



# MICHIGAN STATE POLICE LEGAL UPDATE

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## FIREARMS LAW

### Multiple sections of the Firearms Act amended

Effective: January 6, 2009

Public Act 406 of 2008 changed several statutes governing the possession, use, and registration of pistols. It also made changes to statutes governing Concealed Pistol Licenses (CPL). The changes are summarized below.

*Persons may possess another's pistol under certain circumstances*

[MCL 28.422](#) was amended to exempt a person from pistol registration requirements – allowing them to possess a pistol without obtaining a License to Purchase (LTP) or submitting a Pistol Sales Record – if all of the following requirements are met:

1. The person is not otherwise prohibited from possessing a pistol,
2. The person is at a recognized target range,
3. The person is engaged in target practice or training,
4. The owner of the pistol is physically present, and
5. If the person is under 18, their parent or guardian must be supervising the use of the pistol; if the person is 18 or older, the owner of the pistol must be supervising the use of the pistol.

*Possession of pistols by non-residents*

[MCL 28.422](#) was also amended to exempt residents of other states from pistol registration requirements (allowing them to possess a pistol in Michigan) if all of the following requirements are met:

1. The person is licensed by their state of residence to purchase, transport, or carry a pistol,

2. The person is in possession of the license while in Michigan,
3. The person owns the pistol possessed in Michigan,
4. The person possess the pistol for a lawful purpose as defined in [MCL 750.231a](#), and
5. The person is in Michigan less than 180 days and does not intend to establish residency here.

A non-resident must present the license issued by their state to a police officer upon demand. Failure to do so is a 90-day misdemeanor.

Before this amendment, only CPL holders from other states could lawfully possess a pistol in Michigan.

*Concealed Pistol License pistol free zones*

[MCL 28.425o](#) was amended to extend CPL pistol free zone exemptions to the following while off-duty: county corrections officers; MDOC parole or probation officers; all reserve officers or sheriff's posse members; and MSP motor carrier officers and capitol security officers.

Before the amendment, those persons were only exempt from pistol free zones while on-duty. These exemptions continue to apply only to those persons having a CPL.

*Revocation of Concealed Pistol Licenses*

[MCL 28.428](#) was amended to require licensing boards to revoke a CPL when the licensee becomes ineligible to receive a CPL. Before the amendment, revocation was optional. Now, a board must revoke if a licensee no longer meets the requirements to obtain an initial CPL (e.g., convicted of a crime listed in the statute).

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*CPL revocation, continued*

[MCL 28.425b](#) was also amended to make it a 93-day misdemeanor for a CPL holder to fail to return their CPL to the licensing board when the board has suspended or revoked the CPL.

*Waiver of six-month waiting period for new residents seeking a Concealed Pistol License*

MCL 28.425b was amended to allow licensing boards to waive the six-month residency requirement for CPL applicants if the person had a CPL issued by another state when they established residency in Michigan. If the board waives the six-month requirement, they must issue the applicant a temporary CPL valid until the board makes a final determination about whether to issue a regular CPL. New residents must complete all required training and submit a CPL application before the waiver may be granted.

*Residency definition*

MCLs 28.422 and 28.425b were amended to include a definition of a "legal resident" for the purposes of issuing an LTP or a CPL. Under the amended statutes, persons are eligible for an LTP or a CPL if they satisfy one of the following requirements:

1. The person has a valid, lawfully obtained Michigan driver license or state ID card,
2. The person is lawfully registered to vote in Michigan,
3. The person is an active duty member of the military stationed elsewhere, but having a home of record in Michigan, or
4. The person is an active duty member of the military stationed in Michigan, but having a home of record elsewhere.

Police departments issuing an LTP, and licensing boards issuing a CPL, may require military members to provide proof of their home of record or duty assignment.

[Public Act 406 of 2008](#)

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**Judges exempt from pistol free zones**

**Effective: April 6, 2009**

Public Act 407 of 2008 will add state court judges and retired state court judges to the list of CPL holders who are exempt from the pistol free zones listed in MCL 28.425o. The exemption will apply to active and retired judges of Michigan district courts, probate courts, circuit courts, court of appeals, and the supreme court, as well as retired judges of the recorders court.

[Public Act 407 of 2008](#)

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