the  
22 date of sale, and sign his or her name in ink indicating that the  
23 pistol was sold to the licensee. The licensee shall also sign  
24 his or her name in ink indicating the purchase of the pistol from  
25 the seller. The seller may retain a copy of the license as a  
26 record of the sale of the pistol. The licensee shall return

**HB4647, As Passed House, May 19, 1999**

House Bill No. 4647

6

1 2 copies of the license to the licensing authority within 10 days  
2 following the purchase of the pistol.

3 (6) One copy of the license shall be retained by the licens-  
4 ing authority as an official record for ~~a period of~~ 6 years.  
5 The other copy of the license shall be forwarded by the licensing  
6 authority within 48 hours to the director of the department of  
7 state police. A license is void unless used within 10 days after  
8 the date of its issue.

9 (7) This section does not apply to the purchase of pistols  
10 from wholesalers by dealers regularly engaged in the business of  
11 selling pistols at retail, or to the sale, barter, or exchange of  
12 pistols kept solely as relics, curios, or antiques not made for  
13 modern ammunition or permanently deactivated. This section does  
14 not prevent the transfer of ownership of pistols that are inher-  
15 ited if the license to purchase is approved by the commissioner  
16 or chief of police, sheriff, or their authorized deputies, and  
17 signed by the personal representative of the estate or by the  
18 next of kin having authority to dispose of the pistol.

19 (8) The licensing authority shall provide a basic pistol  
20 safety brochure to each applicant for a license under this sec-  
21 tion before the applicant answers the basic pistol safety review  
22 questionnaire. A basic pistol safety brochure shall contain, but  
23 is not limited to providing, information on all of the following  
24 subjects:

25 (a) Rules for safe handling and use of pistols.

26 (b) Safe storage of pistols.

**HB4647, As Passed House, May 19, 1999**

House Bill No. 4647

7

1 (c) Nomenclature and description of various types of  
2 pistols.

3 (d) The responsibilities of owning a pistol.

4 (9) The basic pistol safety brochure shall be supplied in  
5 addition to the safety pamphlet required by section 9b.

6 (10) The basic pistol safety brochure required in subsection  
7 (8) shall be produced by a national nonprofit membership organi-  
8 zation that provides voluntary pistol safety programs that  
9 include training individuals in the safe handling and use of  
10 pistols.

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

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

19 Sec. 6. (1) The prosecuting attorney, the sheriff, and the  
20 director of the department of state police, or their respective  
21 authorized deputies, shall constitute boards exclusively autho-  
22 rized to issue a license to an applicant residing within their  
23 respective counties, to carry a pistol concealed on the person  
24 and to carry a pistol, whether concealed or otherwise, in a vehi-  
25 cle operated or occupied by the applicant. The county clerk of  
26 each county shall be clerk of the licensing board, which ~~board~~  
27 shall be known as the concealed weapon licensing board. A

**HB4647, As Passed House, May 19, 1999**

House Bill No. 4647

8

1 license to carry a pistol concealed on the person or to carry a  
2 pistol, whether concealed or otherwise, in a vehicle operated or  
3 occupied by the person applying for the license, shall not be  
4 ~~granted~~ ISSUED to a person unless the person is ~~18~~ 21 years  
5 of age or older OR, IF THE PERSON IS 18 YEARS OF AGE OR OLDER BUT  
6 LESS THAN 21 YEARS OF AGE, ONLY TO CARRY A PISTOL TO AND FROM HIS  
7 OR HER PLACE OF EMPLOYMENT AND IN THE COURSE OF HIS OR HER  
8 EMPLOYMENT IF CARRYING A PISTOL IS REQUIRED BY HIS OR HER  
9 EMPLOYER. is a citizen of the United States, and has resided in  
10 this state 6 months or more. A license shall not be issued  
11 unless ~~it appears that~~ THE BOARD DETERMINES the applicant has  
12 good reason to fear injury to his or her person or property, or  
13 has other proper reasons, and is a suitable person to be  
14 licensed. A license shall not be issued under this section  
15 unless all of the following circumstances exist:

16 (a) The person is not the subject of an order or disposition  
17 entered into the law enforcement information network ~~pursuant~~  
18 ~~to~~ UNDER any of the following:

19 (i) Section ~~464a(1)~~ 464A of the mental health code, ~~Act~~  
20 ~~No. 258 of the Public Acts of 1974, being section 330.1464a of~~  
21 ~~the Michigan Compiled Laws~~ 1974 PA 258, MCL 330.1464A.

