

**SUBSTITUTE FOR
HOUSE BILL NO. 4530**

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 the title and sections 1, 8, 12, 12a, and 14

(MCL 28.421, 28.428, 28.432, 28.432a, and 28.434), the title as amended by 1990 PA 320 and section 1 as amended by 1992 PA 219, and by adding sections 1a, 2a, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 5m, 5n, and 5o; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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1 TITLE

2 An act to regulate and license the selling, purchasing, pos-
3 sessing, and carrying of certain firearms and gas ejecting
4 devices; to prohibit the buying, selling, or carrying of certain
5 firearms and gas ejecting devices without a license OR OTHER
6 AUTHORIZATION; to provide for the forfeiture of firearms
7 ~~possessed in violation of this act~~ UNDER CERTAIN CIRCUMSTANCES;
8 to provide immunity from civil liability under certain circum-
9 stances; to prescribe the powers and duties of certain state and
10 local agencies; TO PROHIBIT CERTAIN CONDUCT AGAINST INDIVIDUALS
11 WHO APPLY FOR OR RECEIVE CONCEALED WEAPON PERMITS; TO PROHIBIT
12 CERTAIN CONDUCT AGAINST INDIVIDUALS WHO ACT OR REFUSE TO ACT AS
13 REFERENCES FOR INDIVIDUALS WHO APPLY FOR CONCEALED WEAPON PER-
14 MITS; TO PRESCRIBE PENALTIES; TO PROVIDE REMEDIES; and to repeal
15 all acts and parts of acts inconsistent with ~~the provisions of~~
16 this act.

17 Sec. 1. As used in this act:

18 (a) "Firearm" means a weapon from which a dangerous projec-
19 tile may be propelled by an explosive, or by gas or air. Firearm
20 does not include a smooth bore rifle or handgun designed and man-
21 ufactured exclusively for propelling by a spring, or by gas or
22 air, BB's not exceeding .177 caliber.

23 (b) "Pistol" means a loaded or unloaded firearm that is 30
24 inches or less in length, or a loaded or unloaded firearm that by
25 its construction and appearance conceals it as a firearm.

26 (c) "Purchaser" means a person who receives a pistol from
27 another person by purchase ~~,~~ OR gift. ~~, or loan.~~

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1 (d) "Seller" means a person who sells ~~, furnishes, loans,~~
2 or gives a pistol to another person.

3 SEC. 1A. IT IS THE INTENT OF THE LEGISLATURE TO CREATE A
4 STANDARDIZED SYSTEM FOR ISSUING CONCEALED PISTOL LICENSES TO PRE-
5 VENT CRIMINALS AND OTHER VIOLENT INDIVIDUALS FROM OBTAINING A
6 LICENSE TO CARRY A CONCEALED PISTOL, TO ALLOW LAW ABIDING RESI-
7 DENTS TO OBTAIN A LICENSE TO CARRY A CONCEALED PISTOL, AND TO
8 PRESCRIBE THE RIGHTS AND RESPONSIBILITIES OF INDIVIDUALS WHO HAVE
9 OBTAINED A LICENSE TO CARRY A CONCEALED PISTOL. IT IS ALSO THE
10 INTENT OF THE LEGISLATURE TO GRANT AN APPLICANT THE RIGHT TO KNOW
11 WHY HIS OR HER APPLICATION FOR A CONCEALED PISTOL LICENSE IS
12 DENIED AND TO CREATE A PROCESS BY WHICH AN APPLICANT MAY APPEAL
13 THAT DENIAL.

14 SEC. 2A. (1) AN INDIVIDUAL WHO IS LICENSED UNDER SECTION 5B
15 TO CARRY A CONCEALED PISTOL IS NOT REQUIRED TO OBTAIN A LICENSE
16 UNDER SECTION 2 TO PURCHASE, CARRY, OR TRANSPORT A PISTOL.

17 (2) IF AN INDIVIDUAL LICENSED UNDER SECTION 5B PURCHASES A
18 PISTOL, THE SELLER SHALL COMPLETE A SALES RECORD IN TRIPLICATE ON
19 A FORM PROVIDED BY THE DEPARTMENT OF STATE POLICE. THE RECORD
20 SHALL INCLUDE THE INDIVIDUAL'S CONCEALED WEAPON LICENSE NUMBER.
21 THE INDIVIDUAL PURCHASING THE PISTOL SHALL SIGN THE RECORD. THE
22 SELLER SHALL RETAIN 1 COPY OF THE RECORD, PROVIDE 1 COPY TO THE
23 INDIVIDUAL PURCHASING THE PISTOL, AND FORWARD THE ORIGINAL TO THE
24 DEPARTMENT OF STATE POLICE WITHIN 10 DAYS FOLLOWING THE
25 PURCHASE.

26 (3) THIS SECTION DOES NOT APPLY TO A PERSON OR ENTITY EXEMPT
27 UNDER SECTION 2(7).

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1 (4) AN INDIVIDUAL WHO MAKES A MATERIAL FALSE STATEMENT ON A
2 SALES RECORD UNDER THIS SECTION IS GUILTY OF A FELONY PUNISHABLE
3 BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE
4 THAN \$2,500.00, OR BOTH.

5 (5) THE DEPARTMENT OF STATE POLICE MAY PROMULGATE RULES TO
6 IMPLEMENT THIS SECTION.

7 SEC. 5. (1) COUNTY SHERIFFS, LOCAL LAW ENFORCEMENT AGEN-
8 CIES, AND COUNTY CLERKS SHALL PROVIDE CONCEALED WEAPON APPLICA-
9 TION KITS DURING NORMAL BUSINESS HOURS TO INDIVIDUALS WHO WISH TO
10 APPLY FOR LICENSES TO CARRY CONCEALED PISTOLS. EACH KIT SHALL
11 CONTAIN ALL OF THE FOLLOWING:

12 (A) A CONCEALED PISTOL LICENSE APPLICATION FORM PROVIDED BY
13 THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE.

14 (B) THE FINGERPRINT CARDS REQUIRED UNDER SECTION 5B(10).

15 (C) WRITTEN INFORMATION REGARDING THE PROCEDURES INVOLVED IN
16 OBTAINING A LICENSE TO CARRY A CONCEALED PISTOL, INCLUDING INFOR-
17 MATION REGARDING THE RIGHT TO APPEAL THE DENIAL OF A LICENSE AND
18 THE FORM REQUIRED FOR THAT APPEAL.

19 (D) WRITTEN INFORMATION IDENTIFYING ENTITIES THAT OFFER THE
20 TRAINING REQUIRED UNDER SECTION 5B(7).

21 (2) A COUNTY SHERIFF, LOCAL LAW ENFORCEMENT AGENCY, OR
22 COUNTY CLERK SHALL NOT DENY AN INDIVIDUAL THE RIGHT TO RECEIVE A
23 CONCEALED PISTOL APPLICATION KIT UNDER THIS SECTION.

24 (3) AN INDIVIDUAL WHO IS DENIED AN APPLICATION KIT UNDER
25 THIS SECTION AND OBTAINS AN ORDER OF MANDAMUS DIRECTING THE CON-
26 CEALED WEAPON LICENSING BOARD TO PROVIDE HIM OR HER WITH THE

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1 APPLICATION KIT SHALL BE AWARDED HIS OR HER ACTUAL AND REASONABLE
2 COSTS AND ATTORNEY FEES FOR OBTAINING THE ORDER.

3 SEC. 5A. (1) EACH COUNTY SHALL HAVE A CONCEALED WEAPON
4 LICENSING BOARD. THE CONCEALED WEAPON LICENSING BOARD OF EACH
5 COUNTY SHALL HAVE THE FOLLOWING MEMBERS:

6 (A) THE COUNTY PROSECUTING ATTORNEY OR HIS OR HER DESIGNEE.

7 (B) THE COUNTY SHERIFF OR HIS OR HER DESIGNEE.

8 (C) THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE OR HIS OR
9 HER DESIGNEE.

10 (2) THE COUNTY PROSECUTING ATTORNEY OR HIS OR HER AUTHORIZED
11 DESIGNEE SHALL SERVE AS CHAIRPERSON OF THE BOARD. TWO MEMBERS OF
12 THE CONCEALED WEAPON LICENSING BOARD CONSTITUTE A QUORUM OF THE
13 CONCEALED WEAPON LICENSING BOARD. THE BUSINESS OF THE CONCEALED
14 WEAPON LICENSING BOARD SHALL BE CONDUCTED BY A MAJORITY VOTE OF
15 ALL OF THE MEMBERS OF THE CONCEALED WEAPON LICENSING BOARD.

16 (3) THE COUNTY CLERK SHALL SERVE AS THE CLERK OF THE CON-
17 CEALED WEAPON LICENSING BOARD.

18 (4) EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, THE CONCEALED
19 WEAPON LICENSING BOARD HAS EXCLUSIVE AUTHORITY TO ISSUE OR DENY
20 ISSUANCE OF A LICENSE TO CARRY A CONCEALED PISTOL TO AN
21 APPLICANT. THE CONCEALED WEAPON LICENSING BOARD SHALL PERFORM
22 OTHER DUTIES AS PROVIDED BY LAW.

23 (5) THE CONCEALED WEAPON LICENSING BOARD MAY INVESTIGATE THE
24 APPLICANT FOR A LICENSE TO CARRY A CONCEALED PISTOL. THE INVES-
25 TIGATION SHALL BE RESTRICTED TO DETERMINING ONLY WHETHER THE
26 APPLICANT IS ELIGIBLE UNDER THIS ACT TO RECEIVE A LICENSE TO
27 CARRY A CONCEALED PISTOL, AND THE INVESTIGATION REGARDING THE

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1 ISSUANCE OF A LICENSE SHALL END AFTER THAT DETERMINATION IS
2 MADE. THE CONCEALED WEAPON LICENSING BOARD MAY REQUIRE THE
3 APPLICANT TO APPEAR BEFORE THE BOARD AT A MUTUALLY AGREED-UPON
4 TIME FOR A CONFERENCE. THE APPLICANT'S FAILURE OR REFUSAL TO
5 APPEAR WITHOUT VALID REASON BEFORE THE CONCEALED WEAPON LICENSING
6 BOARD AS PROVIDED IN THIS SUBSECTION IS GROUNDS FOR THE BOARD TO
7 DENY ISSUANCE OF A LICENSE TO CARRY A CONCEALED PISTOL TO THAT
8 APPLICANT.

