



# Michigan

## Summary of State Firearms Law

Last updated May 5, 2011

### Overview

In the publication *Gun Laws Matter: A Comparison of State Firearms Laws and Statistics*, LCAV ranked each state based on a review of state laws in 25 different firearms-related policy areas. Michigan ranked 12 out of 50 – having enacted a modest amount of gun violence prevention laws. Among other things, Michigan:

- Requires a background check to obtain a license, which is required for the purchase of a handgun from federally licensed sellers and transfers of guns [between private parties](#);
- Gives courts the option of prohibiting the purchase or possession of guns by individuals subject to [domestic violence](#) protective orders;
- Imposes [child access prevention](#) requirements upon gun owners; and
- Requires firearm owners to [report the theft](#) of their firearms.

Michigan does not, however:

- Prohibit the transfer or possession of [assault weapons](#), [50 caliber rifles](#) or [large capacity ammunition magazines](#);
- Limit the [number of firearms](#) that may be purchased at one time;
- Require the [registration of firearms](#);
- Prohibit the open carrying of firearms in public;
- Prohibit individuals convicted of [domestic violence](#) misdemeanors from purchasing or possessing firearms;
- Impose a [waiting period](#) prior to the physical transfer of a firearm;
- Require [firearms dealer licenses or significantly regulate dealers](#); or
- Regulate [unsafe handguns](#).

## Statistics

### Gun Deaths in Michigan

Michigan ranks 22<sup>nd</sup> among the states in number of gun deaths per capita. In 2007, 1,095 people died from firearm-related injuries in Michigan.<sup>1</sup>

### Crime Guns in Michigan

Mayors Against Illegal Guns recently developed web pages detailing [data about each state's crime gun imports and exports](#). Compared with other states, in 2009, [Michigan](#) supplied the 42<sup>st</sup> highest number of crime guns to other states per capita. Michigan imports more crime guns than it exports.<sup>2</sup>

### Number of Federally Licensed Firearms Dealers in Michigan

There are 2,163 federally licensed firearms dealers and pawnbrokers in Michigan.<sup>3</sup>

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<sup>1</sup> National Center for Injury Prevention and Control, U.S. Centers for Disease Control and Prevention, *WISQARS Injury Mortality Reports, 1999-2007*, at [http://webappa.cdc.gov/sasweb/ncipc/mortrate10\\_sy.html](http://webappa.cdc.gov/sasweb/ncipc/mortrate10_sy.html).

<sup>2</sup> For a more comprehensive discussion regarding the patterns of gun trafficking across the states, see Mayors Against Illegal Guns, *Trace the Guns: The Link Between Gun Laws and Interstate Gun Trafficking* (Sept. 2010), at <http://www.tracetheguns.org/report.pdf>.

<sup>3</sup> U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, *List of Federal Firearms Licensees* (May 2011), at <http://www.atf.gov/about/foia/ffl-list.html>.

## State “Right to Bear Arms”

The Constitution of Michigan provides for the keeping and bearing of arms, but permits broad firearm-related regulation for public health and safety purposes. See [LCAV’s State Right to Bear Arms Provisions](#) for more-detailed information.

## **Local Authority to Regulate Firearms**

Michigan preempts most local firearms regulation. See the [Michigan State Preemption/Local Authority to Regulate Firearms summary](#) for further information.

## State Firearms Policies

Please note that many firearm-related laws have exceptions for military and law enforcement personnel.

Note also that Michigan statutes sometimes use the word “pistol” when referring generally to handguns.<sup>4</sup> For clarity, we use the word “handgun” throughout this summary.

## Persons Prohibited from Firearm Possession

### Prohibited Purchasers Generally

[Federal law prohibits certain persons from purchasing or possessing firearms](#), such as felons, certain domestic abusers, and certain people with a history of mental illness.

Michigan has adopted other classes of prohibited persons, and incorporated some of the federal prohibitions as state offenses. Michigan prohibits any person convicted of a felony or “specified felony” as defined under state law from possessing, using, transporting, selling, purchasing, carrying, shipping, receiving or distributing a firearm, if that person has not yet satisfied statutory requirements to restore his or her ability to own or possess a firearm, including serving any applicable sentence or conditions for parole, and paying any relevant fines.<sup>5</sup>

Michigan also prohibits issuance of a handgun purchase license to any person local law enforcement has probable cause to believe would be a threat to themselves or others, or would commit a crime with the handgun.<sup>6</sup> A person may qualify for a license if he or she:<sup>7</sup>

- Is not subject to any of several specified court orders or dispositions;<sup>8</sup>
- Is 18 years of age or older (unless the transfer is made by a federally licensed dealer in which case the applicant must be age 21 or older);<sup>9</sup>
- Is a U.S. citizen and a legal resident of Michigan;
- Does not have a felony or other specified criminal charge pending against him or her;

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<sup>4</sup> [Mich. Comp. Laws Serv. § 28.421\(e\)](#).

<sup>5</sup> [Mich. Comp. Laws Serv. § 750.224f\(1\), \(2\)](#).

<sup>6</sup> [Mich. Comp. Laws Serv. § 28.422\(3\)](#).

<sup>7</sup> [Mich. Comp. Laws Serv. § 28.422\(3\)](#). License applicants are also required to pass the “basic pistol safety review questionnaire” exam by correctly answering 70% or more of the questions presented. See the [Michigan Concealed Weapons Permitting](#) section for further information.

<sup>8</sup> See [Mich. Comp. Laws Serv. § 28.422\(3\)\(a\)](#).

<sup>9</sup> This age prohibition for handgun possession does not apply to a person under these specified ages if the person: 1) is not otherwise prohibited from possessing the handgun; 2) is at a recognized target range; 3) possesses the handgun for the purpose of target practice or instruction in the safe use of a handgun; 4) has his or her parent or guardian physically present and supervising; and 5) has the handgun’s owner physically present. [Mich. Comp. Laws Serv. § 28.422\(11\)](#).

- Is not prohibited from possessing, using, transporting, selling, purchasing, carrying, shipping, receiving, or distributing a firearm under state law; and
- Has not been adjudged “insane” or “legally incapacitated,” or is not under an order of involuntary commitment in an inpatient or outpatient setting due to mental illness.

Handgun purchase licenses are valid for up to 10 days for the purchase of one handgun.<sup>10</sup> For additional information on handgun purchase licenses, see the [Michigan Licensing of Gun Purchasers/Owners](#) section.

See [Regulating Guns in America: Prohibited Purchasers](#) for a comprehensive discussion of this issue.

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<sup>10</sup> [Mich. Comp. Laws Serv. § 28.422\(4\)](#).

## Minimum Age to Purchase / Possess

In Michigan, a person under the age of 18 may not possess a firearm in public except under the direct supervision of an individual 18 years of age or older.<sup>11</sup>

Michigan prohibits issuance of a handgun purchase license to any person under age 18.<sup>12</sup>

A concealed carry permit may not be issued to a person under 21 years of age.<sup>13</sup>

Michigan law provides that a parent or legal guardian may apply for a hunting license for a minor child that, upon successful application, may be issued for a child at least 12 years old for deer, bear, or elk hunting with a firearm.<sup>14</sup>

See [\*Regulating Guns in America: Minimum Age to Purchase / Possess Firearms\*](#) for a comprehensive discussion of this issue.

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<sup>11</sup> [Mich. Comp. Laws Serv. § 750.234f\(1\)](#). Persons under age 18 may possess a firearm while at, or going to or from, a recognized target range or trap or skeet shooting ground if, while going to or from the range or ground, the firearm is enclosed and securely fastened in a case or locked in the trunk of a motor vehicle. [Mich. Comp. Laws Serv. § 750.234f\(2\)](#).

<sup>12</sup> [Mich. Comp. Laws Serv. § 28.422\(3\)\(b\)](#). If the seller is a federally licensed firearms dealer, the handgun purchaser must be age 21 or older. *Id.*

<sup>13</sup> [Mich. Comp. Laws Serv. § 28.425b\(7\)\(a\)](#).

<sup>14</sup> [Mich. Comp. Laws Serv. § 324.43520](#).

