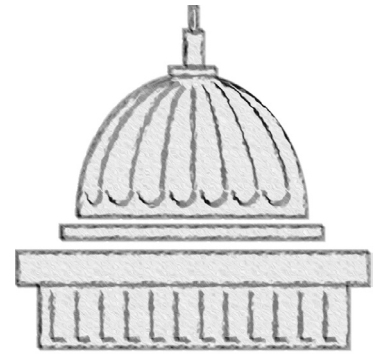


F. NRA / ILA Firearms Laws for

MICHIGAN

(As of April, 2006)



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A SYNOPSIS OF STATE LAWS ON PURCHASE, POSSESSION AND CARRYING OF FIREARMS.

QUICK REFERENCE CHART

	Rifles and Shotguns	Handguns
Permit to Purchase	No	Yes
Registration of Firearms	No	Yes
Licensing of Owners	No	No
Permit to Carry	No	Yes

POSSESSION

No state permit is required to possess a rifle or shotgun. Every person within the state who owns or obtains a handgun, in any manner, must present the handgun to either the city chief of police or the county sheriff of the locality where he resides. A certificate of inspection will then be issued containing a description of the handgun inspected and the name, description and thumbprint of the possessor.

It is unlawful to possess a firearm in a financial institution, church, court, school, hospital, theater, sports arena, restaurant with a liquor or alcohol license or day care center.

STATE CONSTITUTIONAL PROVISION

"Every person has a right to keep and bear arms for the defense of himself and the state." Article 1, sec. 6

PURCHASE

No permit is required for the purchase of a rifle or shotgun.

No rifle, shotgun or handgun may be sold to a minor under 18 years of age, a convicted felon, or a person under indictment.

To purchase a handgun from either a dealer or private individual, the buyer must obtain a license to purchase from the chief of police if the buyer lives in a city, or the county sheriff if he lives in an area without an organized police department. The buyer must be 18 years of age, a U.S. citizen, a resident of Michigan, have no felony conviction, have never been adjudged insane (unless later restored by court order), and score 70% on a basic pistol safety review questionnaire.¹

The license to purchase must be filled out in triplicate at the time of purchase. The license shall include a description of the handgun sold and the signatures of both the buyer and seller. The seller may retain one copy and the buyer retains the other two. After purchase and delivery of the handgun is completed, the buyer must return the license to purchase along with the purchased handgun, unloaded and encased or trigger locked, to the local licensing (law enforcement) authority within 10 days.

The buyer (licensee) will then be issued a safety inspection certificate (registration) for the handgun. One copy of the license will be held by the local authority for six years and the remaining copy shall be forwarded to the Commissioner of State Police. The license, once issued, becomes void if not used within 10 days. A valid Michigan CCW holder is exempt from license to purchase requirement, however is still subject to the registration requirements and a criminal background (NICS) check.

CARRYING

It is unlawful to carry a handgun concealed on or about one's person or concealed or openly in a vehicle without a license to carry a concealed pistol.

A Michigan license is not required:

1. To transport a pistol unloaded and in a container in a trunk of a vehicle or, if the vehicle has no trunk, the pistol is in a container and is not readily accessible to the occupants of the vehicle, provided that the pistol is being transported for a lawful purpose.
2. To carry in one's dwelling house or place of business or on one's own land.
3. Carrying an antique firearm, unloaded and in a container in the trunk of a vehicle.
4. When a person who is licensed to carry a concealed pistol in the state of his residence, except where the pistol is carried in nonconformance with a restriction appearing on the license.
5. When a person is a law enforcement officer.

In order to transport or possess rifles and shotguns in a motor vehicle, Michigan law requires that they be unloaded and be one or more of the following: broken down, enclosed in a case, carried in the trunk of the vehicle, or inaccessible from the interior of the vehicle.

An application for a license to carry must be made under oath, in the presence of the clerk of the county of the applicant's residence. The applicant must submit a passport quality photograph. In addition, the applicant must have two sets of fingerprints made by the county sheriff, and submit these with the application. The sheriff may charge up to fifteen (\$15.00) dollars for the fingerprints. The application fee is fifty five (\$55.00) dollars. If the applicant is not a prohibited person, the county concealed weapon licensing board

shall issue the license within thirty (30) days after the receipt of the fingerprint analysis. The license is valid for three (3) years.