9 (6) IF THE CONCEALED WEAPON LICENSING BOARD DETERMINES THERE
10 IS PROBABLE CAUSE TO BELIEVE SAFETY OF THE APPLICANT OR A MEMBER
11 OF THE APPLICANT'S FAMILY IS ENDANGERED BY THE APPLICANT'S
12 INABILITY TO IMMEDIATELY OBTAIN A LICENSE TO CARRY A CONCEALED
13 PISTOL, THE CONCEALED WEAPON LICENSING BOARD MAY, PENDING ISSU-
14 ANCE OF A PERMANENT LICENSE, ISSUE A TEMPORARY LICENSE TO THE
15 INDIVIDUAL TO CARRY A CONCEALED PISTOL. A TEMPORARY LICENSE
16 SHALL BE ON A FORM PROVIDED BY THE DEPARTMENT OF STATE POLICE. A
17 TEMPORARY LICENSE SHALL BE UNRESTRICTED AND SHALL BE VALID FOR
18 NOT MORE THAN 180 DAYS. A TEMPORARY LICENSE MAY BE RENEWED FOR 1
19 ADDITIONAL PERIOD OF NOT MORE THAN 180 DAYS. A TEMPORARY LICENSE
20 IS, FOR ALL OTHER PURPOSES OF THIS ACT, A LICENSE TO CARRY A CON-
21 CEALED PISTOL.

22 (7) THE LEGISLATIVE SERVICE BUREAU SHALL COMPILE THE FIRE-
23 ARMS LAWS OF THIS STATE, INCLUDING LAWS THAT APPLY TO CARRYING A
24 CONCEALED PISTOL, AND SHALL PROVIDE COPIES OF THE COMPILATION TO
25 EACH CONCEALED WEAPON LICENSING BOARD IN THIS STATE FOR DISTRIBU-
26 TION UNDER THIS SUBSECTION. A CONCEALED WEAPON LICENSING BOARD
27 SHALL DISTRIBUTE A COPY OF THE COMPILATION TO EACH INDIVIDUAL WHO

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1 APPLIES FOR A LICENSE TO CARRY A CONCEALED PISTOL AT THE TIME THE
2 APPLICATION IS SUBMITTED. THE CONCEALED WEAPON LICENSING BOARD
3 SHALL REQUIRE THE APPLICANT TO SIGN A WRITTEN STATEMENT ACKNOWL-
4 EDGING THAT HE OR SHE HAS RECEIVED A COPY OF THE COMPILATION. AN
5 INDIVIDUAL IS NOT ELIGIBLE TO RECEIVE A LICENSE TO CARRY A CON-
6 CEALED PISTOL UNTIL HE OR SHE HAS SIGNED THE STATEMENT.

7 SEC. 5B. (1) AN INDIVIDUAL SHALL APPLY TO THE CONCEALED
8 WEAPON LICENSING BOARD IN THE COUNTY IN WHICH THAT INDIVIDUAL
9 RESIDES FOR A LICENSE TO CARRY A CONCEALED PISTOL. THE APPLICA-
10 TION SHALL BE FILED WITH THE COUNTY CLERK AS CLERK OF THE CON-
11 CEALED WEAPON LICENSING BOARD DURING THE COUNTY CLERK'S NORMAL
12 BUSINESS HOURS. THE APPLICATION SHALL BE ON A FORM PROVIDED BY
13 THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE AND SHALL ALLOW
14 THE APPLICANT TO DESIGNATE WHETHER THE APPLICANT SEEKS A TEMPO-
15 RARY LICENSE PENDING ISSUANCE OF A REGULAR LICENSE. THE APPLICA-
16 TION SHALL BE SIGNED UNDER OATH BY THE APPLICANT. THE OATH SHALL
17 BE ADMINISTERED BY THE COUNTY CLERK OR HIS OR HER
18 REPRESENTATIVE. THE APPLICATION SHALL CONTAIN ALL OF THE FOLLOW-
19 ING INFORMATION:

20 (A) THE APPLICANT'S [LEGAL NAME AND THE ADDRESS OF HIS OR HER
PRIMARY RESIDENCE]. IF THE APPLICANT
21 RESIDES IN A CITY, VILLAGE, OR TOWNSHIP THAT HAS A POLICE DEPART-
22 MENT, THE INFORMATION PROVIDED UNDER THIS SUBDIVISION SHALL
23 INCLUDE A STATEMENT THAT THE CITY, VILLAGE, OR TOWNSHIP HAS A
24 POLICE DEPARTMENT.

25 (B) A STATEMENT BY THE APPLICANT THAT THE APPLICANT MEETS
26 THE CRITERIA FOR A LICENSE UNDER THIS ACT TO CARRY A CONCEALED
27 PISTOL.

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1 (C) A STATEMENT BY THE APPLICANT PROVIDING AUTHORITY TO THE
2 CONCEALED WEAPON LICENSING BOARD TO ACCESS ANY RECORD PERTAINING
3 TO THE QUALIFICATIONS OF AN APPLICANT FOR A CONCEALED PISTOL
4 LICENSE UNDER THIS ACT.

5 (D) A STATEMENT BY THE APPLICANT REGARDING WHETHER HE OR SHE
6 HAS A HISTORY OF MENTAL ILLNESS THAT WOULD DISQUALIFY HIM OR HER
7 UNDER SUBSECTION (7)(H) TO (K) FROM RECEIVING A LICENSE TO CARRY
8 A CONCEALED PISTOL, AND GRANTING AUTHORITY TO THE CONCEALED
9 WEAPON LICENSING BOARD TO ACCESS THE MENTAL HEALTH RECORDS OF THE
10 APPLICANT RELATING TO HIS OR HER MENTAL HEALTH HISTORY. THE
11 APPLICANT MAY REQUEST THAT INFORMATION RECEIVED BY THE CONCEALED
12 WEAPON LICENSING BOARD UNDER THIS SUBDIVISION BE REVIEWED IN A
13 CLOSED SESSION. IF THE APPLICANT REQUESTS THAT THE SESSION BE
14 CLOSED, THE CONCEALED WEAPON LICENSING BOARD SHALL CLOSE THE SES-
15 SION ONLY FOR PURPOSES OF THIS SUBDIVISION. THE APPLICANT AND
16 HIS OR HER REPRESENTATIVE HAVE THE RIGHT TO BE PRESENT IN THE
17 CLOSED SESSION. INFORMATION RECEIVED BY THE CONCEALED WEAPON
18 LICENSING BOARD UNDER THIS SUBDIVISION IS CONFIDENTIAL AND SHALL
19 NOT BE DISCLOSED TO ANY PERSON EXCEPT FOR PURPOSES OF THIS ACT.

20 (E) A STATEMENT BY THE APPLICANT REGARDING WHETHER HE OR SHE
21 HAS EVER BEEN CONVICTED IN THIS STATE OR ELSEWHERE FOR ANY
22 ASSAULTIVE CRIME.

23 (F) A STATEMENT BY THE APPLICANT WHETHER HE OR SHE IS DIS-
24 HONORABLY DISCHARGED FROM THE UNITED STATES ARMED FORCES.

25 (G) IF THE APPLICANT SEEKS A TEMPORARY LICENSE PENDING ISSU-
26 ANCE OF A REGULAR LICENSE, THE FACTS SUPPORTING THE ISSUANCE OF
27 THAT TEMPORARY LICENSE.

[(H) A STATEMENT SETTING FORTH THE NAMES, RESIDENTIAL
ADDRESSES, AND TELEPHONE NUMBERS OF 2 INDIVIDUALS WHO ARE REFERENCES
FOR THE APPLICANT.]

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1 (2) THE APPLICATION FORM SHALL CONTAIN A CONSPICUOUS WARNING
2 THAT THE APPLICATION IS EXECUTED UNDER OATH AND THAT INTENTION-
3 ALLY MAKING A MATERIAL FALSE STATEMENT ON THE APPLICATION IS A
4 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A
5 FINE OF NOT MORE THAN \$2,500.00, OR BOTH.

6 (3) AN INDIVIDUAL WHO INTENTIONALLY MAKES A MATERIAL FALSE
7 STATEMENT ON AN APPLICATION UNDER SUBSECTION (1) IS GUILTY OF A
8 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A
9 FINE OF NOT MORE THAN \$2,500.00, OR BOTH.

10 (4) THE CONCEALED WEAPON LICENSING BOARD SHALL RETAIN A COPY
11 OF EACH APPLICATION FOR A LICENSE TO CARRY A CONCEALED PISTOL AS
12 AN OFFICIAL RECORD.

13 (5) EACH APPLICANT SHALL PAY A \$49.00 FEE. THE FEE SHALL BE
14 PAID AT THE TIME THE APPLICATION IS SUBMITTED UNDER THIS
15 SECTION. THE COUNTY TREASURER SHALL FORWARD [\$29.00] OF THE FEE TO
16 THE STATE TREASURER. THE STATE TREASURER SHALL DEPOSIT THE
17 [\$29.00] IN THE GENERAL FUND OF THIS STATE TO THE CREDIT OF THE
18 DEPARTMENT OF STATE POLICE. THE COUNTY TREASURER SHALL DEPOSIT
19 [\$20.00] OF EACH FEE COLLECTED UNDER THIS SECTION IN THE GENERAL
20 FUND OF THE COUNTY TO THE CREDIT OF THE COUNTY CLERK. FEES COL-
21 LECTED UNDER THIS SECTION SHALL BE USED ONLY TO IMPLEMENT THIS
22 ACT.

23 (6) THE COUNTY SHERIFF ON BEHALF OF THE CONCEALED WEAPON
24 LICENSING BOARD SHALL VERIFY THE REQUIREMENTS OF
25 SUBSECTION (7)(C), (D), (E), (G), (H), AND (K) THROUGH THE LAW
26 ENFORCEMENT INFORMATION NETWORK AND REPORT HIS OR HER FINDING TO
27 THE CONCEALED WEAPON LICENSING BOARD. IF THE APPLICANT RESIDES

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1 IN A CITY, VILLAGE, OR TOWNSHIP THAT HAS A POLICE DEPARTMENT, THE
2 CONCEALED WEAPON LICENSING BOARD SHALL CONTACT THAT CITY, VIL-
3 LAGE, OR TOWNSHIP POLICE DEPARTMENT TO DETERMINE ONLY WHETHER
4 THAT CITY, VILLAGE, OR TOWNSHIP POLICE DEPARTMENT HAS ANY INFOR-
5 MATION RELEVANT TO THE INVESTIGATION OF WHETHER THE APPLICANT IS
6 ELIGIBLE UNDER THIS ACT TO RECEIVE A LICENSE TO CARRY A CONCEALED
7 PISTOL.

8 (7) THE CONCEALED WEAPON LICENSING BOARD SHALL ISSUE A
9 LICENSE TO AN APPLICANT TO CARRY A CONCEALED PISTOL WITHIN THE
10 PERIOD REQUIRED UNDER THIS ACT AFTER THE APPLICANT PROPERLY SUB-
11 MITS AN APPLICATION UNDER SUBSECTION (1) AND THE CONCEALED WEAPON
12 LICENSING BOARD DETERMINES THAT ALL OF THE FOLLOWING CIRCUM-
13 STANCES EXIST:

14 (A) THE APPLICANT IS:

15 (i) TWENTY-ONE YEARS OF AGE OR OLDER.