## Domestic Violence and Firearms

### Firearm Prohibitions for Domestic Violence Misdemeanants

Michigan has no law specifically prohibiting individuals convicted of domestic violence misdemeanors from purchasing or possessing firearms or ammunition. Federal law prohibits the purchase and possession of firearms and ammunition by persons who have been convicted of a “misdemeanor crime of domestic violence.”<sup>15</sup> Federal law defines a “misdemeanor crime of domestic violence” as an offense that is a federal, state or tribal law misdemeanor and has the use or attempted use of physical force or threatened use of a deadly weapon as an element, if the offender:

- Was a current or former spouse, parent, or guardian of the victim;
- Shares a child in common with the victim;
- Was a current or former cohabitant with the victim as a spouse, parent or guardian; or
- Was similarly situated to a spouse, parent or guardian of the victim.<sup>16</sup>

### Firearm Prohibitions for Persons Subject to Domestic Violence Restraining/Protective Orders

Michigan gives courts discretion to prohibit the purchase or possession of firearms by a person subject to a personal protection order.<sup>17</sup> [Federal law](#), however, prohibits all such persons from purchasing or possessing firearms.

For ex parte personal protection orders, the court shall schedule a hearing on the motion to modify or rescind such an order within 14 days after the filing of a motion to modify or rescind.<sup>18</sup> If the respondent has a license to carry a concealed weapon and is required to carry a weapon as a condition of his or her employment, a certified police officer, a sheriff, a deputy sheriff, member of the Michigan Department of State Police, a local corrections officer, department of corrections employee, or a federal law enforcement officer who carries a firearm during the normal course of his or her employment, and the personal protection order prohibits him or her from purchasing or possessing a firearm, the court is required to schedule a hearing on the motion to modify or rescind the ex parte order within five days after the filing of the motion to modify or rescind.<sup>19</sup>

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<sup>15</sup> [18 U.S.C. § 922\(g\)\(9\)](#).

<sup>16</sup> [18 U.S.C. § 921\(a\)\(33\)](#).

<sup>17</sup> [Mich. Comp. Laws Serv. §§ 600.2950\(1\)\(e\), 600.2950a\(2\), \(3\)\(c\), \(26\)](#).

<sup>18</sup> [Mich. Comp. Laws Serv. §§ 600.2950\(12\), \(14\), 600.2950a\(14\)](#).

<sup>19</sup> [Mich. Comp. Laws Serv. §§ 600.2950\(2\), \(12\), \(14\), 600.2950a\(14\)](#).

A criminal defendant released by a court may, for the protection of one or more named persons, be restricted by a judge or district court magistrate from purchasing or possessing a firearm.<sup>20</sup> If the court orders the defendant to carry or wear a global positioning system device as a condition of release, the court shall also impose a condition that the defendant not purchase or possess a firearm.<sup>21</sup>

For general information on the background check process and categories of prohibited purchasers/possessors, see the [Michigan Prohibited Purchasers Generally](#) section.

### **Removal or Surrender of Firearms When Domestic Violence Restraining/Protective Orders Are Issued**

Michigan does not require the subject of a personal protection order to surrender any firearms he or she owns to law enforcement or another person for the duration of the order.

### **Removal or Surrender of Firearms at the Scene of a Domestic Violence Incident**

Michigan does not authorize or require law enforcement to remove firearms at the scene of a domestic violence incident.

See [Regulating Guns in America: Domestic Violence and Firearms](#) for a comprehensive discussion of this issue.

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<sup>20</sup> [Mich. Comp. Laws Serv. § 765.6b\(1\), \(3\).](#)

<sup>21</sup> [Mich. Comp. Laws Serv. § 765.6b\(3\).](#)

## **Disarming Prohibited Persons**

Michigan has no law specifically addressing the disarming of persons who are or become prohibited from purchasing or possessing firearms.

## Sales & Transfers

### Background Checks

[Federal law requires federally licensed firearms dealers \(but not private sellers\) to initiate a background check on the purchaser prior to sale of a firearm.](#) Federal law provides states with the option of serving as a state “point of contact” and conducting their own background checks using state, as well as federal, records and databases, or having the checks performed by the FBI using only the [National Instant Criminal Background Check System \(“NICS”\) database](#). (Note that state files are not always included in the federal database.)

Michigan is a partial point-of-contact state for NICS. In Michigan, all handgun purchase license applicant background checks are processed through the Michigan Department of State Police.<sup>22</sup> Long gun background checks requested by licensed dealers are processed directly through the FBI, which enforces the federal purchaser prohibitions referenced above.<sup>23</sup>

Michigan requires that the purchaser of a handgun have either a handgun purchase license (one per gun) or a license to carry a concealed handgun.<sup>24</sup> Prospective licensees are subject to a background check as part of the licensing process.<sup>25</sup> Unlike handgun purchase licensees, who must undergo a background check for each purchase license – and thus for each handgun purchased, concealed handgun licensees only have to submit to a background check once every five years – at the time of renewal of their concealed carry license.

Under federal law, persons who have been issued state permits to purchase or possess firearms are exempt from background checks if those permits were issued: 1) within the previous five years in the state in which the transfer is to take place; and 2) after an authorized government official has conducted a background investigation, including a search of the NICS database, to verify that possession of a firearm would not be unlawful.<sup>26</sup> In Michigan, handgun purchase license holders, and concealed pistol license holders with licenses issued on or after November 22, 2005, are exempt from background checks when purchasing a firearm, according to the [Bureau of Alcohol, Tobacco, Firearms and Explosives \(ATF\) chart](#) that outlines those permits that qualify as alternatives to the [Brady Act](#). Concealed pistol license holders with licenses issued prior to November 22, 2005, and temporary concealed pistol licensees are not exempt. Applicants must pass an initial background check to obtain either a handgun purchase license or a concealed pistol license. Please note that ATF’s exempt status determination is subject to change without notice.<sup>27</sup>

Long gun transfers by private sellers (non-firearms dealers) are not subject to background checks in Michigan, although federal and state purchaser prohibitions still apply. See the [Michigan Private Sales](#) section.

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<sup>22</sup> [Mich. Comp. Laws Serv. § 28.422a.](#)

<sup>23</sup> Federal Bureau of Investigation, *National Instant Criminal Background Check System Participation Map*, at <http://www.fbi.gov/about-us/cjis/nics/general-information/participation-map> (last visited July 7, 2011).

<sup>24</sup> [Mich. Comp. Laws Serv. §§ 28.422\(1\), \(4\), \(6\), 28.422a.](#)

<sup>25</sup> [Mich. Comp. Laws Serv. §§ 28.422\(3\), \(6\), 28.422a.](#)

<sup>26</sup> [18 U.S.C. § 922\(t\)\(3\), 27 C.F.R. § 478.102\(d\).](#)

<sup>27</sup> See the [Michigan Concealed Weapons Permitting](#) section for more information.

See the [Michigan Prohibited Persons Generally](#) section for state-defined prohibited categories for the purchase and possession of guns.

See [Regulating Guns in America: Background Checks](#) for a comprehensive discussion of this issue.

## Mental Health Reporting

Federal law prohibits possession of a firearm or ammunition by any person who has been “adjudicated as a mental defective” or involuntarily “committed to any mental institution.”<sup>28</sup> No federal law, however, requires states to report the identities of these individuals to the [National Instant Criminal Background Check System \(“NICS”\) database](#), which the FBI uses to perform background checks prior to firearm transfers.

In Michigan, upon entry of a court order directing that an individual be involuntarily hospitalized or involuntarily undergo a program of alternative treatment or a program of combined hospitalization and alternative treatment, the court must immediately order the Michigan Department of State Police (DSP) to enter the court order into the Law Enforcement Information Network (LEIN).<sup>29</sup> Findings of legal incapacity or not guilty by reason of insanity are treated in the same manner.<sup>30</sup>

For general information on the background check process and categories of prohibited purchasers or possessors, see the [Michigan Background Checks](#) and [Michigan Prohibited Purchasers Generally](#) sections.

See [Regulating Guns in America: Mental Health Reporting](#) for a comprehensive discussion of this issue.