22 (ii) Section ~~444a(1)~~ 444A of the revised probate code,  
23 ~~Act No. 642 of the Public Acts of 1978, being section 700.444a~~  
24 ~~of the Michigan Compiled Laws~~ 1978 PA 642, MCL 700.444A, OR SEC-  
25 TION 5107 OF THE ESTATES AND PROTECTED INDIVIDUALS CODE, 1998 PA  
26 386, MCL 700.5107.



**HB4647, As Passed House, May 19, 1999**

House Bill No. 4647

9

1       (iii) Section ~~2950(9)~~ 2950 of the revised judicature act  
2 of 1961, ~~Act No. 236 of the Public Acts of 1961, being section~~  
3 ~~600.2950 of the Michigan Compiled Laws~~ 1961 PA 236, MCL  
4 600.2950.

5       (iv) Section ~~2950a(7)~~ 2950A of ~~Act No. 236 of the Public~~  
6 ~~Acts of 1961, being section 600.2950a of the Michigan Compiled~~  
7 ~~Laws~~ THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL  
8 600.2950A.

9       (v) Section ~~14(7)~~ 14 of ~~chapter 84 of the Revised~~  
10 ~~Statutes of 1846, being section 552.14 of the Michigan Compiled~~  
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12       (vi) Section ~~6b(5)~~ 6B of chapter V of the code of criminal  
13 procedure, ~~Act No. 175 of the Public Acts of 1927, being section~~  
14 ~~765.6b of the Michigan Compiled Laws~~ 1927 PA 175, MCL 765.6B, if  
15 the order has a condition imposed ~~pursuant to section 6b(3) of~~  
16 ~~chapter V of Act No. 175 of the Public Acts of 1927~~ UNDER SUB-  
17 SECTION (3) OF THAT SECTION.

18       (vii) Section ~~16b(1)~~ 16B of chapter IX of ~~Act No. 175 of~~  
19 ~~the Public Acts of 1927, being section 769.16b of the Michigan~~  
20 ~~Compiled Laws~~ THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL  
21 769.16B.

22       (b) The person has not been convicted of a felony or con-  
23 fined for a felony conviction in this state or elsewhere during  
24 the 8-year period immediately preceding the date of the applica-  
25 tion, and a felony charge against the person is not pending at  
26 the time he or she applies for a license described in this  
27 section.

**HB4647, As Passed House, May 19, 1999**

House Bill No. 4647

10

1 (c) The person has not been adjudged insane unless the  
2 person has been adjudged restored to sanity by court order.

3 (d) The person is not under an order of involuntary commit-  
4 ment in an inpatient or outpatient setting due to mental  
5 illness.

6 (e) The person has not been adjudged legally incapacitated  
7 in this state or elsewhere. This subdivision does not apply to a  
8 person who has had his or her legal capacity restored by court  
9 order.