16 (ii) EIGHTEEN YEARS OF AGE OR OLDER BUT LESS THAN 21 YEARS
17 OF AGE AND IS REQUIRED TO CARRY A CONCEALED PISTOL IN THE COURSE
18 OF HIS OR HER EMPLOYMENT.

19 (B) THE APPLICANT IS A CITIZEN OF THE UNITED STATES OR IS A
20 RESIDENT LEGAL ALIEN AS DEFINED IN SECTION 11 OF TITLE 18 OF THE
21 UNITED STATES CODE, IS A RESIDENT OF THIS STATE, AND HAS RESIDED
22 IN THIS STATE FOR AT LEAST 6 MONTHS.

23 (C) THE APPLICANT IS NOT THE SUBJECT OF AN ORDER OR DISPOSI-
24 TION UNDER ANY OF THE FOLLOWING:

25 (i) SECTION 464A OF THE MENTAL HEALTH CODE, 1974 PA 258,
26 MCL 330.1464A.

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1 (ii) SECTION 444A OF THE REVISED PROBATE CODE, 1978 PA 642,
2 MCL 700.444A.

3 (iii) SECTIONS 2950 AND 2950A OF THE REVISED JUDICATURE ACT
4 OF 1961, 1961 PA 236, MCL 600.2950 AND 600.2950A.

5 (iv) SECTION 6B OF CHAPTER V OF THE CODE OF CRIMINAL PROCE-
6 DURE, 1927 PA 175, MCL 765.6B, IF THE ORDER HAS A CONDITION
7 IMPOSED PURSUANT TO SECTION 6B(3) OF CHAPTER V OF THE CODE OF
8 CRIMINAL PROCEDURE, 1927 PA 175, MCL 765.6B.

9 (v) SECTION 16B OF CHAPTER IX OF THE CODE OF CRIMINAL PROCE-
10 DURE, 1927 PA 175, MCL 769.16B.

11 (D) THE APPLICANT IS NOT PROHIBITED FROM POSSESSING, USING,
12 TRANSPORTING, SELLING, PURCHASING, CARRYING, SHIPPING, RECEIVING,
13 OR DISTRIBUTING A FIREARM UNDER SECTION 224F OF THE MICHIGAN
14 PENAL CODE, 1931 PA 328, MCL 750.224F.

15 (E) THE APPLICANT HAS NEVER BEEN CONVICTED OF A FELONY IN
16 THIS STATE OR ELSEWHERE, AND A FELONY CHARGE AGAINST THE APPLI-
17 CANT IS NOT PENDING IN THIS STATE OR ELSEWHERE AT THE TIME HE OR
18 SHE APPLIES FOR A LICENSE DESCRIBED IN THIS SECTION. AS USED IN
19 THIS SUBDIVISION:

20 (i) "CONVICTED" MEANS A FINAL CONVICTION, THE PAYMENT OF A
21 FINE, A PLEA OF GUILTY OR NOLO CONTENDERE IF ACCEPTED BY THE
22 COURT, OR A FINDING OF GUILT FOR A CRIMINAL LAW VIOLATION OR A
23 JUVENILE ADJUDICATION OR DISPOSITION BY THE JUVENILE DIVISION OF
24 PROBATE COURT OR FAMILY DIVISION OF CIRCUIT COURT FOR A VIOLATION
25 THAT IF COMMITTED BY AN ADULT WOULD BE A CRIME.

26 (ii) "FELONY" MEANS EITHER OF THE FOLLOWING:

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1 (A) A VIOLATION OF LAW SPECIFICALLY DESIGNATED TO BE A
2 FELONY.

3 (B) A VIOLATION OF LAW PUNISHABLE BY IMPRISONMENT FOR MORE
4 THAN 1 YEAR.

5 (F) THE APPLICANT IS NOT DISHONORABLY DISCHARGED FROM THE
6 UNITED STATES ARMED FORCES.

7 (G) THE APPLICANT HAS NOT BEEN CONVICTED OF OR CONFINED
8 AFTER CONVICTION FOR A SPECIFIED CRIMINAL OFFENSE IN THE 8 YEARS
9 PRECEDING THE APPLICATION. AS USED IN THIS SUBDIVISION,
10 "SPECIFIED CRIMINAL OFFENSE" MEANS A VIOLATION OF ANY OF THE
11 FOLLOWING:

[(i) SECTION 625(1) OF THE MICHIGAN VEHICLE CODE, 1949 PA 300,
MCL 257.625 (DRUNK DRIVING, SECOND OFFENSE), PUNISHED AS PROVIDED IN
SUBSECTION (8)(B) OF THAT SECTION.]

12 [(ii)] SECTION 29 OF 1964 PA 283, MCL 290.629 (HINDERING OR
13 OBSTRUCTING WEIGHTS AND MEASURES ENFORCEMENT OFFICER).

14 [(iii)] SECTION 10 OF THE MOTOR FUELS QUALITY ACT, 1984 PA 44,
15 MCL 290.650 (HINDERING, OBSTRUCTING, ASSAULTING, OR COMMITTING
16 BODILY INJURY UPON DIRECTOR OR AUTHORIZED REPRESENTATIVE).

17 [(iv)] SECTION 80172 OF THE NATURAL RESOURCES AND ENVIRONMEN-
18 TAL PROTECTION ACT, 1994 PA 451, MCL 324.80172 (OPERATION OF
19 VESSEL AT AN IMMODERATE SPEED AND IN A CARELESS, RECKLESS, OR
20 NEGLIGENT MANNER RESULTING IN CRIPPLING OR DEATH).

21 [(v)] SECTION 5 OF 1978 PA 33, MCL 722.675 (DISSEMINATING,
22 EXHIBITING, OR DISPLAYING SEXUALLY EXPLICIT MATERIALS TO
23 MINORS).

24 [(vi)] SECTION 81 OF THE MICHIGAN PENAL CODE, 1931 PA 328,
25 MCL 750.81 (ASSAULT OR DOMESTIC ASSAULT).

26 [(vii)] SECTION 81A(1) OR (2) (AGGRAVATED ASSAULT OR AGGRAVATED
27 DOMESTIC ASSAULT).

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1 [[viii]] SECTION 157B(3)(B) OF THE MICHIGAN PENAL CODE, 1931
2 PA 328, MCL 750.157B (SOLICITATION TO COMMIT A FELONY).

3 [[ix]] SECTION 215 OF THE MICHIGAN PENAL CODE, 1931 PA 328,
4 MCL 750.215 (IMPERSONATING SHERIFF, CONSERVATION OFFICER, CORO-
5 NER, CONSTABLE, OR POLICE OFFICER).

6 [[x]] SECTION 411H(2)(A) OF THE MICHIGAN PENAL CODE, 1931
7 PA 328, MCL 750.411H (STALKING).

8 [[xi]] SECTION 1 OF 1952 PA 45, MCL 752.861 (CARELESS, RECK-
9 LESS, OR NEGLIGENT USE OF FIREARM).

10 [[xii]] A VIOLATION OF A LAW OF THE UNITED STATES, ANOTHER
11 STATE, OR A LOCAL UNIT OF GOVERNMENT OF THIS STATE OR ANOTHER
12 STATE SUBSTANTIALLY CORRESPONDING TO A VIOLATION DESCRIBED IN
13 SUBPARAGRAPHS (i) TO [[xi]].

14 (H) THE APPLICANT HAS NOT BEEN FOUND GUILTY BUT MENTALLY ILL
15 OF ANY CRIME AND HAS NOT OFFERED A PLEA OF NOT GUILTY OF, OR BEEN
16 ACQUITTED OF, ANY CRIME BY REASON OF INSANITY.

17 (I) THE APPLICANT HAS NEVER BEEN SUBJECT TO AN ORDER OF
18 INVOLUNTARY COMMITMENT IN AN INPATIENT OR OUTPATIENT SETTING DUE
19 TO MENTAL ILLNESS.

20 (J) THE APPLICANT IS NOT SUFFERING FROM A DIAGNOSED MENTAL
21 ILLNESS AT THE TIME THE APPLICATION IS MADE REGARDLESS OF WHETHER
22 HE OR SHE IS RECEIVING TREATMENT FOR THAT ILLNESS. AS USED IN
23 THIS SUBDIVISION:

24 (i) "MENTAL ILLNESS" MEANS A SUBSTANTIAL DISORDER OF THOUGHT
25 OR MOOD THAT SIGNIFICANTLY IMPAIRS JUDGMENT, BEHAVIOR, CAPACITY
26 TO RECOGNIZE REALITY, OR ABILITY TO COPE WITH THE ORDINARY

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1 DEMANDS OF LIFE, AND INCLUDES, BUT IS NOT LIMITED TO, CLINICAL
2 DEPRESSION.

3 (ii) "TREATMENT" MEANS CARE OR ANY THERAPEUTIC SERVICE,
4 INCLUDING, BUT NOT LIMITED TO, THE ADMINISTRATION OF A DRUG, AND
5 ANY OTHER SERVICE FOR THE TREATMENT OF A MENTAL ILLNESS.

6 (k) THE APPLICANT IS NOT UNDER A COURT ORDER OF LEGAL INCA-
7 PACITY IN THIS STATE OR ELSEWHERE.

8 (l) THE APPLICANT HAS KNOWLEDGE OR HAS HAD TRAINING IN THE
9 SAFE USE AND HANDLING OF A PISTOL BY THE SUCCESSFUL COMPLETION OF
10 A PISTOL SAFETY TRAINING COURSE OR CLASS THAT MEETS THE REQUIRE-
11 MENTS OF SECTION 5J, AND THAT IS AVAILABLE TO THE GENERAL PUBLIC
12 AND PRESENTED BY A LAW ENFORCEMENT AGENCY, JUNIOR OR COMMUNITY
13 COLLEGE, COLLEGE, OR PUBLIC OR PRIVATE INSTITUTION OR ORGANIZA-
14 TION OR FIREARMS TRAINING SCHOOL.

15 (m) ISSUING A LICENSE TO THE APPLICANT TO CARRY A CONCEALED
16 PISTOL IN THIS STATE IS NOT DETRIMENTAL TO THE SAFETY OF THE
17 APPLICANT OR TO ANY OTHER INDIVIDUAL. A DETERMINATION UNDER THIS
18 SUBDIVISION SHALL BE BASED ONLY UPON THE ACTIONS OF, OR STATE-
19 MENTS OF, THE APPLICANT.