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<sup>28</sup> [18 U.S.C. § 922\(d\)\(4\)](#).

<sup>29</sup> [Mich. Comp. Laws Serv. § 330.1464a\(1\)](#). DSP is required to remove the court order from the law enforcement information network only upon receipt of a subsequent court order for that removal. *Id.* Moreover, DSP must immediately enter an order into LEIN or remove an order from LEIN as ordered by the court. [Mich. Comp. Laws Serv. § 330.1464a\(2\)](#).

<sup>30</sup> [Mich. Comp. Laws Serv. §§ 700.5107\(1\), 769.16b\(1\)](#). DSP must immediately enter an order or disposition into LEIN, or remove an order of legal incapacity from LEIN, as ordered by the court. [Mich. Comp. Laws Serv. §§ 700.5107\(3\), 769.16b\(2\)](#).

## **Multiple Purchases / Sales of Firearms**

Michigan imposes no restrictions on purchases or sales of multiple firearms.

See [Regulating Guns in America: Restrictions on Multiple Purchases or Sales of Firearms](#) for a comprehensive discussion of this issue.

## Retention of Sales / Background Check Records

Michigan requires all retail firearm sellers to keep a register of all gun sales, including the name, age, occupation and residence of each purchaser, together with a number or other mark identifying the firearm purchased.<sup>31</sup> The register must be open to law enforcement for inspection at all times.<sup>32</sup> There is an unspecified time limit for retention of these records.

Michigan requires handgun sellers to report transaction information to local law enforcement. In Michigan, once a handgun purchase license is issued, four copies are delivered to the applicant by the licensing authority (*i.e.*, local law enforcement).<sup>33</sup> When the handgun sale is made, the seller must fill out the license forms describing the handgun, listing the date of sale and indicating that the handgun was sold to the licensee.<sup>34</sup> Both the seller and the licensee must sign the license forms.<sup>35</sup> The seller may retain a copy of the license as a record of the sale, and the licensee must return the other two copies to local law enforcement within 10 days (one copy is retained by local law enforcement as the official record for a minimum period of six years, and the other is forwarded to the state police within 48 hours of its receipt).<sup>36</sup>

See [Regulating Guns in America: Retention of Firearm Sales and Background Check Records](#) for a comprehensive discussion of this issue.

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<sup>31</sup> [Mich. Comp. Laws Serv. § 750.232.](#)

<sup>32</sup> *Id.*

<sup>33</sup> [Mich. Comp. Laws Serv. § 28.422\(4\).](#)

<sup>34</sup> [Mich. Comp. Laws Serv. § 28.422\(5\).](#)

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*, [Mich. Comp. Laws Serv. §§ 28.422\(6\), 28.422a\(3\).](#)

## **Waiting Periods**

Michigan has no law imposing a waiting period prior to the sale of a firearm.

See [Regulating Guns in America: Waiting Periods](#) for a comprehensive discussion of this issue.

## Gun Dealers & Other Sellers

### Dealer Regulations

Michigan does not license firearms dealers. However, firearms dealers are subject to state laws governing gun sales generally. See the [Michigan Private Sales](#) section for further information. Pursuant to the [Brady Act](#), federally licensed firearms dealers must conduct background checks on prospective purchasers each time the dealer transfers a firearm. In Michigan, if the purchaser possesses a handgun purchase license or a concealed handgun license issued on or after November 22, 2005, he or she is exempt from the background check requirement. See the [Michigan Background Checks](#) section for additional information.

A person who sells a handgun to a concealed weapons licensee must complete a sales record, forward the original record to the Michigan Department of State Police within 10 days, and retain a copy of the record.<sup>37</sup>

When selling a firearm in Michigan, a federally licensed firearms dealer must:

- Provide a free “brochure or pamphlet that includes safety information on the use and storage of the firearm in a home environment;”
- Provide a “commercially available” trigger lock or other device designed to disable the firearm and prevent its discharge;
- Provide a “commercially available” gun case or storage container that can be secured to prevent unauthorized access to the firearm; and
- Sign a statement and require the buyer to sign a statement that the sale is in compliance with the aforementioned requirements under Michigan law.<sup>38</sup>

A federally licensed dealer must post a notice, conspicuously at the entrances, exits and points of sale on the premises of his or her business, stating “[y]ou may be criminally and civilly liable for any harm caused by a person less than 18 years of age who lawfully gains unsupervised access to your firearm if unlawfully stored.”<sup>39</sup>

All retail firearms sellers are required to keep a register of all firearms sales, including the name, age, occupation and residence of each purchaser, together with a number or other mark identifying the firearm purchased.<sup>40</sup> The register must be open to law enforcement for inspection at all times.<sup>41</sup>

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<sup>37</sup> [Mich. Comp. Laws Serv. § 28.422a\(1\)-\(3\)](#).

<sup>38</sup> [Mich. Comp. Laws Serv. § 28.435\(1\) – \(4\)](#). The dealer must retain a copy of the signed statements for a minimum of six years. [Mich. Comp. Laws Serv. § 28.435\(5\)](#).

<sup>39</sup> [Mich. Comp. Laws Serv. § 28.435\(6\)](#).

<sup>40</sup> [Mich. Comp. Laws Serv. § 750.232](#).

<sup>41</sup> *Id.*

For laws applicable to both licensed and private firearm sellers, please see the [Michigan Private Sales](#) section.

See [Regulating Guns in America: Dealer Regulations](#) for a comprehensive discussion of this issue.

## Private Sales

Every buyer of a handgun must have either a handgun purchase license (one per gun) or a license to carry a concealed handgun.<sup>42</sup> Prospective licensees are subject to background checks as part of the licensing process.<sup>43</sup> Unlike handgun purchase licensees who must undergo a background check for each purchase license – and therefore each handgun purchased, concealed handgun licensees only have to submit to a background check once every five years – at the time of renewal of their concealed carry license. See the [Michigan Background Checks](#) and [Michigan Concealed Weapons Permitting](#) sections for more detail.

Transfers of rifles and shotguns by private sellers (non-firearms dealers) are not subject to background checks in Michigan, although federal purchaser prohibitions still apply. See the [Michigan Background Checks](#) section.

A person who sells a handgun to a concealed weapons licensee must complete a sales record, forward the original record to the Michigan Department of State Police within 10 days, and retain a copy of the record.<sup>44</sup>

Michigan prohibits any person from knowingly selling a firearm “more than 30 inches in length” to a person under age 18.<sup>45</sup> In addition, a “seller”<sup>46</sup> shall not knowingly sell a firearm or ammunition to a person:

- Under indictment for a felony; or
- Prohibited from possessing, using, transporting, selling, purchasing, carrying, shipping, receiving, or distributing a firearm.<sup>47</sup>

State law criminalizes the accepting, or offering or displaying for resale, of a handgun by any pawnbroker or second-hand or junk dealer.<sup>48</sup>

Michigan prohibits the purchase of a handgun by any person under age 21 (unless the transfer is made by a private (non-federally licensed) seller, in which case the prohibition only applies to a person under age 18).<sup>49</sup>

See [Regulating Guns in America: Private Sales](#) for a comprehensive discussion of this issue.

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<sup>42</sup> [Mich. Comp. Laws Serv. §§ 28.422\(1\), \(4\), \(6\), 28.422a.](#)

<sup>43</sup> [Mich. Comp. Laws Serv. §§ 28.422\(1\), \(3\), \(5\)-\(6\), 28.422a.](#)

<sup>44</sup> [Mich. Comp. Laws Serv. § 28.422a\(1\)-\(3\).](#)

<sup>45</sup> [Mich. Comp. Laws Serv. § 750.223\(2\).](#)

<sup>46</sup> “Seller” is defined as “a person who sells, furnishes, loans, or gives a [handgun] to another person.” [Mich. Comp. Laws Serv. § 750.222\(g\).](#)

<sup>47</sup> [Mich. Comp. Laws Serv. § 750.223\(3\)\(a\),\(b\).](#)

<sup>48</sup> [Mich. Comp. Laws Serv. § 750.229.](#)

<sup>49</sup> [Mich. Comp. Laws Serv. § 28.422\(3\)\(b\).](#)

## Gun Shows

Although Michigan does not specifically regulate gun shows, state law requires that the purchaser of a handgun have either a handgun purchase license (one per gun) or a license to carry a concealed handgun, and such licensees are subject to background checks as part of the licensing process.<sup>50</sup> Unlike handgun purchase licensees who must undergo a background check for each purchase license – and therefore each handgun purchased, concealed handgun licensees only have to submit to a background check once every five years – at the time of renewal of their concealed carry license. See the [Michigan Background Checks](#) and [Michigan Concealed Weapons Permitting](#) sections.