A person who is not a Michigan resident, but who is licensed in the state of his residence, may carry in Michigan under the same conditions as one licensed in Michigan. A licensed person may not carry while under the influence of alcohol. It is important to understand that this means, for all practical purposes, any detectable alcohol at all. That is, it applies a standard far stricter than that for driving under the influence. A person who has consumed any alcoholic beverage, however small the amount, should not carry.

It is unlawful to carry a concealed pistol in a place of worship, court, school, the classroom or dormitory room of a college or university, hospital, sports arena, casino, an entertainment facility which seats more than 2,500 people, a dining room or bar which is licensed to serve alcohol, or day care center. A parent or guardian is not precluded from carrying in a vehicle if dropping off or picking up a student at school. It is lawful to carry concealed in a place of worship with the permission of the presiding officials of that place of worship.

ANTIQUES AND REPLICAS

Handguns kept solely for the purpose of display, as relics, curios, or antiques not made for modern ammunition or permanently deactivated are exempt from the registration and sale provisions.

An antique firearm is defined as:

(a) A firearm not designed or redesigned for using rimfire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including a matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898. (b) A firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

NATIONAL FIREARMS ACT FIREARMS

It is unlawful to sell, offer for sale, possess or manufacture any machine gun “which shoots or is designed to shoot automatically more than one shot without manual reloading by a single function of the trigger.”

Exceptions are for manufacturers with government contracts and any person duly licensed to manufacture, sell, or possess any machine gun by federal law.

MISCELLANEOUS

Michigan provides a two-year mandatory prison term for any felony committed by a person carrying or possessing a firearm. This sentence is in addition to the sentence imposed for committing the felony and must be served consecutively. The person subject to this provision “shall not be eligible for parole or probation during the mandatory term.”

It is unlawful to willfully alter, remove, or obliterate the serial number, maker’s name, or “other mark of identity” on any firearm.

It is unlawful to intentionally point, even without malice, any firearm at another person.

It is unlawful to set any spring gun or other device operating by the firing of gunpowder or any other explosive.

It is unlawful to possess or use any firearm while under the influence of liquor or any exhilarating or stupefying drug.

It is unlawful to recklessly or heedlessly or willfully or wantonly use, carry, handle or discharge any firearm without due caution and circumspection for the rights, safety or property of others.

Pellet guns are considered firearms in Michigan and thus are regulated by the above provisions. A pellet handgun must be registered and requires a license to purchase. In addition, a license to carry must be obtained to carry concealed or in a vehicle; if it has no serial number, the gun must be taken to the State Police who will stamp a number on the weapon. No person under 18 years of age may possess or use a BB gun beyond the yard of his home unless accompanied by a person over 18.

Units of local government are prohibited from imposing certain restrictions on firearms and ammunition.

Theft of a firearm must be reported to police within 5 days after discovery.

Notes:

1. A person who is eighteen or older, but under 21, may purchase a handgun, but not from a federally licensed dealer who is prohibited from selling a handgun to anyone younger than 21.

2. The term “lawful purpose” is defined to include the following:
(i) While en route to or from a hunting or target shooting area.
(ii) While transporting a pistol en route to or from his or her home or place of business and place of repair.
(iii) While moving goods from a place of abode or business to another place of abode or business.
(iv) While transporting a licensed pistol en route to or from a law enforcement agency for the purpose of having a safety inspection performed on the pistol, or for the purpose of having a law enforcement official take possession of the pistol.
(v) While en route to or from his or her place of abode or place of business and a gun show or places of purchase or sale.
(vi) While en route to or from his or her abode to a public shooting facility or public land where discharge of firearms is permitted.
(vii) While en route to or from his or her abode to a private property location where the pistol is to be used as is permitted by law.

SOURCES: Mich. Comp. Laws Ann. §§28.421a-422b; 28.425; 28.425b;28.425c-d; 28.425f-g; 28.425l; 28.425o; 28.429; 28.430; 123.1101; 750.224; 750.226; 750.227; 750.236; 750.324; 752.891

CAUTION: Firearm laws are subject to frequent change and court interpretation. This summary is not intended as legal advice or restatement of law. This summary does not include federal or local laws, ordinances or regulations. For any particular situation, a licensed local attorney must be consulted for an accurate interpretation. **YOU MUST ABIDE WITH ALL LAWS: STATE, FEDERAL AND LOCAL.**

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