10 (2) If an applicant resides in a city, village, or township  
11 having an organized department of police, a license shall not be  
12 issued unless the application is first approved in writing by the  
13 supervisor, commissioner or chief of police, or marshal of that  
14 city, village, or township. If an application is not approved in  
15 the manner prescribed by this subsection, the applicant has 10  
16 days to appeal, in writing, to the concealed weapon licensing  
17 board in the county in which the applicant resides. Upon receipt  
18 of a written appeal, that concealed weapon licensing board shall  
19 schedule a hearing to be held at its next scheduled meeting,  
20 which shall not be less than 15 days after ~~the receipt of~~  
21 RECEIVING the fingerprint comparison report. The concealed  
22 weapon licensing board shall determine at the hearing whether the  
23 applicant is qualified to carry a concealed weapon ~~pursuant to~~  
24 UNDER this section. Notice of the hearing shall be mailed to the  
25 applicant and the organized POLICE department ~~of police~~ not  
26 less than 10 days before the scheduled hearing. The applicant  
27 shall deposit ~~the sum of~~ \$10.00 with the county clerk at the

**HB4647, As Passed House, May 19, 1999**

House Bill No. 4647

11

1 time the appeal is made. If, after appeal, a license is not  
2 issued, the deposit shall be credited to the general fund of the  
3 county. If a license is issued, the deposit shall be processed  
4 as the license fee required under subsection (6).

5 (3) If an applicant does not reside in a city, village, or  
6 township that has an organized department of police, a license  
7 shall not be issued unless the application is first submitted for  
8 approval or objection to the supervisor of the township in which  
9 the applicant resides. The supervisor shall indicate in writing  
10 on the application whether he or she objects to the license being  
11 issued. If action is not taken by a supervisor within 14 days  
12 after the application is submitted to the supervisor, the con-  
13 cealed weapon licensing board shall consider the application as  
14 if a statement of no objection had been included. If the super-  
15 visor objects to the application in writing, the applicant may  
16 appeal the objection to the concealed weapon licensing board of  
17 the county in which the applicant resides within 10 days after  
18 the objection. Upon ~~receipt of~~ RECEIVING a written appeal,  
19 that concealed weapon licensing board shall schedule a hearing to  
20 be held at its next scheduled meeting, which shall not be less  
21 than 15 days after ~~the receipt of~~ RECEIVING the fingerprint  
22 comparison report. The concealed weapon licensing board shall  
23 determine at the hearing whether the applicant is qualified to  
24 carry a concealed weapon ~~pursuant to~~ UNDER this section.  
25 Notice of the hearing shall be mailed to the applicant and the  
26 supervisor of the township not less than 10 days before the  
27 scheduled hearing. The applicant shall deposit ~~the sum of~~

**HB4647, As Passed House, May 19, 1999**

House Bill No. 4647

12

1 \$10.00 with the county clerk at the time the appeal is made. If,  
2 after appeal, a license is not issued, the deposit shall be cred-  
3 ited to the general fund of the county. If a license is issued,  
4 the deposit shall be processed as the license fee required under  
5 subsection (6).

6 (4) An applicant shall have 2 sets of fingerprints taken by  
7 the sheriff, or the sheriff's authorized representative, of the  
8 county in which the applicant resides, if the applicant does not  
9 reside in a city, village, or township having an organized  
10 department of police, or by the commissioner or chief of police,  
11 or marshal, or an authorized representative of the commissioner  
12 or chief of police or marshal, if the applicant resides within a  
13 city, village, or township having an organized POLICE department.  
14 ~~of police.~~ The first set of fingerprints shall be taken on  
15 forms furnished by the department of state police, and the second  
16 set on forms furnished by the federal bureau of investigation.  
17 The person taking the prints shall forward the first set of fin-  
18 gerprints to the department of state police and the second set to  
19 the federal bureau of investigation or other agency designated by  
20 the federal bureau of investigation. The director of the bureau  
21 of identification of the department of state police shall compare  
22 the fingerprints with those already on file in the bureau. A  
23 license shall not be issued unless the report is received by the  
24 clerk of the board from the department of state police and the  
25 federal bureau of investigation that the comparisons do not show  
26 that the applicant was convicted of or confined for a felony  
27 during the 8-year period. The board may grant a temporary permit

**HB4647, As Passed House, May 19, 1999**

House Bill No. 4647

13

1 in case of emergency pending the results of the comparisons. The  
2 temporary permit shall be issued for a period of not more than 30  
3 days and shall expire automatically at the end of the period for  
4 which it was issued. Upon ~~receipt of~~ RECEIVING the comparison  
5 report from the federal bureau of investigation, the bureau of  
6 identification of the department of state police shall forward a  
7 report of both comparisons to the officer taking the prints and  
8 also to the county clerk of the county in which the applicant  
9 resides, who as clerk of the board shall keep a record of the  
10 report and shall report to the board. The fingerprints received  
11 under this section shall be filed in the bureau of identification  
12 of the department of state police in the noncriminal section of  
13 the files.