Michigan prohibits any person from entering upon state fairgrounds possessing any firearm, loaded or unloaded, whether concealed or unconcealed.<sup>51</sup> This prohibition is not specific to gun shows on fairgrounds.

See the [Michigan Private Sales](#) section for state laws that apply at gun shows.

See [Regulating Guns in America: Gun Shows](#) for a comprehensive discussion of this issue.

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<sup>50</sup> [Mich. Comp. Laws Serv. §§ 28.422\(1\), \(3\)-\(6\), 28.422a.](#)

<sup>51</sup> [Mich. Admin. Code r. 291.208 \(Rule 8\).](#)

## Immunity Statutes

Under Michigan law, federally licensed firearms dealers are not liable for damages arising from the use or misuse of a firearm if the sale complies with state and federal law.<sup>52</sup>

Michigan also prohibits political subdivisions from bringing civil actions against a person who “produces” (*i.e.*, who manufactures, constructs, designs, formulates, develops standards for, prepares, processes, assembles, inspects, tests, lists, certifies, gives a warning or instruction regarding, markets, sells, advertises, packages, labels, distributes, or transfers)<sup>53</sup> a firearm or ammunition, and reserves the authority to do so exclusively to the state.<sup>54</sup>

Political subdivisions are **not** prohibited from bringing the following actions:

- A contract issue or action based on a provision of the Uniform Commercial Code, in which the political subdivision is the purchaser and owner of the firearm or ammunition;
- Expressed or implied warranty actions arising from the purchase of a firearm or ammunition by the political subdivision or the use of a firearm or ammunition by an employee or agent of the political subdivision; or
- Product liability, personal injury, or wrongful death actions when an employee or agent or property of the political subdivision has been injured or damaged as a result of a defect in the design or manufacture of the firearm or ammunition purchased and owned by the political subdivision.<sup>55</sup>

However, an action by a political subdivision may not be based on the inherent potential of a firearm or ammunition to cause injury, damage, or death, or failure to warn of such potential.<sup>56</sup> Furthermore, an action may not be based on a failure to include a device or mechanism to prevent a firearm or ammunition from being discharged by an unauthorized person unless specifically provided for by contract.<sup>57</sup>

For detailed information about government and private party lawsuits against the gun industry, the status of litigation involving gun industry immunity statutes in various states, or pending gun industry immunity legislation, visit the [Brady Center’s Legal Action Project](#) and the [Coalition to Stop Gun Violence’s Gun Industry Immunity page](#).

See [LCAV’s policy page on Immunity Statutes / Manufacturer Litigation](#) for further information.

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<sup>52</sup> [Mich. Comp. Laws Serv. § 28.435\(7\)](#).

<sup>53</sup> [Mich. Comp. Laws Serv. § 28.435\(15\)\(e\)](#).

<sup>54</sup> [Mich. Comp. Laws Serv. § 28.435\(9\)](#).

<sup>55</sup> [Mich. Comp. Laws Serv. § 28.435\(10\)](#).

<sup>56</sup> [Mich. Comp. Laws Serv. § 28.435\(11\)](#).

<sup>57</sup> *Id.*

## Gun Owner Responsibilities

### Licensing of Gun Owners or Purchasers

Michigan requires that a handgun possessor have either a license to carry a concealed handgun or a handgun purchase license.<sup>58</sup> A handgun purchase license is valid for 10 days, and may be used for the purchase of a single handgun.<sup>59</sup> The criteria for obtaining a handgun purchase license are outlined in the [Michigan Prohibited Purchasers Generally](#) section. License applicants in Michigan must pass a “basic pistol safety review questionnaire.” See the [Michigan Concealed Weapons Permitting](#) section for further information on the questionnaire and the concealed handgun permitting process.

Once a handgun purchase license is issued, four copies are delivered to the applicant by the licensing authority (i.e., local law enforcement).<sup>60</sup> When the handgun sale is made, the seller must fill out the license forms describing the handgun, listing the date of sale and indicating that the handgun was sold to the licensee.<sup>61</sup> Both the seller and the licensee must sign the license forms.<sup>62</sup> The seller may retain a copy of the license as a record of the sale, and the licensee must return the other two copies to local law enforcement within 10 days (one copy is retained by local law enforcement as the official record for six years, and the other is forwarded to the state police within 48 hours of its receipt).<sup>63</sup>

A Michigan handgun purchase license qualifies as exempt from the requirements of the [Brady Act](#). Under federal law, persons who have been issued state permits to purchase or possess firearms are exempt from additional background checks if those permits were issued: 1) within the previous five years in the state in which the transfer is to take place; and 2) after an authorized government official has conducted a background investigation, including a search of the NICS database, to verify that possession of a firearm would not be unlawful.<sup>64</sup> Consult the [Bureau of Alcohol, Tobacco, Firearms and Explosives \(ATF\) chart](#) outlining those permits that qualify as alternatives to the Brady Act. Please note that ATF’s exempt status determination is subject to change without notice. For further information, see the [Michigan Background Checks](#) section.

See [Regulating Guns in America: Licensing of Gun Owners or Purchasers](#) for a comprehensive discussion of this issue.

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<sup>58</sup> [Mich. Comp. Laws Serv. §§ 28.422\(1\), \(3\), \(5\)-\(6\), 28.422a.](#)

<sup>59</sup> [Mich. Comp. Laws Serv. § 28.422\(4\).](#)

<sup>60</sup> [Mich. Comp. Laws Serv. § 28.422\(4\).](#)

<sup>61</sup> [Mich. Comp. Laws Serv. § 28.422\(5\).](#)

<sup>62</sup> *Id.*

<sup>63</sup> *Id.*, [Mich. Comp. Laws Serv. § 28.422\(6\).](#)

<sup>64</sup> [18 U.S.C. § 922\(t\)\(3\), 27 C.F.R. § 478.102\(d\).](#)

## Registration of Firearms

While Michigan has no system of registration, retail firearms sellers are required to keep a register of all firearms sales, including the name, age, occupation and residence of each purchaser, together with a number or other mark identifying the firearm purchased.<sup>65</sup> The register must be open to law enforcement for inspection at all times.<sup>66</sup>

Michigan also requires that a local police department or county sheriff retain seller-reported sales records for handgun transfers for a minimum period of six years.<sup>67</sup>

See [Regulating Guns in America: Registration of Firearms](#) for a comprehensive discussion of this issue.

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<sup>65</sup> [Mich. Comp. Laws Serv. § 750.232](#).

<sup>66</sup> *Id.*

<sup>67</sup> [Mich. Comp. Laws Serv. §§ 28.422\(6\), 28.422a\(3\)](#).

## Reporting Lost or Stolen Firearms

Any person who owns a firearm shall, within five days after he or she knows his or her firearm is stolen, report the theft to a police agency having jurisdiction over that theft.<sup>68</sup> Michigan does not require a gun owner who loses his or her firearm to report the loss to law enforcement.

See [Regulating Guns in America: Reporting Lost or Stolen Firearms](#) for a comprehensive discussion of this issue.

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<sup>68</sup> [Mich. Comp. Laws Serv. § 28.430\(1\)](#).

## Firearms in Public Places

### Concealed Weapons Permitting

See [Regulating Guns in America: Carrying Concealed Weapons](#) for a comprehensive discussion of this issue.