20 (8) BEFORE SUBMITTING AN APPLICATION UNDER THIS SECTION, THE
21 INDIVIDUAL SHALL HAVE 2 SETS OF CLASSIFIABLE FINGERPRINTS TAKEN
22 BY THE COUNTY SHERIFF.

23 (9) THE COUNTY SHERIFF SHALL TAKE THE FINGERPRINTS OF AN
24 INDIVIDUAL WITHIN THE EXPIRATION OF 3 BUSINESS DAYS AFTER THE
25 INDIVIDUAL REQUESTS HIS OR HER FINGERPRINTS TO BE TAKEN UNDER
26 SUBSECTION (8).

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1 (10) ONE SET OF FINGERPRINTS TAKEN UNDER SUBSECTION (8)
2 SHALL BE TAKEN ON A FORM FURNISHED BY THE DEPARTMENT OF STATE
3 POLICE AND PROVIDED TO THE APPLICANT UNDER SECTION 5. THAT SET
4 OF FINGERPRINTS SHALL BE FORWARDED IMMEDIATELY BY THE COUNTY
5 SHERIFF TO THE DEPARTMENT OF STATE POLICE. THE DEPARTMENT OF
6 STATE POLICE SHALL COMPARE THAT SET OF FINGERPRINTS WITH FINGER-
7 PRINTS ALREADY ON FILE WITH THE DEPARTMENT OF STATE POLICE. THE
8 OTHER SET OF FINGERPRINTS TAKEN UNDER SUBSECTION (8) SHALL BE
9 TAKEN ON A FORM FURNISHED BY THE FEDERAL BUREAU OF INVESTIGATION
10 AND PROVIDED TO THE APPLICANT UNDER SECTION 5. THAT SET OF FIN-
11 GERPRINTS SHALL BE FORWARDED IMMEDIATELY BY THE COUNTY SHERIFF TO
12 THE FEDERAL BUREAU OF INVESTIGATION OR AN ENTITY DESIGNATED BY
13 THE FEDERAL BUREAU OF INVESTIGATION TO RECEIVE THOSE
14 FINGERPRINTS. THE REQUEST SHALL STATE THAT THE DEPARTMENT OF
15 STATE POLICE IS TO BE PROVIDED WITH THE REPORT OF THE
16 COMPARISON. THE DEPARTMENT OF STATE POLICE SHALL WITHIN 10 DAYS
17 AFTER RECEIVING THE REPORT PROVIDE A COPY OF BOTH COMPARISONS TO
18 THE COUNTY SHERIFF WHO TOOK THE FINGERPRINTS AND TO THE CONCEALED
19 WEAPON LICENSING BOARD OF THE COUNTY IN WHICH THE APPLICANT
20 RESIDES. THE DEPARTMENT OF STATE POLICE SHALL DESTROY THE FIN-
21 GERPRINTS IMMEDIATELY AFTER THE DEPARTMENT PROVIDES THE COMPARI-
22 SON REPORT TO THE COUNTY SHERIFF WHO TOOK THE FINGERPRINTS AND
23 THE CONCEALED WEAPON LICENSING BOARD. THE FEDERAL BUREAU OF
24 INVESTIGATION SHALL RETURN THE FINGERPRINTS TO THE DEPARTMENT OF
25 STATE POLICE. THE DEPARTMENT OF STATE POLICE SHALL DESTROY THE
26 FINGERPRINTS UNLESS THE COMPARISON REPORT IS NOT RECEIVED
27 WITHIN 30 DAYS AFTER THE APPLICATION IS COMPLETED BY THE

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16

1 APPLICANT. THE CONCEALED WEAPON LICENSING BOARD SHALL NOT ISSUE
2 A CONCEALED WEAPON LICENSE UNDER THIS SECTION TO AN APPLICANT
3 UNTIL THE CONCEALED WEAPON LICENSING BOARD HAS RECEIVED THE FIN-
4 GERPRINT COMPARISON REPORTS REQUIRED UNDER THIS SUBSECTION. THE
5 CONCEALED WEAPON LICENSING BOARD IS NOT REQUIRED TO ISSUE A CON-
6 CEALED WEAPONS LICENSE TO AN APPLICANT IF THAT APPLICANT'S FIN-
7 GERPRINTS ARE DETERMINED TO BE UNCLASSIFIABLE BY THE FEDERAL
8 BUREAU OF INVESTIGATION.

9 (11) THE CONCEALED WEAPON LICENSING BOARD SHALL DENY A
10 LICENSE TO AN APPLICANT TO CARRY A CONCEALED WEAPON IF THE APPLI-
11 CANT IS NOT QUALIFIED UNDER SUBSECTION (7) TO RECEIVE THAT
12 LICENSE.

13 (12) IF THE CONCEALED WEAPON LICENSING BOARD ISSUES A
14 LICENSE TO AN INDIVIDUAL 18 YEARS OF AGE OR OLDER BUT LESS THAN
15 21 YEARS OF AGE, THE LICENSE SHALL BE RESTRICTED TO ALLOW THE
16 INDIVIDUAL TO CARRY A CONCEALED WEAPON ONLY TO AND FROM HIS OR
17 HER PLACE OF EMPLOYMENT AND IN THE COURSE OF HIS OR HER
18 EMPLOYMENT.

19 (13) A LICENSE TO CARRY A CONCEALED PISTOL THAT IS ISSUED
20 BASED UPON AN APPLICATION THAT CONTAINS A MATERIAL FALSE STATE-
21 MENT IS VOID FROM THE DATE THE LICENSE IS ISSUED.

22 (14) SUBJECT TO SUBSECTION (10), THE CONCEALED WEAPON
23 LICENSING BOARD SHALL ISSUE OR DENY ISSUANCE OF A LICENSE WITHIN
24 30 DAYS AFTER THE CONCEALED WEAPON LICENSING BOARD RECEIVES THE
25 FINGERPRINT COMPARISON REPORT PROVIDED UNDER SUBSECTION (10). IF
26 THE CONCEALED WEAPON LICENSING BOARD DENIES ISSUANCE OF A LICENSE

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1 TO CARRY A CONCEALED PISTOL, THE CONCEALED WEAPON LICENSING BOARD
2 SHALL WITHIN 5 BUSINESS DAYS DO BOTH OF THE FOLLOWING:

3 (A) INFORM THE APPLICANT IN WRITING OF THE REASONS FOR THE
4 DENIAL. INFORMATION UNDER THIS SUBDIVISION SHALL INCLUDE ALL OF
5 THE FOLLOWING:

6 (i) A STATEMENT OF THE SPECIFIC AND ARTICULABLE FACTS SUP-
7 PORTING THE DENIAL.

8 (ii) COPIES OF ANY WRITINGS, PHOTOGRAPHS, RECORDS, OR OTHER
9 DOCUMENTARY EVIDENCE UPON WHICH THE DENIAL IS BASED.

10 (B) INFORM THE APPLICANT IN WRITING OF HIS OR HER RIGHT TO
11 APPEAL THE DENIAL TO THE CIRCUIT COURT AS PROVIDED IN SECTION 5D.

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25 [(15)] IF THE FINGERPRINT COMPARISON REPORT IS NOT RECEIVED BY
26 THE CONCEALED WEAPON LICENSING BOARD WITHIN 30 DAYS AFTER THE
27 [FINGERPRINT REPORT IS] FORWARDED TO THE DEPARTMENT OF STATE POLICE
[BY THE FEDERAL BUREAU OF INVESTIGATION], THE

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18

1 CONCEALED WEAPONS LICENSING BOARD SHALL ISSUE A TEMPORARY
2 CONCEALED PISTOL LICENSE. A TEMPORARY LICENSE ISSUED UNDER THIS
3 SECTION IS VALID FOR 180 DAYS OR UNTIL THE CONCEALED WEAPONS
4 LICENSING BOARD RECEIVES THE FINGERPRINT COMPARISON REPORT PRO-
5 VIDED UNDER SUBSECTION (10) AND ISSUES OR DENIES ISSUANCE OF A
6 CONCEALED PISTOL LICENSE AS OTHERWISE PROVIDED UNDER THIS ACT.
7 UPON ISSUANCE OR THE DENIAL OF ISSUANCE OF THE CONCEALED PISTOL
8 LICENSE TO AN APPLICANT WHO RECEIVED A TEMPORARY LICENSE UNDER
9 THIS SECTION, THE APPLICANT SHALL IMMEDIATELY SURRENDER THE TEM-
10 PORARY LICENSE TO THE CONCEALED WEAPONS LICENSING BOARD THAT
11 ISSUED THAT TEMPORARY LICENSE.

12 SEC. 5C. (1) A LICENSE TO CARRY A CONCEALED PISTOL SHALL BE
13 IN A FORM PRESCRIBED BY THE DEPARTMENT OF STATE POLICE. THE
14 LICENSE SHALL CONTAIN ALL OF THE FOLLOWING:

15 (A) THE LICENSEE'S FULL NAME AND STREET ADDRESS.

16 (B) A PHYSICAL DESCRIPTION OF THE LICENSEE.

17 (C) A STATEMENT OF THE EFFECTIVE DATES OF THE LICENSE.

18 (D) A STATEMENT OF ANY RESTRICTIONS IMPOSED UNDER SECTION
19 5B(12).

20 (2) A LICENSE TO CARRY A CONCEALED PISTOL ISSUED BY THE
21 COUNTY CONCEALED WEAPON LICENSING BOARD AUTHORIZES THE LICENSEE
22 TO DO ALL OF THE FOLLOWING:

23 (A) CARRY A PISTOL CONCEALED ON OR ABOUT HIS OR HER PERSON
24 ANYWHERE IN THIS STATE AS PROVIDED BY LAW.

25 (B) CARRY A PISTOL IN A VEHICLE, WHETHER CONCEALED OR NOT
26 CONCEALED, ANYWHERE IN THIS STATE AS PROVIDED BY LAW.

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1 SEC. 5D. (1) IF THE CONCEALED WEAPON LICENSING BOARD DENIES
2 ISSUANCE OF A LICENSE TO CARRY A CONCEALED PISTOL, OR FAILS TO
3 ISSUE THAT LICENSE AS PROVIDED IN THIS ACT, OR ISSUES A
4 RESTRICTED LICENSE, THE APPLICANT MAY APPEAL THE DENIAL, THE
5 FAILURE TO ISSUE THE LICENSE, OR THE ISSUANCE OF A RESTRICTED
6 LICENSE TO THE CIRCUIT COURT IN THE JUDICIAL CIRCUIT IN WHICH HE
7 OR SHE RESIDES. THE APPEAL OF THE DENIAL, FAILURE TO ISSUE A
8 LICENSE, OR ISSUANCE OF A RESTRICTED LICENSE SHALL BE DETERMINED
9 BY A REVIEW OF THE RECORD FOR ERROR, EXCEPT THAT IF THE DECISION
10 OF THE CONCEALED WEAPON LICENSING BOARD WAS BASED UPON GROUNDS
11 SPECIFIED IN SECTION 5B(7)(M) THAT PORTION OF THE APPEAL SHALL BE
12 BY HEARING DE NOVO. WITNESSES IN THE HEARING SHALL BE SWORN. A
13 JURY SHALL NOT BE PROVIDED IN A HEARING UNDER THIS SECTION. A
14 VERBATIM RECORD SHALL BE MADE.