14 (5) The application for a license shall state each reason  
15 for the necessity or desirability of carrying a pistol concealed  
16 on the person or carrying a pistol, whether or not concealed, in  
17 a vehicle occupied by the person applying for the license. A  
18 license issued under this section shall limit the carrying of a  
19 pistol to the reason or reasons satisfactory to the board, and  
20 each restriction shall appear conspicuously on the face of the  
21 license. The license shall be an authorization to carry a pistol  
22 in compliance with this section only to the extent contained in  
23 the face of the license and the license shall be revoked by the  
24 board if the pistol is carried contrary to the authorization.

25 (6) The prosecuting attorney shall be the chairperson of the  
26 board. ~~, which~~ THE BOARD shall convene at least once in each  
27 calendar month and at other times as the board is called to

**HB4647, As Passed House, May 19, 1999**

House Bill No. 4647

14

1 convene by the chairperson. Each license shall be issued only  
2 upon written application signed by the applicant under oath and  
3 upon a form provided by the director of the department of state  
4 police. Each license shall be issued only with the approval of a  
5 majority of the members of the board and shall be executed in  
6 triplicate upon forms provided by the director of the department  
7 of state police. Each license shall be signed in the name of the  
8 concealed weapon licensing board by the county clerk with the  
9 seal of the circuit court affixed to the license. The county  
10 clerk shall first collect a licensing fee of \$10.00 from the  
11 applicant for each license delivered to the applicant. One copy  
12 of the license shall be delivered to the applicant, the duplicate  
13 shall be retained by the county clerk as ~~a permanent~~ AN offi-  
14 cial record for ~~a period of~~ 6 years, and the triplicate of the  
15 license shall be forwarded within 48 hours to the director of the  
16 department of state police who shall file and index each license  
17 received and retain it as ~~a permanent~~ AN official record for ~~a~~  
18 ~~period of~~ 6 years. A license is valid for a definite period of  
19 not more than 3 years, and that period shall be stated in the  
20 license. A renewal of the license shall not be granted except  
21 upon the filing of a new application. A license shall bear the  
22 imprint of the right thumb of the licensee, or, if a right thumb  
23 imprint is impossible to obtain, the license shall bear the  
24 imprint of the left thumb or some other finger of the licensee.  
25 The licensee shall carry the license upon his or her person when  
26 carrying a pistol concealed upon his or her person, or when  
27 carrying the pistol, whether or not concealed, in a vehicle

**HB4647, As Passed House, May 19, 1999**

House Bill No. 4647

15

1 occupied by the licensee. The licensee shall display the license  
2 upon the request of a peace officer. On the first day of each  
3 month the county clerk shall remit to the state treasurer \$2.00  
4 for each license issued during the preceding month. On the first  
5 day of each month the county clerk shall pay into the general  
6 fund of the county the remainder of each license fee for each  
7 license issued during the preceding month.

8 (7) The county clerk may issue a copy of a license issued  
9 ~~pursuant to~~ UNDER this section for a fee of \$3.00. ~~which~~ THE  
10 fee shall be paid into the general fund of the county.

11 (8) A charter county may impose by ordinance a different  
12 amount for the concealed weapon licensing fee prescribed by sub-  
13 section (6). A charter county shall not impose a fee ~~which~~  
14 THAT is greater than the cost of the service for which the fee is  
15 charged.

16 Enacting section 1. This amendatory act takes effect  
17 August 1, 1999.