Michigan generally prohibits any person from carrying a handgun concealed on or about his or her person without a concealed handgun license, other than at his or her own residence, on his or her own land, or at his or her place of business.<sup>69</sup>

Michigan is a “shall” issue state, meaning that the “concealed weapon licensing board” (CWL<sup>70</sup>) must issue a concealed handgun license if the applicant meets certain qualifications. Michigan requires the county sheriff to conduct a background check through the state law enforcement information network and report his or her finding to the CWLB.<sup>71</sup> If the applicant resides in a city, village, or township that has a police department, the CWLB must contact that department to determine if they have any information relevant to whether the applicant is eligible under state law to receive a license to carry a concealed handgun.<sup>72</sup>

The CWLB shall issue a license if the applicant:<sup>73</sup>

- Is 21 years of age or older;
- Is a citizen of the United States or an alien lawfully admitted into the United States;
- Is a resident of Michigan, and has resided in Michigan for at least six months;
- Has completed a safety training course that is available to the general public, and is presented by a law enforcement agency, junior or community college, college, or public or private institution or organization or firearms training school (see the Firearm Safety Training subsection, below);
- Is not the subject of specified court orders;<sup>74</sup>
- Is not prohibited from possessing, using, transporting, selling, purchasing, carrying, shipping, receiving or distributing a firearm;<sup>75</sup>
- Has never been convicted of a felony, and a felony charge is not pending against the applicant;

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<sup>69</sup> [Mich. Comp. Laws Serv. §§ 750.227\(2\)](#).

<sup>70</sup> For more information on Michigan’s concealed weapon licensing board, see [Mich. Comp. Laws Serv. § 28.425a](#).

<sup>71</sup> [Mich. Comp. Laws Serv. § 28.425b\(6\)](#).

<sup>72</sup> *Id.*

<sup>73</sup> [Mich. Comp. Laws Serv. § 28.425b\(7\)](#).

<sup>74</sup> See [Mich. Comp. Laws Serv. § 28.425b\(7\)\(d\)](#).

<sup>75</sup> See [Mich. Comp. Laws Serv. § 750.224f](#).

- Has not been dishonorably discharged from the United States armed forces;
- Has not been convicted of a misdemeanor violation in the last eight years relating to specified crimes, including but not limited to: serious vehicle offenses; displaying sexually explicit materials to minors; assault or domestic assault; fourth degree child abuse; accosting, enticing, or soliciting a child for immoral purposes; vulnerable adult abuse; solicitation to commit a felony; certain weapons crimes; or stalking;<sup>76</sup>
- Has not been convicted of any of a list of misdemeanors in the last three years;<sup>77</sup>
- Has not been found “guilty but mentally ill” of any crime and has not offered a plea of not guilty of, or been acquitted of, any crime by reason of insanity;
- Has never been subject to an order of involuntary commitment in an inpatient or outpatient setting due to mental illness;
- Does not have a diagnosed mental illness at the time the application is made regardless of whether he or she is receiving treatment for that illness;
- Is not under a court order of legal incapacity; and
- Would not pose a danger to self or others as a result of issuance of a license (a determination to be based on clear and convincing evidence of civil infractions, crimes, personal protection orders, injunctions, police reports or other evidence of the actions of, or statements of, the applicant that bear directly on his or her ability to carry a concealed handgun).

Each applicant must pay a fee of \$105.<sup>78</sup>

### **Firearm Safety Training**

Michigan requires that any applicant for a concealed handgun license, prior to issuance of the license, complete a safety training course that is available to the general public, and is presented by a law enforcement agency, junior or community college, college, or public or private institution or organization or firearms training school.<sup>79</sup>

The course must include at least eight hours of instruction, including five hours of instruction on:

<sup>76</sup> See [Mich. Comp. Laws Serv. § 28.425b\(7\)\(h\)](#).

<sup>77</sup> See [Mich. Comp. Laws Serv. § 28.425b\(7\)\(i\)](#).

<sup>78</sup> [Mich. Comp. Laws Serv. § 28.425b\(5\)](#). Additional application and background check requirements, as well as permit suspension or disqualification information, are detailed under [Mich. Comp. Laws Serv. §§ 28.425b, 28.425c, 28.425d](#) and [28.428](#).

<sup>79</sup> [Mich. Comp. Laws Serv. § 28.425b\(7\)\(c\)](#).

- The safe storage, use, and handling of a handgun including, but not limited to, safe storage, use, and handling to protect child safety;
- Ammunition knowledge, and the fundamentals of handgun shooting;
- Handgun shooting positions;
- Firearms and the law, including civil liability issues and the use of deadly force. This portion shall be taught by an attorney or an individual trained in the use of deadly force;
- Avoiding criminal attack and controlling a violent confrontation; and
- All laws that apply to carrying a concealed handgun in this state.<sup>80</sup>

The course also must include at least three hours of instruction on a firing range, firing at least 30 rounds of ammunition.<sup>81</sup>

The program must provide a certificate of completion that states the program complies with the requirements of state law and that the individual successfully completed the course, signed by the course instructor.<sup>82</sup> The instructor also must be certified by Michigan or a national organization to teach the safety training course.<sup>83</sup>

### **Duration & Renewal**

A license to carry a concealed handgun is valid until the licensee's date of birth that falls not less than four nor more than five years after the license is issued.<sup>84</sup> A license may be renewed in generally the same manner required to obtain the original license, except that the safety training education requirements are waived if the applicant certifies that he or she has completed at least three hours of review of the required training and has had at least one hour of firing range time in the six months immediately preceding the renewal application.<sup>85</sup>

### **Disclosure or Use of Information**

An applicant's legal name, date of birth, address, medical records, and certain types of personal identifying information are considered confidential, and are not subject to disclosure under Michigan's Freedom of Information Act.<sup>86</sup> This information may only be disclosed for purposes of the concealed handgun licensing act or for law enforcement purposes.<sup>87</sup>

<sup>80</sup> [Mich. Comp. Laws Serv. § 28.425j\(1\)\(a\).](#)

<sup>81</sup> [Mich. Comp. Laws Serv. § 28.425j\(1\)\(b\).](#)

<sup>82</sup> [Mich. Comp. Laws Serv. § 28.425j\(1\)\(c\).](#)

<sup>83</sup> [Mich. Comp. Laws Serv. § 28.425j\(1\)\(d\).](#)

<sup>84</sup> [Mich. Comp. Laws Serv. § 28.425l\(2\).](#)

<sup>85</sup> [Mich. Comp. Laws Serv. § 28.425l\(7\).](#)

<sup>86</sup> [Mich. Comp. Laws Serv. § 28.425b\(1\)\(a\), \(c\), \(d\).](#)

<sup>87</sup> *Id.*

The CWLB must retain a copy of each concealed handgun license application as an official record until one year after the expiration of the license.<sup>88</sup>

The Michigan Department of State Police (DSP) is required to maintain a computerized database of individuals who apply for a license to carry a concealed handgun.<sup>89</sup> If an individual who was denied a license to carry a concealed handgun is subsequently issued a license, the DSP shall delete the previous reasons for the denial from the database.<sup>90</sup> Notwithstanding the annual report (detailed below), information in the database is confidential, is not subject to disclosure under the Michigan Freedom of Information Act, and shall not be disclosed to any person except for purposes of the state firearms licensing and possession act or for law enforcement purposes.<sup>91</sup>

DSP must file an [annual report](#) with both houses of the state legislature setting forth the following information for each county CWLB:

- The number of concealed handgun applications received;
- The number of concealed handgun licenses issued, denied and revoked (and the categories for denial and revocation);
- The number of applications pending at the time the report is made;
- The mean and median amount of time, and the longest and shortest amount of time, used by the FBI to supply the fingerprint comparison report required by [Michigan Compiled Laws Service § 28.425b\(10\)](#);
- The number of charges of state civil infractions under this act or charges of criminal violations, categorized by offense, filed against individuals licensed to carry a concealed handgun that resulted in a finding of responsibility or a criminal conviction. The report must indicate the number of crimes in each category of criminal offense that involved the brandishing or use of a handgun, the number that involved the carrying of a handgun by the license holder during the commission of the crime, and the number in which no handgun was carried by the license holder during the commission of the crime;
- The number of pending criminal charges, categorized by offense, against individuals licensed to carry a concealed handgun;
- The number of criminal cases dismissed, categorized by offense, against individuals licensed to carry a concealed handgun;
- The number of cases filed against individuals licensed to carry a concealed handgun for criminal violations that resulted in a finding of not responsible or not guilty, categorized by offense;

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<sup>88</sup> [Mich. Comp. Laws Serv. § 28.425b\(4\)](#).