15 (2) IF THE COURT DETERMINES THE DENIAL, FAILURE TO ISSUE A
16 LICENSE, OR ISSUANCE OF A RESTRICTED LICENSE WAS CLEARLY ERRONE-
17 OUS, THE COURT SHALL ORDER THE CONCEALED WEAPON LICENSING BOARD
18 TO ISSUE A LICENSE AS REQUIRED BY THIS ACT.

19 [(3) IF THE COURT DETERMINES THE DECISION OF THE CONCEALED
20 WEAPON LICENSING BOARD TO DENY ISSUANCE OF A LICENSE TO AN APPLICANT
21 WAS ARBITRARY AND CAPRICIOUS, THE COURT SHALL ORDER THE CONCEALED
22 WEAPON LICENSING BOARD TO PAY THE ACTUAL COSTS AND ACTUAL ATTORNEY
23 FEES OF THE APPLICANT IN APPEALING THE DENIAL.

24 (4) IF THE COURT DETERMINES AN APPLICANT'S APPEAL WAS
25 FRIVOLOUS, THE COURT SHALL ORDER THE APPLICANT TO PAY THE ACTUAL
26 COSTS AND ACTUAL ATTORNEY FEES OF THE CONCEALED WEAPON LICENSING

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1 BOARD IN RESPONDING TO THE APPEAL.

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3 SEC. 5E. (1) THE DEPARTMENT OF STATE POLICE SHALL CREATE
4 AND MAINTAIN A COMPUTERIZED DATABASE OF INDIVIDUALS WHO APPLY
5 UNDER THIS ACT FOR A LICENSE TO CARRY A CONCEALED PISTOL. THE
6 DATABASE SHALL CONTAIN ONLY THE FOLLOWING INFORMATION AS TO EACH
7 APPLICANT:

8 (A) THE APPLICANT'S NAME, ADDRESS, AND COUNTY OF RESIDENCE.

9 (B) IF THE APPLICANT IS LICENSED TO CARRY A CONCEALED PISTOL
10 IN THIS STATE, THE LICENSE NUMBER AND DATE OF EXPIRATION.

11 (C) A STATEMENT OF ANY RESTRICTIONS IMPOSED UNDER SECTION
12 5B(12).

13 (D) EXCEPT AS PROVIDED IN SUBSECTION (2), IF THE APPLICANT
14 WAS DENIED A LICENSE TO CARRY A CONCEALED PISTOL AFTER THE EFFEC-
15 TIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBDIVISION, A
16 STATEMENT OF THE REASONS FOR THAT DENIAL.

17 (E) A STATEMENT OF ALL CRIMINAL CHARGES PENDING AND CRIMINAL
18 CONVICTIONS OBTAINED AGAINST THE APPLICANT DURING THE LICENSE
19 PERIOD.

20 (F) A STATEMENT OF ALL DETERMINATIONS OF RESPONSIBILITY FOR
21 CIVIL INFRACTIONS OF THIS ACT PENDING OR OBTAINED AGAINST THE
22 APPLICANT DURING THE LICENSE PERIOD.

23 (2) IF AN INDIVIDUAL WHO WAS DENIED A LICENSE TO CARRY A
24 CONCEALED PISTOL AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT
25 THAT ADDED THIS SUBSECTION IS SUBSEQUENTLY ISSUED A LICENSE TO
26 CARRY A CONCEALED PISTOL, THE DEPARTMENT OF STATE POLICE SHALL

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21

1 DELETE FROM THE COMPUTERIZED DATABASE THE PREVIOUS REASONS FOR
2 THE DENIAL.

3 (3) THE DEPARTMENT OF STATE POLICE SHALL ENTER THE INFORMA-
4 TION DESCRIBED IN SUBSECTION (1)(A) TO (C) INTO THE LAW ENFORCE-
5 MENT INFORMATION NETWORK.

6 (4) INFORMATION IN THE DATABASE IS CONFIDENTIAL, IS NOT
7 SUBJECT TO DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976
8 PA 442, MCL 15.231 TO 15.246, AND SHALL NOT BE DISCLOSED TO ANY
9 PERSON EXCEPT FOR PURPOSES OF THIS ACT OR FOR LAW ENFORCEMENT
10 PURPOSES.

11 (5) THE DEPARTMENT OF STATE POLICE SHALL FILE AN ANNUAL
12 REPORT WITH THE SECRETARY OF THE SENATE AND THE CLERK OF THE
13 HOUSE OF REPRESENTATIVES SETTING FORTH ALL OF THE FOLLOWING
14 INFORMATION FOR EACH COUNTY CONCEALED WEAPON LICENSING BOARD:

15 (A) THE NUMBER OF CONCEALED PISTOL APPLICATIONS RECEIVED.

16 (B) THE NUMBER OF CONCEALED PISTOL LICENSES ISSUED.

17 (C) THE NUMBER OF CONCEALED PISTOL LICENSES DENIED.

18 (D) CATEGORIES FOR DENIAL UNDER SUBDIVISION (C).

19 (E) THE NUMBER OF CONCEALED PISTOL LICENSES REVOKED.

20 (F) CATEGORIES FOR REVOCATION UNDER SUBDIVISION (E).

21 (G) THE NUMBER OF APPLICATIONS PENDING AT THE TIME THE
22 REPORT IS MADE.

23 (H) THE MEAN AND MEDIAN AMOUNT OF TIME AND THE LONGEST AND
24 SHORTEST AMOUNT OF TIME USED BY THE FEDERAL BUREAU OF INVESTIGA-
25 TION TO SUPPLY THE FINGERPRINT COMPARISON REPORT REQUIRED IN SEC-
26 TION 5B(10). THE DEPARTMENT MAY USE A STATISTICALLY SIGNIFICANT
27 SAMPLE TO COMPLY WITH THIS SUBDIVISION.

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1 (I) THE NUMBER OF CHARGES OF STATE CIVIL INFRACTIONS OF THIS
2 ACT OR CHARGES OF CRIMINAL VIOLATIONS, CATEGORIZED BY OFFENSE,
3 FILED AGAINST INDIVIDUALS LICENSED TO CARRY A CONCEALED PISTOL
4 THAT RESULTED IN A FINDING OF RESPONSIBILITY, OR A CRIMINAL
5 CONVICTION. THE REPORT SHALL INDICATE THE NUMBER OF CRIMES IN
6 EACH CATEGORY OF CRIMINAL OFFENSE THAT INVOLVED THE BRANDISHING
7 OR USE OF A PISTOL, THE NUMBER THAT INVOLVED THE CARRYING OF A
8 PISTOL BY THE LICENSE HOLDER DURING THE COMMISSION OF THE CRIME,
9 AND THE NUMBER IN WHICH NO PISTOL WAS CARRIED BY THE LICENSE
10 HOLDER DURING THE COMMISSION OF THE CRIME.

11 (J) THE NUMBER OF PENDING CRIMINAL CHARGES, CATEGORIZED BY
12 OFFENSE, AGAINST INDIVIDUALS LICENSED TO CARRY A CONCEALED
13 PISTOL.

14 (K) THE NUMBER OF CRIMINAL CASES DISMISSED, CATEGORIZED BY
15 OFFENSE, AGAINST INDIVIDUALS LICENSED TO CARRY A CONCEALED
16 PISTOL.

17 (l) THE NUMBER OF CASES FILED AGAINST INDIVIDUALS LICENSED
18 TO CARRY A CONCEALED PISTOL FOR CRIMINAL VIOLATIONS THAT RESULTED
19 IN A FINDING OF NOT RESPONSIBLE OR NOT GUILTY, CATEGORIZED BY
20 OFFENSE.

21 (M) FOR THE PURPOSES OF SUBDIVISIONS (I), (J), (K), AND (l),
22 THE DEPARTMENT OF STATE POLICE SHALL USE THE DATA PROVIDED UNDER
23 SECTION 5M.

[(N) THE NUMBER OF SUICIDES BY INDIVIDUALS LICENSED TO CARRY A
CONCEALED PISTOL.]

24 [(O)] ACTUAL COSTS INCURRED PER PERMIT FOR EACH COUNTY.

25 SEC. 5F. (1) AN INDIVIDUAL WHO IS LICENSED UNDER THIS ACT
26 TO CARRY A CONCEALED PISTOL SHALL HAVE HIS OR HER LICENSE TO

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1 CARRY THAT PISTOL IN HIS OR HER POSSESSION AT ALL TIMES HE OR SHE
2 IS CARRYING A CONCEALED PISTOL.

3 (2) AN INDIVIDUAL WHO IS LICENSED UNDER THIS ACT TO CARRY A
4 CONCEALED PISTOL SHALL SHOW BOTH OF THE FOLLOWING TO A PEACE
5 OFFICER UPON REQUEST BY THAT PEACE OFFICER:

6 (A) HIS OR HER LICENSE TO CARRY A CONCEALED PISTOL.

7 (B) HIS OR HER DRIVER LICENSE OR MICHIGAN PERSONAL IDENTIFI-
8 CATION CARD.

9 (3) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS RESPONSIBLE
10 FOR A STATE CIVIL INFRACTION. IF AN INDIVIDUAL IS FOUND RESPON-
11 SIBLE FOR A CIVIL INFRACTION UNDER THIS SECTION, THE COURT SHALL
12 NOTIFY THE CONCEALED WEAPON LICENSING BOARD THAT ISSUED THE
13 LICENSE OF THAT DETERMINATION.

14 (4) A PISTOL CARRIED IN VIOLATION OF THIS SECTION IS SUBJECT
15 TO SEIZURE BY A PEACE OFFICER WITHOUT PROCESS. IF A PEACE OFFI-
16 CER SEIZES A PISTOL UNDER THIS SUBSECTION, THE INDIVIDUAL HAS 45
17 DAYS IN WHICH TO DISPLAY HIS OR HER LICENSE OR DOCUMENTATION TO
18 AN AUTHORIZED EMPLOYEE OF THE LAW ENFORCEMENT ENTITY THAT EMPLOYS
19 THE PEACE OFFICER. IF THE INDIVIDUAL DISPLAYS HIS OR HER LICENSE
20 OR DOCUMENTATION TO AN AUTHORIZED EMPLOYEE OF THE LAW ENFORCEMENT
21 ENTITY THAT EMPLOYS THE PEACE OFFICER BEFORE THE EXPIRATION OF
22 THE 45-DAY PERIOD, THE AUTHORIZED EMPLOYEE OF THAT LAW ENFORCE-
23 MENT ENTITY SHALL RETURN THE PISTOL TO THE INDIVIDUAL. IF THE
24 INDIVIDUAL DOES NOT DISPLAY HIS OR HER LICENSE OR DOCUMENTATION
25 BEFORE THE EXPIRATION OF THE 45-DAY PERIOD, THE PISTOL IS SUBJECT
26 TO FORFEITURE AS PROVIDED IN SECTION 5G. THIS SUBSECTION DOES
27 NOT APPLY IF BOTH OF THE FOLLOWING CIRCUMSTANCES EXIST:

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24

1 (A) THE INDIVIDUAL HAS HIS OR HER DRIVER LICENSE OR MICHIGAN
2 PERSONAL IDENTIFICATION CARD IN HIS OR HER POSSESSION WHEN THE
3 VIOLATION OCCURS.

4 (B) THE PEACE OFFICER VERIFIES THROUGH THE LAW ENFORCEMENT
5 INFORMATION NETWORK THAT THE INDIVIDUAL IS LICENSED UNDER THIS
6 ACT TO CARRY A CONCEALED PISTOL.

7 SEC. 5G. A PISTOL CARRIED IN VIOLATION OF THIS ACT IS
8 SUBJECT TO SEIZURE AND FORFEITURE IN THE SAME MANNER THAT PROP-
9 erty IS SUBJECT TO SEIZURE AND FORFEITURE UNDER SECTIONS 4701 TO
10 4709 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236,
11 MCL 600.4701 TO 600.4709. THIS SECTION DOES NOT APPLY IF THE
12 VIOLATION IS A STATE CIVIL INFRACTION UNDER SECTION 5F, UNLESS
13 THE INDIVIDUAL FAILS TO PRESENT HIS OR HER LICENSE WITHIN THE
14 45-DAY PERIOD DESCRIBED IN THAT SECTION.

15 SEC. 5H. (1) AN INDIVIDUAL WHO IS LICENSED TO CARRY A CON-
16 CEALED PISTOL ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
17 ADDED THIS SECTION MAY CARRY A CONCEALED PISTOL UNDER THAT
18 LICENSE UNTIL THE LICENSE EXPIRES OR THE INDIVIDUAL'S AUTHORITY
19 TO CARRY A CONCEALED PISTOL UNDER THAT LICENSE IS OTHERWISE TER-
20 MINATED, WHICHEVER OCCURS FIRST.

21 (2) AN INDIVIDUAL WHO IS LICENSED UNDER THIS ACT TO CARRY A
22 CONCEALED PISTOL ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
23 ADDED THIS SECTION MAY APPLY FOR A RENEWAL LICENSE UPON THE EXPI-
24 RATION OF THAT LICENSE AS PROVIDED IN SECTION 5I.

25 SEC. 5I. (1) A PERSON OR ENTITY THAT PROVIDES INSTRUCTION
26 OR TRAINING TO ANOTHER PERSON UNDER SECTION 5B IS IMMUNE FROM

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25

1 CIVIL LIABILITY FOR DAMAGES TO ANY PERSON OR PROPERTY CAUSED BY
2 THE PERSON WHO WAS TRAINED.

3 (2) THIS SECTION DOES NOT APPLY IF THE PERSON OR ENTITY PRO-
4 VIDING THE INSTRUCTION OR TRAINING WAS GROSSLY NEGLIGENT.

5 (3) THIS SECTION IS IN ADDITION TO AND NOT IN LIEU OF IMMUN-
6 NITY OTHERWISE PROVIDED BY LAW.

7 SEC. 5J. (1) A PISTOL TRAINING OR SAFETY PROGRAM DESCRIBED
8 IN SECTION 5B(7)(K) MEETS THE REQUIREMENTS FOR KNOWLEDGE OR
9 TRAINING IN THE SAFE USE AND HANDLING OF A PISTOL ONLY IF ALL OF
10 THE FOLLOWING CONDITIONS ARE MET:

11 (A) THE PROGRAM IS CERTIFIED BY THIS STATE OR A NATIONAL OR
12 STATE FIREARMS TRAINING ORGANIZATION AND PROVIDES INSTRUCTION IN,
13 BUT IS NOT LIMITED TO PROVIDING INSTRUCTION IN, ALL OF THE
14 FOLLOWING:

15 (i) THE SAFE STORAGE, USE, AND HANDLING OF A PISTOL INCLUD-
16 ING, BUT NOT LIMITED TO, SAFE STORAGE, USE, AND HANDLING TO PRO-
17 TECT CHILD SAFETY.

18 (ii) AMMUNITION KNOWLEDGE, AND THE FUNDAMENTALS OF HANDGUN
19 SHOOTING.

20 (iii) HANDGUN SHOOTING POSITIONS.

21 (iv) FIREARMS AND THE LAW, INCLUDING CIVIL LIABILITY
22 ISSUES.

23 (v) AVOIDING CRIMINAL ATTACK AND CONTROLLING A VIOLENT
24 CONFRONTATION.

25 (vi) ALL LAWS THAT APPLY TO CARRYING A CONCEALED PISTOL IN
26 THIS STATE.

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26

1 (*vii*) AT LEAST 8 HOURS OF INSTRUCTION, INCLUDING 3 HOURS OF
2 FIRING RANGE TIME.

3 (B) THE PROGRAM PROVIDES A CERTIFICATE OF COMPLETION THAT
4 STATES THE PROGRAM COMPLIES WITH THE REQUIREMENTS OF THIS SECTION
5 AND THAT IS SIGNED BY THE COURSE INSTRUCTOR.

6 (C) THE INSTRUCTOR OF THE COURSE IS CERTIFIED BY THIS STATE
7 OR A NATIONAL ORGANIZATION TO TEACH THE 8-HOUR PISTOL SAFETY
8 TRAINING COURSE DESCRIBED IN THIS SECTION.

9 (2) A PERSON SHALL NOT DO EITHER OF THE FOLLOWING:

10 (A) GRANT A CERTIFICATE OF COMPLETION DESCRIBED UNDER SUB-
11 SECTION (1)(B) TO AN INDIVIDUAL KNOWING THE INDIVIDUAL DID NOT
12 SATISFACTORILY COMPLETE THE COURSE.

13 (B) PRESENT A CERTIFICATE OF COMPLETION DESCRIBED UNDER SUB-
14 SECTION (1)(B) TO A CONCEALED WEAPON LICENSING BOARD KNOWING THAT
15 THE INDIVIDUAL DID NOT SATISFACTORILY COMPLETE THE COURSE.

16 (3) A PERSON WHO VIOLATES SUBSECTION (2) IS GUILTY OF A
17 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A
18 FINE OF NOT MORE THAN \$2,500.00, OR BOTH.

19 SEC. 5K. (1) ACCEPTANCE OF A LICENSE ISSUED UNDER THIS ACT
20 TO CARRY A CONCEALED PISTOL CONSTITUTES IMPLIED CONSENT TO SUBMIT
21 TO A CHEMICAL ANALYSIS UNDER THIS SECTION.

22 (2) AN INDIVIDUAL SHALL NOT CARRY A CONCEALED PISTOL WHILE
23 HE OR SHE IS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A CON-
24 TROLLED SUBSTANCE OR WHILE HAVING A BODILY ALCOHOL CONTENT PRO-
25 HIBITED UNDER THIS SECTION. A PERSON WHO VIOLATES THIS SECTION
26 IS RESPONSIBLE FOR A STATE CIVIL INFRACTION OR GUILTY OF A CRIME
27 AS FOLLOWS:

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1 (A) IF THE PERSON WAS UNDER THE INFLUENCE OF INTOXICATING
2 LIQUOR OR A CONTROLLED SUBSTANCE OR A COMBINATION OF INTOXICATING
3 LIQUOR AND A CONTROLLED SUBSTANCE, OR HAD A BODILY ALCOHOL CON-
4 TENT OF .10 OR MORE GRAMS PER 100 MILLILITERS OF BLOOD, PER 210
5 LITERS OF BREATH, OR PER 67 MILLILITERS OF URINE, THE INDIVIDUAL
6 IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT
7 MORE THAN 93 DAYS OR \$100.00, OR BOTH. THE COURT SHALL ORDER THE
8 CONCEALED WEAPON LICENSING BOARD THAT ISSUED THE INDIVIDUAL A
9 LICENSE TO CARRY A CONCEALED WEAPON TO PERMANENTLY REVOKE THE
10 LICENSE. THE CONCEALED WEAPON LICENSING BOARD SHALL PERMANENTLY
11 REVOKE THE LICENSE AS ORDERED BY THE COURT.

12 (B) IF THE PERSON HAD A BODILY ALCOHOL CONTENT OF .08 OR
13 MORE BUT LESS THAN .10 GRAMS PER 100 MILLILITERS OF BLOOD, PER
14 210 LITERS OF BREATH, OR PER 67 MILLILITERS OF URINE, THE INDI-
15 VIDUAL IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR
16 NOT MORE THAN 93 DAYS OR \$100.00, OR BOTH. THE COURT MAY ORDER
17 THE CONCEALED WEAPON LICENSING BOARD THAT ISSUED THE INDIVIDUAL A
18 LICENSE TO CARRY A CONCEALED WEAPON TO REVOKE THE LICENSE FOR NOT
19 MORE THAN 3 YEARS. THE CONCEALED WEAPON LICENSING BOARD SHALL
20 REVOKE THE LICENSE AS ORDERED BY THE COURT.

21 (C) IF THE PERSON HAD A BODILY ALCOHOL CONTENT OF .02 OR
22 MORE BUT LESS THAN .08 GRAMS PER 100 MILLILITERS OF BLOOD, PER
23 210 LITERS OF BREATH, OR PER 67 MILLILITERS OF URINE, THE INDI-
24 VIDUAL IS RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE
25 FINED NOT MORE THAN \$100.00. THE COURT MAY ORDER THE CONCEALED
26 WEAPON LICENSING BOARD THAT ISSUED THE INDIVIDUAL THE LICENSE TO
27 REVOKE THE LICENSE FOR 1 YEAR. THE CONCEALED WEAPON LICENSING

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28

1 BOARD SHALL REVOKE THE LICENSE AS ORDERED BY THE COURT. THE
2 COURT SHALL NOTIFY THE CONCEALED WEAPON LICENSING BOARD THAT
3 ISSUED THE INDIVIDUAL A LICENSE TO CARRY A CONCEALED WEAPON THAT
4 THE INDIVIDUAL IS FOUND RESPONSIBLE FOR A SUBSEQUENT VIOLATION OF
5 THIS SUBDIVISION.