<sup>89</sup> [Mich. Comp. Laws Serv. § 28.425e\(1\)](#).

<sup>90</sup> [Mich. Comp. Laws Serv. § 28.425e\(2\)](#).

<sup>91</sup> [Mich. Comp. Laws Serv. § 28.425e\(4\)](#).

- The number of suicides by individuals licensed to carry a concealed handgun; and
- The actual costs incurred per permit for each county.<sup>92</sup>

### **Reciprocity**

A concealed handgun license issued to a resident of another state is recognized in Michigan.<sup>93</sup>

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<sup>92</sup> [Mich. Comp. Laws Serv. § 28.425e\(5\).](#)

<sup>93</sup> [Mich. Comp. Laws Serv. § 28.432a\(1\)\(h\).](#)

## Open Carrying

Michigan does not prohibit the [open carrying of firearms](#) in public.

## Location Restrictions

### Guns in Vehicles

Michigan prohibits the carrying of a handgun, concealed or unconcealed, in a vehicle operated or occupied by the person.<sup>94</sup> This restriction does not apply to: 1) concealed handgun licensees; 2) persons transporting a handgun for any lawful purpose, licensed for concealment by an owner or occupant of the motor vehicle, which handgun is unloaded and in a closed case designed for firearm storage in the trunk of the vehicle; or 3) persons transporting a handgun for any lawful purpose, licensed for concealment by an owner or occupant of the motor vehicle, which handgun is unloaded and in a closed case designed for firearm storage in a vehicle that does not have a trunk, and is not readily accessible to the occupants.<sup>95</sup> “Lawful purpose” includes transporting the handgun while:

- En route to or from a hunting or target shooting area;
- En route to or from a home or place of business and place of repair;
- Moving goods from one place of abode or business to another place of abode or business;
- Transporting a licensed handgun en route to or from a law enforcement agency for the purpose of having a law enforcement official take possession of the handgun;
- En route to or from an abode or place of business and a gun show or places of purchase or sale;
- En route to or from an abode to a public shooting facility or public land where discharge of firearms is permitted by law; or
- En route to or from an abode to private property where the handgun is to be used as permitted by law.<sup>96</sup>

Michigan also prohibits the transportation or possession of any loaded firearm, other than a handgun, in or upon a sailboat, motor vehicle, aircraft, motorboat, or any other vehicle propelled by mechanical means.<sup>97</sup> Furthermore, Michigan law provides that no person shall transport or possess in or upon a motor vehicle or any self-propelled vehicle designed for land travel a firearm, other than a handgun, unless the firearm is unloaded and is:

- Enclosed in a case;
- Carried in the trunk of the vehicle; or

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<sup>94</sup> [Mich. Comp. Laws Serv. § 750.227\(2\).](#)

<sup>95</sup> [Mich. Comp. Laws Serv. § 750.231a\(1\)\(a\), \(d\), \(e\).](#)

<sup>96</sup> [Mich. Comp. Laws Serv. § 750.231a\(2\)\(b\).](#)

<sup>97</sup> [Mich. Comp. Laws Serv. § 750.227c\(1\).](#)

- Inaccessible from the interior of the vehicle.<sup>98</sup>

Generally, a person may not transport or have in his or her possession a firearm in or upon a vehicle, unless both the barrel and magazine are unloaded and the gun is enclosed in a case, carried in the trunk of a vehicle, or unloaded in a motorized boat.<sup>99</sup>

In addition, a person shall not carry or transport a firearm while in any area frequented by wild animals unless the person has in his or her possession a license to carry a concealed handgun or is otherwise exempt from the licensing requirement.<sup>100</sup> When hunting or in a location frequented by wild animals, if a person has a concealed handgun license or falls into an exception to the license requirement, the Natural Resources and Environmental Protection Act and related regulations shall not be construed to prohibit a person from transporting or carrying a loaded handgun, whether concealed or not.<sup>101</sup>

Michigan law also provides that a person may carry, transport or possess a firearm without a hunting license if the firearm is unloaded in both the barrel and magazine, and either enclosed in a case or carried in a vehicle in a location that is not readily accessible to any occupant of the vehicle.<sup>102</sup> Furthermore, a person may carry, transport, possess or discharge a firearm without a hunting license if:

- The person is not taking or attempting to take game but is engaged in:
  - Target practice using an identifiable, artificially constructed target or targets;
  - Practice with silhouettes, plinking, skeet, or trap; or
  - Sighting-in the firearm;
- The person is, or is accompanied by or has the permission of:
  - The owner of the property on which the target practice or sighting-in referenced above is taking place; or
  - The lessee of that property for a term of not less than one year; or
- The owner or lessee of the property does not receive remuneration for the target practice or sighting-in activity.<sup>103</sup>

A person may carry or possess an unloaded weapon at any time if the person is traveling to or from or participating in a historical reenactment.<sup>104</sup>

<sup>98</sup> [Mich. Comp. Laws Serv. § 750.227d\(1\).](#)

<sup>99</sup> [Mich. Comp. Laws Serv. § 324.40111\(2\).](#)

<sup>100</sup> [Mich. Comp. Laws Serv. § 324.43510\(1\).](#)

<sup>101</sup> [Mich. Comp. Laws Serv. § 324.43510\(2\).](#)

<sup>102</sup> [Mich. Comp. Laws Serv. § 324.43513\(1\).](#)

<sup>103</sup> [Mich. Comp. Laws Serv. § 324.43513\(2\).](#)

A person shall not operate an “off-road vehicle” while transporting on the vehicle a firearm unless the firearm is unloaded and securely encased, or equipped with and made inoperative by a manufactured key-locked trigger housing mechanism.<sup>105</sup> Similarly, no person shall operate a snowmobile while transporting a firearm unless the gun is unloaded and securely encased.<sup>106</sup>

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<sup>104</sup> [Mich. Comp. Laws Serv. § 324.43513\(3\).](#)

<sup>105</sup> [Mich. Comp. Laws Serv. § 324.81133\(k\).](#)

<sup>106</sup> [Mich. Comp. Laws Serv. § 324.82126\(1\)\(f\).](#)

## Guns in Schools

### Elementary and Secondary Schools

Michigan prohibits any person from possessing a firearm in a “weapon free school zone,” including any public, private, denominational, or parochial school offering developmental kindergarten, kindergarten, or grades one through twelve, as well as vehicles used by a school to transport students to or from school property.<sup>107</sup>

Exceptions to this prohibition include:

- Possession provided by a school or a school’s instructor on school property for purposes of providing or receiving instruction in the use of that weapon;
- Possession with the permission of the school’s principal or an agent of the school designated by the school’s principal or the school board;
- Possession by a person 18 years of age or older who is not a student at the school, on school property, while transporting a student to or from the school, if:
  - The firearm is unloaded in a wrapper or container in the trunk of the person’s vehicle, while in possession of a valid Michigan hunting license or proof of valid membership in an organization having shooting range facilities, and while en route to or from a hunting or target shooting area;
  - The firearm is unloaded in a wrapper or container in the trunk of the person’s vehicle from the place of purchase to his or her home or place of business or to a place of repair or back to his or her home or place of business, or in moving goods from one place of abode or business to another place of abode or business; or
  - The firearm is unloaded in the passenger compartment of a vehicle that does not have a trunk, if the person is otherwise complying with the requirements of the aforementioned exceptions and the wrapper or container is not readily accessible to the occupants of the vehicle.<sup>108</sup>

Michigan also prohibits persons from engaging in a list of firearms-related conduct and criminal offenses in any weapons-free school zone.<sup>109</sup>

Michigan prohibits concealed handgun license holders from carrying on or in a school or school property.<sup>110</sup> A parent or legal guardian of a student of the school is not precluded from carrying