6 (3) THIS SECTION DOES NOT PROHIBIT AN INDIVIDUAL LICENSED
7 UNDER THIS ACT TO CARRY A CONCEALED PISTOL WHO HAS ANY BODILY
8 ALCOHOL CONTENT FROM TRANSPORTING THAT PISTOL IN THE LOCKED TRUNK
9 OF HIS OR HER MOTOR VEHICLE OR, IF THE VEHICLE DOES NOT HAVE A
10 TRUNK, FROM TRANSPORTING THAT PISTOL UNLOADED IN A LOCKED COM-
11 PARTMENT OR CONTAINER THAT IS SEPARATED FROM THE AMMUNITION FOR
12 THAT PISTOL.

13 (4) A PEACE OFFICER WHO HAS PROBABLE CAUSE TO BELIEVE AN
14 INDIVIDUAL IS CARRYING A CONCEALED PISTOL IN VIOLATION OF THIS
15 SECTION MAY REQUIRE THE INDIVIDUAL TO SUBMIT TO A CHEMICAL ANALY-
16 SIS OF HIS OR HER BREATH, BLOOD, OR URINE.

17 (5) BEFORE AN INDIVIDUAL IS REQUIRED TO SUBMIT TO A CHEMICAL
18 ANALYSIS UNDER SUBSECTION (4), THE PEACE OFFICER SHALL INFORM THE
19 INDIVIDUAL OF ALL OF THE FOLLOWING:

20 (A) THE INDIVIDUAL MAY REFUSE TO SUBMIT TO THE CHEMICAL
21 ANALYSIS, BUT IF HE OR SHE CHOOSES TO DO SO, ALL OF THE FOLLOWING
22 APPLY:

23 (i) THE OFFICER MAY OBTAIN A COURT ORDER REQUIRING THE INDI-
24 VIDUAL TO SUBMIT TO A CHEMICAL ANALYSIS.

25 (ii) THE REFUSAL MAY RESULT IN HIS OR HER LICENSE TO CARRY A
26 CONCEALED PISTOL BEING SUSPENDED OR REVOKED.

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1 (B) IF THE INDIVIDUAL SUBMITS TO THE CHEMICAL ANALYSIS, HE
2 OR SHE MAY OBTAIN A CHEMICAL ANALYSIS DESCRIBED IN SUBSECTION (4)
3 FROM A PERSON OF HIS OR HER OWN CHOOSING.

4 (6) THE COLLECTION AND TESTING OF BREATH, BLOOD, AND URINE
5 SPECIMENS UNDER THIS SECTION SHALL BE CONDUCTED IN THE SAME
6 MANNER THAT BREATH, BLOOD, AND URINE SPECIMENS ARE COLLECTED AND
7 TESTED FOR ALCOHOL- AND CONTROLLED-SUBSTANCE-RELATED DRIVING VIO-
8 LATIONS UNDER THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1
9 TO 257.923.

10 (7) IF A PERSON REFUSES TO TAKE A CHEMICAL TEST AUTHORIZED
11 UNDER THIS SECTION, THE PEACE OFFICER SHALL PROMPTLY REPORT THE
12 REFUSAL IN WRITING TO THE CONCEALED WEAPON LICENSING BOARD THAT
13 ISSUED THE LICENSE TO THE INDIVIDUAL TO CARRY A CONCEALED
14 PISTOL.

15 (8) IF A PERSON TAKES A CHEMICAL TEST AUTHORIZED UNDER THIS
16 SECTION AND THE TEST RESULTS INDICATE THAT THE INDIVIDUAL HAD ANY
17 BODILY ALCOHOL CONTENT WHILE CARRYING A CONCEALED PISTOL, THE
18 PEACE OFFICER SHALL PROMPTLY REPORT THE VIOLATION IN WRITING TO
19 THE CONCEALED WEAPON LICENSING BOARD THAT ISSUED THE LICENSE TO
20 THE INDIVIDUAL TO CARRY A CONCEALED PISTOL.

21 (9) AS USED IN THIS SECTION:

22 (A) "CONTROLLED SUBSTANCE" MEANS THAT TERM AS DEFINED IN
23 SECTION 7104 OF THE PUBLIC HEALTH CODE, 1978 PA 368,
24 MCL 333.7401.

25 (B) "INTOXICATING LIQUOR" MEANS ALCOHOLIC LIQUOR AS DEFINED
26 IN SECTION 105 OF THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998
27 PA 58, MCL 436.1105.

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1 SEC. 51. (1) A LICENSE TO CARRY A CONCEALED PISTOL IS VALID
2 FOR 5 YEARS, AND MAY BE RENEWED IN THE SAME MANNER AS THE ORIGI-
3 NAL LICENSE WAS RECEIVED, EXCEPT AS FOLLOWS:

4 (A) THE RENEWAL FEE IS \$35.00. THE FEE SHALL BE PAYABLE TO
5 THE COUNTY. THE COUNTY TREASURER SHALL DEPOSIT THE FEE IN THE
6 GENERAL FUND OF THE COUNTY.

7 (B) FOR AN INDIVIDUAL LICENSED ON OR AFTER SEPTEMBER 30,
8 1999, THE EDUCATIONAL REQUIREMENTS OF SECTION 5B(7)(K) ARE WAIVED
9 EXCEPT THAT THE APPLICANT SHALL PRESENT A STATEMENT SIGNED BY THE
10 APPLICANT CERTIFYING THAT HE OR SHE HAS COMPLETED NOT LESS THAN 3
11 HOURS OF REVIEW OF THE TRAINING DESCRIBED UNDER SECTION 5B(7)(K)
12 SINCE RECEIVING HIS OR HER LICENSE, AND THAT TRAINING INCLUDED
13 FIRING RANGE TIME IN THE 6 MONTHS IMMEDIATELY PRECEDING HIS OR
14 HER RENEWAL APPLICATION. FOR AN INDIVIDUAL LICENSED BEFORE
15 SEPTEMBER 30, 1999 APPLYING FOR THE FIRST TIME UNDER THIS SECTION
16 TO RENEW HIS OR HER LICENSE TO CARRY A CONCEALED WEAPON, THE EDU-
17 CATIONAL REQUIREMENTS OF SECTION 5B(7)(1) ARE NOT WAIVED.

18 (2) AN INDIVIDUAL LICENSED TO CARRY A CONCEALED PISTOL UNDER
19 THIS ACT ON SEPTEMBER 30, 1999 IS ELIGIBLE FOR A RENEWAL LICENSE
20 AT THE FEE PROVIDED FOR UNDER THIS SECTION. THIS SUBSECTION
21 APPLIES REGARDLESS OF WHETHER THE LICENSE ISSUED BEFORE SEPTEMBER
22 30, 1999 WAS RESTRICTED.

23 SEC. 5M. A PROSECUTING ATTORNEY SHALL PROMPTLY NOTIFY THE
24 COUNTY CONCEALED WEAPON LICENSING BOARD THAT ISSUED THE LICENSE
25 OF A CRIMINAL CHARGE AGAINST A LICENSE HOLDER FOR A FELONY OR
26 SPECIFIED CRIMINAL OFFENSE, AS DEFINED IN THIS ACT. THE
27 PROSECUTING ATTORNEY SHALL PROMPTLY NOTIFY THE COUNTY CONCEALED

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1 WEAPON LICENSING BOARD THAT ISSUED THE LICENSE OF THE DISPOSITION
2 OF THE CRIMINAL CHARGE. IF A LICENSE HOLDER IS CONVICTED OF A
3 CRIME, THE PROSECUTING ATTORNEY'S NOTIFICATION SHALL INDICATE IF
4 THE CRIME INVOLVED THE BRANDISHING OR USE OF A PISTOL, IF A
5 PISTOL WAS CARRIED BY THE LICENSE HOLDER DURING THE COMMISSION OF
6 THE CRIME, OR IF NO PISTOL WAS CARRIED BY THE LICENSE HOLDER
7 DURING THE COMMISSION OF THE CRIME. THE STATE POLICE SHALL PRO-
8 VIDE A FORM FOR REPORTING PURPOSES. EACH YEAR BY A DATE DETER-
9 MINED BY THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE, THE
10 CHAIRPERSON OF THE COUNTY CONCEALED WEAPON LICENSING BOARD SHALL
11 COMPILE AND PROVIDE A REPORT TO THE DEPARTMENT OF STATE POLICE IN
12 A FORMAT DETERMINED BY THE DIRECTOR OF THE DEPARTMENT OF STATE
13 POLICE CONTAINING THE INFORMATION PROVIDED TO THE CONCEALED
14 WEAPON LICENSING BOARD UNDER THIS SECTION, SECTION 5F(3), OR SEC-
15 TION 5K(7) OR (8).

16 SEC. 5N. AN EMPLOYER SHALL NOT PROHIBIT AN EMPLOYEE FROM
17 DOING EITHER OF THE FOLLOWING:

18 (A) APPLYING FOR OR RECEIVING A LICENSE TO CARRY A CONCEALED
19 PISTOL UNDER THIS ACT.

20 (B) CARRYING A CONCEALED PISTOL IN COMPLIANCE WITH A LICENSE
21 ISSUED UNDER THIS ACT. THIS SUBDIVISION DOES NOT PROHIBIT AN
22 EMPLOYER FROM PROHIBITING AN EMPLOYEE FROM CARRYING A CONCEALED
23 PISTOL IN THE COURSE OF HIS OR HER EMPLOYMENT WITH THAT EMPLOYER.

24 SEC. 5O. (1) AN INDIVIDUAL LICENSED UNDER THIS ACT TO CARRY
25 A CONCEALED PISTOL SHALL NOT CARRY A CONCEALED PISTOL ON THE
26 PREMISES OF ANY OF THE FOLLOWING IF THE OWNER OR LESSEE OF THAT

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1 PREMISES HAS PROPERLY POSTED THAT PREMISES AS PROVIDED IN

2 SUBSECTION (2):

3 (A) A CHURCH OR OTHER HOUSE OF RELIGIOUS WORSHIP.

4 (B) A BUILDING OR PART OF A BUILDING OWNED OR LEASED BY THIS
5 STATE OR A LOCAL UNIT OF GOVERNMENT OF THIS STATE.

6 (C) A THEATER.

7 (D) A SPORTS ARENA.

8 (E) A [PUBLIC OR PRIVATE DAY CARE CENTER, PUBLIC OR PRIVATE
CHILD CARING AGENCY, OR PUBLIC OR PRIVATE CHILD PLACING AGENCY.]

9 (F) A HOSPITAL.