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<sup>107</sup> [Mich. Comp. Laws Serv. § 750.237a\(4\), \(6\)\(b\), \(6\)\(d\).](#)

<sup>108</sup> [Mich. Comp. Laws Serv. § 750.237a\(5\).](#)

<sup>109</sup> *See* [Mich. Comp. Laws Serv. § 750.237a\(1\), \(2\).](#)

<sup>110</sup> [Mich. Comp. Laws Serv. § 28.425o\(1\)\(a\).](#)

a concealed pistol while in a vehicle on school property if he or she is dropping the student off at school or picking the student up from school.<sup>111</sup>

In Michigan, if a pupil possesses a firearm in a weapons-free school zone, the school board or its designee shall expel the pupil from the school district permanently, subject to possible reinstatement.<sup>112</sup>

A school board is not required to expel a pupil for possessing a firearm if the pupil establishes in a “clear and convincing manner” one of the following:

- The object or instrument possessed by the pupil was not possessed by the pupil for use as a weapon, or for direct or indirect delivery to another person for use as a weapon;
- The weapon was not knowingly possessed by the pupil;
- The pupil did not know or have reason to know that the object or instrument possessed by the pupil constituted a dangerous weapon; or
- The weapon was possessed by the pupil at the suggestion, request, or direction of, or with the express permission of, school or police authorities.<sup>113</sup>

### **Colleges and Universities**

Michigan prohibits concealed handgun license holders from carrying on or in a dormitory or classroom of a community college, college, or university.<sup>114</sup>

See [LCAV's policy page on Guns in Schools](#) for further information.

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<sup>111</sup> *Id.*

<sup>112</sup> [Mich. Comp. Laws Serv. § 380.1311\(2\)](#). For reinstatement provisions, see [Mich. Comp. Laws Serv. § 380.1311\(5\)](#).

<sup>113</sup> [Mich. Comp. Laws Serv. § 380.1311\(2\)](#).

<sup>114</sup> [Mich. Comp. Laws Serv. § 28.425o\(1\)\(h\)](#). In June 2009, the Michigan State University Board of Trustees voted to allow the carrying of concealed firearms pursuant to permit about campus. Possession of guns remains prohibited in University buildings, including classrooms and dormitories. See Brittany Shammas, *MSU Allows People to Carry Concealed Firearms on Campus*, The State News, June 21, 2009, at [http://www.statenews.com/index.php/article/2009/06/msu\\_allows\\_people\\_to\\_carry\\_concealed\\_firearms\\_on\\_campus](http://www.statenews.com/index.php/article/2009/06/msu_allows_people_to_carry_concealed_firearms_on_campus)

## Other Location Restrictions

Michigan prohibits any person from possessing a firearm, whether concealed or unconcealed, on the premises of any:

- Depository financial institution or a subsidiary or affiliate of a depository financial institution;
- Church or other house of religious worship;
- Court;
- Theatre;
- Sports arena;
- Day care center;
- Hospital; or
- Establishment licensed under the Michigan Liquor Control Act.<sup>115</sup>

These particular location restrictions do not apply to any person licensed to carry a concealed handgun.<sup>116</sup>

Any person who is licensed to carry a concealed handgun or a resident of another state licensed by that state to carry a concealed handgun,<sup>117</sup> are prohibited from carrying a concealed handgun on the premises of any:<sup>118</sup>

- Public or private day care center, public or private child caring agency, or public or private child placing agency;
- Sports arena or stadium;
- Licensed bar or tavern where the primary source of income is the sale of alcoholic liquor consumed on the premises;
- Property or facility owned or operated by a church, synagogue, mosque, temple or other place of worship, unless the presiding official or officials of the place of worship permit the carrying of a concealed handgun on that property;

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<sup>115</sup> [Mich. Comp. Laws Serv. § 750.234d\(1\).](#)

<sup>116</sup> [Mich. Comp. Laws Serv. § 750.234d\(2\)\(c\).](#)

<sup>117</sup> [Mich. Comp. Laws Serv. § 28.432a\(1\)\(h\).](#)

<sup>118</sup> [Mich. Comp. Laws Serv. § 28.425o\(1\).](#)

- Entertainment facility that the individual knows or should know has a seating capacity of 2,500 or more individuals or that has a sign above each public entrance stating in letters not less than one-inch high a seating capacity of 2,500 or more individuals;
- Hospital; or
- Dormitory or classroom of a community college, college, or university.

Michigan prohibits the possession or carrying of, or attempt to possess or carry, any firearm in certain sterile areas of commercial airports.<sup>119</sup>

In Michigan, no person, including a concealed handgun licensee, may carry a firearm in a casino.<sup>120</sup>

An employer may prohibit an employee from carrying a concealed handgun in the course of his or her employment, and a police agency may prohibit an employee from carrying a concealed handgun, if carrying a concealed handgun would result in increased insurance premiums or a loss or reduction of insurance coverage for that employer.<sup>121</sup>

The state prohibits possession of any loaded firearm in state parks and recreation areas.<sup>122</sup>

Finally, Michigan prohibits any person from entering upon state fairgrounds possessing any firearm, loaded or unloaded, whether concealed or unconcealed.<sup>123</sup>

Michigan has no statutes prohibiting firearms in polling places, although administrative regulations may apply.

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<sup>119</sup> [Mich. Comp. Laws Serv. § 259.80f\(1\)\(a\).](#)

<sup>120</sup> [Mich. Admin. Code r. 432.1212\(1\).](#)

<sup>121</sup> [Mich. Comp. Laws Serv. § 28.425n\(2\)\(b\), \(3\).](#)

<sup>122</sup> [Mich. Admin. Code r. 299.927\(b\).](#)

<sup>123</sup> [Mich. Admin. Code r. 291.208 \(Rule 8\).](#)

## Consumer & Child Safety

### Design Safety Standards for Handguns

Michigan has no laws concerning handgun safety standards.

See [Regulating Guns in America: Design Safety Standards for Handguns](#) for a comprehensive discussion of this issue.

## Locking Devices

Michigan prohibits a federally licensed firearms dealer from selling a firearm unless the sale includes a commercially available:

- Trigger lock or other device designed to disable and prevent the discharge of the firearm; or
- Gun case or storage container that can be secured to prevent unauthorized access to the firearm.<sup>124</sup>

This law does not apply to law enforcement, any person who can establish that they have already purchased a qualifying trigger lock or gun case, or the sale of antique firearms.<sup>125</sup>

Michigan requires that any agencies that place children in foster care services have hazardous materials policies in place which require that firearms be trigger-locked or fully inoperable and stored without ammunition in a locked area.<sup>126</sup> Ammunition shall be stored in a separate locked location.<sup>127</sup>

Michigan does not require firearm owners to lock their weapons.

See [Regulating Guns in America: Locking Devices](#) for a comprehensive discussion of this issue.

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<sup>124</sup> [Mich. Comp. Laws Serv. § 28.435\(1\)](#).

<sup>125</sup> [Mich. Comp. Laws Serv. § 28.435\(2\)](#).

<sup>126</sup> [Mich. Admin. Code r. 400.12416\(b\)](#).

<sup>127</sup> *Id.*

## **Personalized / Owner-Authorized Firearms**

Michigan does not require firearms to be personalized.

See [\*Regulating Guns in America: Personalized Firearms\*](#) for a comprehensive discussion of this issue.

## Child Access Prevention

Michigan penalizes any person who, because of carelessness, recklessness or negligence, but not willful or wanton conduct, causes or allows any firearm under his or her immediate control to be discharged and kill or injure another person.<sup>128</sup>

In addition, Michigan provides criminal liability for a parent of any child under age 18 whose child violates a state firearm-related law while on school property or in a school vehicle, if the parent had custody of the child and: 1) knew the child would commit the violation; or 2) acted to further the violation.<sup>129</sup>

Federally licensed firearms dealers in Michigan are required to post a notice in a conspicuous manner at the entrances, exits, and all points of sale on their business premises stating: “You may be criminally and civilly liable for any harm caused by a person less than 18 years of age who lawfully gains unsupervised access to your firearm if unlawfully stored.”<sup>130</sup>

Michigan requires that any agencies that place children in foster care services have hazardous materials policies in place which require that firearms be trigger-locked or fully inoperable and stored without ammunition in a locked area.<sup>131</sup> Ammunition shall be stored in a separate locked location.<sup>132</sup>

See [Regulating Guns in America: Child Access Prevention](#) for a comprehensive discussion of this issue.

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<sup>128</sup> [Mich. Comp. Laws Serv. § 752.861](#). Michigan also prohibits any person who, because of carelessness, recklessness or negligence, but not willful or wanton conduct, causes or allows any firearm under his or her immediate control to be discharged and destroy or injure another person’s real or personal property. [Mich. Comp. Laws Serv. § 752.862](#).

<sup>129</sup> [Mich. Comp. Laws Serv. § 750.235a](#).

<sup>130</sup> [Mich. Comp. Laws Serv. § 28.435\(6\)](#).

<sup>131</sup> [Mich. Admin. Code r. 400.12416\(b\)](#).

<sup>132</sup> *Id.*

## **Classes of Weapons / Ammunition**

### **Assault Weapons**

Michigan has no laws regulating assault weapons.

See [Regulating Guns in America: Assault Weapons](#) for a comprehensive discussion of this issue.

## Large Capacity Ammunition Magazines

Michigan has no laws regulating large capacity ammunition magazines.

See [\*Regulating Guns in America: Large Capacity Ammunition Magazines\*](#) for a comprehensive discussion of this issue.

## **Fifty Caliber Rifles**

Michigan has no laws regulating fifty caliber rifles.

See [\*Regulating Guns in America: Fifty Caliber Rifles\*](#) for a comprehensive discussion of this issue.

## Machine Guns/Automatic Firearms

Michigan prohibits the manufacture, sale, offer for sale, or possession of a machine gun or any other firearm that “shoots or is designed to shoot automatically more than 1 shot without manual reloading, by a single function of the trigger.”<sup>133</sup> Note, however, that this prohibition does not apply to a person licensed by the federal government to manufacture, sell, or possess a machine gun.<sup>134</sup> Federal law allows private citizens to obtain permission from the federal government to purchase or possess any machine gun lawfully owned prior to May 19, 1986.

The state also generally prohibits any person from knowingly: 1) manufacturing, selling, distributing, or possessing, or attempting to manufacture, sell, distribute, or possess, a device designed or intended to be used to convert a semiautomatic firearm into a fully automatic firearm; or 2) demonstrating to another person, or attempting to demonstrate to another person, how to manufacture or install a device to convert a semiautomatic firearm into a fully automatic firearm.<sup>135</sup> A “fully automatic firearm” is a firearm employing gas pressure or force of recoil to mechanically eject an empty cartridge from the firearm after a shot, and to load the next cartridge from the magazine, without renewed pressure on the trigger for each successive shot.<sup>136</sup>

See [LCAV's policy page on Machine Guns](#) for further information.

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<sup>133</sup> [Mich. Comp. Laws Serv. § 750.224\(1\)\(a\).](#)

<sup>134</sup> [Mich. Comp. Laws Serv. § 740.224\(3\).](#)

<sup>135</sup> [Mich. Comp. Laws Serv. § 750.224e\(1\)\(a\), \(b\).](#)

<sup>136</sup> [Mich. Comp. Laws Serv. § 750.224e\(4\)\(a\).](#)

## Non-Powder Guns

Michigan defines high-power and/or large caliber non-powder guns as firearms, making all firearm regulations applicable to these dangerous weapons.<sup>137</sup>

Michigan prohibits any person under age 18 from using or possessing any handgun designed and manufactured exclusively for propelling BB's not exceeding .177 caliber by means of gas or air, outside the curtilage of his or her domicile, unless accompanied by a person over age 18.<sup>138</sup>

See [Regulating Guns in America: Non-Powder Guns](#) for a comprehensive discussion of this issue.

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<sup>137</sup> [Mich. Comp. Laws Serv. § 750.222\(d\)](#). Michigan excludes the following non-powder guns from the definition of firearms: 1) smooth bore rifles or handguns designed and manufactured exclusively for propelling by gas or air; and 2) BB's not exceeding .177 caliber.

<sup>138</sup> [Mich. Comp. Laws Serv. § 752.891](#).

## Ammunition Regulation

### Laws Prohibiting Certain Persons from Purchasing/Possessing Ammunition

Michigan<sup>139</sup> prohibits the transfer of ammunition to some, but not all, of the same categories of persons who are prohibited from purchasing firearms under state law.<sup>140</sup> [Federal ammunition purchaser prohibitions](#) also apply.

### Regulation of Unreasonably Dangerous Ammunition

Michigan generally prohibits any person from manufacturing, distributing, selling or using armor-piercing ammunition.<sup>141</sup> “Armor piercing ammunition” means a projectile or projectile core which may be used in a handgun and is constructed entirely, excluding the presence of traces of other substances, of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or a combination of tungsten alloys, steel, iron, brass, bronze, or beryllium copper, and does not include:

- Shotgun shot that is required by federal law or by a law of this state to be used for hunting purposes;
- A frangible projectile designed for target shooting;
- A projectile that the director of the Michigan Department of State Police finds is primarily intended to be used for sporting purposes; or
- A projectile or projectile core that the director of the Michigan Department of State Police finds is intended to be used for industrial purposes.<sup>142</sup>

The [federal prohibition on certain kinds of armor-piercing ammunition](#) also applies.

Michigan does **not**:

- Require a license for the sale of ammunition;
- Ensure that sellers of ammunition maintain records of the purchasers; or
- Require a license to purchase or possess ammunition.

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<sup>139</sup> Ammunition sellers in Michigan may not sell to any person convicted of, or under indictment for, a felony (defined as a violation of federal or state law that is punishable by imprisonment for 4 years or more) until 5 years have passed since the person was released from imprisonment and completed all conditions or probation and parole. [Mich. Comp. Laws Serv. § 28.422\(3\)](#).

<sup>140</sup> [Mich. Comp. Laws Serv. § 750.223\(3\)](#). A “seller” (a person who sells, furnishes, loans, or gives a handgun to another person, per [Mich. Comp. Laws Serv. § 750.222\(g\)](#)) is prohibited from selling ammunition to any person the seller knows is under indictment for a felony or prohibited by state law from possessing, using, transporting, selling, purchasing, carrying, shipping, receiving or distributing a firearm. [Mich. Comp. Laws Serv. § 750.223\(3\)\(a\), \(b\)](#).

<sup>141</sup> [Mich. Comp. Laws Serv. § 750.224c\(1\)](#).

<sup>142</sup> [Mich. Comp. Laws Serv. § 750.224c\(3\)\(a\)](#).

See [Regulating Guns in America: Ammunition Regulation](#) for a comprehensive discussion of this issue.

## **Crime Gun Investigation**

### **Microstamping/Ballistic Identification**

Michigan has no laws regarding ballistic identification or firearm microstamping.

See [\*Regulating Guns in America: Ballistic Identification\*](#) for a comprehensive discussion of this issue.

## Trafficking

Michigan prohibits any person from intentionally making a material false statement on an application for a license to purchase a handgun.<sup>143</sup> Moreover, the state prohibits any person from using or attempting to use false identification or the identification of another person to purchase a firearm.<sup>144</sup>

Michigan also prohibits any person from willfully altering, removing or obliterating the make, model, manufacturer's number, or other mark of identity of a firearm.<sup>145</sup>

See [LCAV's policy page on Firearms Trafficking](#) for further information.

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<sup>143</sup> [Mich. Comp. Laws Serv. § 750.232a\(3\)](#).

<sup>144</sup> [Mich. Comp. Laws Serv. § 750.232a\(4\)](#).

<sup>145</sup> [Mich. Comp. Laws Serv. § 750.230](#).

## State Links

[Bureau of Alcohol, Tobacco, Firearms and Explosives, Detroit Field Division \(MI\)](#)

[Michigan Office of the Attorney General](#)

[Michigan Coalition Against Domestic and Sexual Violence](#)

[Pioneers for Peace, Rehabilitation Institute of Michigan](#)