10 (G) AN ESTABLISHMENT LICENSED UNDER THE MICHIGAN LIQUOR CON-
11 TROL CODE OF 1998, 1998 PA 58, MCL 436.1101 TO 436.2303, IN WHICH
12 60% OR MORE OF THE TOTAL REVENUE IS FROM THE SALE OF ALCOHOLIC
13 LIQUOR AS FOLLOWS:

14 (i) IF THE ESTABLISHMENT HAS A SEGREGATED AREA FROM WHICH
15 60% OR MORE OF THE TOTAL REVENUE OF THE ESTABLISHMENT IS MADE
16 FROM THE SALE OF ALCOHOLIC LIQUOR, THAT SEGREGATED AREA.

17 (ii) IF THE ESTABLISHMENT DOES NOT HAVE A SEGREGATED AREA AS
18 PROVIDED IN SUBPARAGRAPH (i) THE ESTABLISHMENT.

19 (H) A SCHOOL. AS USED IN THIS SUBDIVISION, "SCHOOL" MEANS
20 THAT TERM AS DEFINED IN SECTION 235A(4)(B) OF THE MICHIGAN PENAL
21 CODE, 1931 PA 328, MCL 750.235A.

[(I) A LIBRARY.]

22 (2) A PREMISES DESCRIBED IN SUBSECTION (1) MAY BE POSTED BY
23 PLACING A SIGN IN A CONSPICUOUS LOCATION AT EACH PUBLIC ENTRANCE
24 TO THE PREMISES OR, FOR A SEGREGATED AREA DESCRIBED IN SUBSECTION
25 (1)(F)(i), AT EACH PUBLIC ENTRANCE TO THAT SEGREGATED AREA. A
26 SIGN POSTED UNDER THIS SECTION SHALL CONTAIN THE FOLLOWING

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1 STATEMENT IN LEGIBLE ENGLISH WITH LETTERS NOT LESS THAN 2 INCHES
2 HIGH: "NO CONCEALED WEAPONS ALLOWED".

3 (3) AN INDIVIDUAL LICENSED UNDER THIS ACT TO CARRY A CON-
4 CEALED PISTOL WHO CARRIES A CONCEALED PISTOL ONTO PREMISES PROP-
5 ERLY POSTED UNDER THIS SECTION IS GUILTY OF A CRIME AS FOLLOWS:

6 (A) EXCEPT AS PROVIDED IN SUBDIVISIONS (B) AND (C), THE
7 PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR
8 NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE THAN \$100.00, OR
9 BOTH.

10 (B) FOR A SECOND CONVICTION FOR VIOLATING THIS SECTION, THE
11 PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR
12 NOT MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN \$500.00, OR
13 BOTH.

14 (C) FOR A THIRD OR SUBSEQUENT CONVICTION FOR VIOLATING THIS
15 SECTION, THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISON-
16 MENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN
17 \$2,500.00, OR BOTH.

18 (4) AS USED IN THIS SECTION, "ALCOHOLIC LIQUOR" MEANS THAT
19 TERM AS DEFINED IN SECTION 105 OF THE MICHIGAN LIQUOR CONTROL
20 CODE OF 1998, 1998 PA 58, MCL 436.1105.

21 Sec. 8. (1) The CONCEALED WEAPON licensing board ~~herein~~
22 ~~created by section 6~~ THAT ISSUED A LICENSE TO AN APPLICANT TO
23 CARRY A CONCEALED PISTOL may revoke ~~any~~ THAT license ~~issued by~~
24 ~~it upon receiving a certificate of any magistrate showing that~~
25 ~~such licensee has been convicted of violating any of the provi-~~
26 ~~sions of this act, or has been convicted of a felony. Such~~
27 ~~license may also be revoked whenever in the judgment of said~~

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1 ~~board the reason for granting such license shall have ceased to~~
2 ~~exist, or whenever said board shall for any reasonable cause~~
3 ~~determine said licensee to be an unfit person to carry a pistol~~
4 ~~concealed upon his person. No such~~ IF THE BOARD DETERMINES THAT
5 THE INDIVIDUAL COMMITTED ANY VIOLATION OF THIS ACT OTHER THAN A
6 VIOLATION OF SECTION 5F(3) OR IF THE BOARD DETERMINES THAT THE
7 INDIVIDUAL IS NOT ELIGIBLE UNDER THIS ACT TO RECEIVE A LICENSE TO
8 CARRY A CONCEALED PISTOL. IF THE BOARD DETERMINES THE INDIVIDUAL
9 HAS BEEN FOUND RESPONSIBLE FOR 3 OR MORE STATE CIVIL INFRACTION
10 VIOLATIONS OF THIS ACT DURING THE LICENSE PERIOD, THE BOARD SHALL
11 CONDUCT A HEARING AND MAY SUSPEND THE INDIVIDUAL'S LICENSE FOR
12 NOT MORE THAN 1 YEAR.

13 (2) ~~A~~ EXCEPT AS PROVIDED IN SUBSECTION (3), A license
14 shall NOT be revoked UNDER THIS SECTION except upon written com-
15 plaint and ~~then only after~~ AN OPPORTUNITY FOR a hearing ~~by~~
16 ~~said~~ BEFORE THE board. ~~, of which~~ THE BOARD SHALL GIVE THE
17 INDIVIDUAL at least ~~7~~ 10 days' notice ~~shall be given to the~~
18 ~~licensee either~~ OF A HEARING UNDER THIS SECTION. THE NOTICE
19 SHALL BE by personal service or by ~~registered~~ CERTIFIED mail
20 DELIVERED to ~~his~~ THE INDIVIDUAL'S last known address.

21 (3) IF THE CONCEALED WEAPON LICENSING BOARD IS NOTIFIED
22 UNDER SECTION 5M THAT AN INDIVIDUAL LICENSED TO CARRY A CONCEALED
23 WEAPON IS CHARGED WITH A FELONY OR SPECIFIED CRIMINAL OFFENSE AS
24 DEFINED IN THIS ACT, THE CONCEALED WEAPON LICENSING BOARD SHALL
25 IMMEDIATELY SUSPEND THE INDIVIDUAL'S LICENSE UNTIL THERE IS A
26 FINAL DISPOSITION OF THE CHARGE FOR THAT OFFENSE AND SEND NOTICE
27 OF THAT SUSPENSION TO THE INDIVIDUAL'S LAST KNOWN ADDRESS AS

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1 INDICATED IN THE RECORDS OF THE CONCEALED WEAPON LICENSING
2 BOARD. THE NOTICE SHALL INFORM THE INDIVIDUAL THAT HE OR SHE IS
3 ENTITLED TO A PROMPT HEARING ON THE SUSPENSION, AND THE CONCEALED
4 WEAPON LICENSING BOARD SHALL CONDUCT A PROMPT HEARING IF
5 REQUESTED IN WRITING BY THE INDIVIDUAL. THE REQUIREMENTS OF SUB-
6 SECTION (2) DO NOT APPLY TO THIS SUBSECTION.

7 (4) The clerk of ~~said~~ THE CONCEALED WEAPON licensing board
8 is ~~hereby~~ authorized to administer an oath to any ~~person~~
9 INDIVIDUAL testifying before ~~such~~ THE board at ~~any such~~ A
10 hearing UNDER THIS SECTION.

11 Sec. 12. Sections 2 and 9 do not apply to ~~a duly~~
12 ~~authorized~~ ANY OF THE FOLLOWING:

13 (A) A police or correctional agency of the United States or
14 of ~~the~~ THIS state or any subdivision ~~thereof, nor to the~~ OF
15 THIS STATE.

16 (B) THE UNITED STATES army, air force, navy, or marine
17 corps. ~~of the United States, nor to organizations~~

18 (C) AN ORGANIZATION authorized by law to purchase or receive
19 weapons from the United States or from this state. ~~, nor to the~~

20 (D) THE national guard, armed forces reserves, or other duly
21 authorized military ~~organizations, or to members of the above~~
22 ~~agencies or organizations for weapons used for the purposes of or~~
23 ~~incidental to such agencies or organizations, nor to a person~~
24 ORGANIZATION.

25 (E) A MEMBER OF AN ENTITY OR ORGANIZATION DESCRIBED IN
26 SUBDIVISIONS (A) TO (D) FOR A PISTOL WHILE ENGAGED IN THE COURSE

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1 OF HIS OR HER DUTIES WITH THAT ENTITY OR WHILE GOING TO OR
2 RETURNING FROM THOSE DUTIES.

3 (F) A UNITED STATES CITIZEN holding a license to carry a
4 pistol concealed upon his OR HER person issued by another state.
5 ~~, nor to the~~

6 (G) THE regular and ordinary transportation of ~~pistols~~ A
7 PISTOL as merchandise by AN authorized ~~agents~~ AGENT of ~~any~~ A
8 person licensed to manufacture firearms OR A LICENSED DEALER.

9 Sec. 12a. ~~Section 6 does~~ THE REQUIREMENTS OF THIS ACT FOR
10 OBTAINING A LICENSE TO CARRY A CONCEALED PISTOL DO not apply to
11 ANY OF THE FOLLOWING:

12 (a) A peace officer of a duly authorized police agency of
13 the United States or of this state or a political subdivision of
14 this state, who is regularly employed and paid by the United
15 States or this state or a subdivision of this state, except ~~that~~
16 ~~section 6 does apply to~~ a township constable.

17 (b) A constable who is trained and certified ~~pursuant to~~
18 ~~Act No. 203 of the Public Acts of 1965, as amended, being sec-~~
19 ~~tions 28.601 to 28.616 of the Michigan Compiled Laws, who is~~
20 UNDER THE COMMISSION ON LAW ENFORCEMENT STANDARDS ACT, 1965
21 PA 203, MCL 28.601 TO 28.616, WHILE engaged in his or her offi-
22 cial duties or going to or coming from his or her official
23 duties, and who is regularly employed and paid by a political
24 subdivision of this state.

25 (c) A person regularly employed by the department of correc-
26 tions and authorized in writing by the director of the department
27 of corrections to carry a concealed ~~weapon concealed~~ PISTOL

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1 during the performance of his or her duties or while going to or
2 returning from his or her duties.

3 (d) A member of the UNITED STATES army, air force, navy, or
4 marine corps ~~of the United States~~ while carrying a ~~weapon~~
5 CONCEALED PISTOL in THE line of duty.

6 (e) A member of the national guard, armed forces reserves,
7 or other duly authorized military organization while on duty or
8 drill or while going to or returning from his or her place of
9 assembly or practice or while carrying a ~~weapon used~~ CONCEALED
10 PISTOL for purposes of ~~a~~ THAT military organization.

11 (f) A ~~person~~ RESIDENT OF ANOTHER STATE WHO IS licensed BY
12 ANOTHER STATE to carry a CONCEALED pistol. ~~concealed upon his or~~
13 ~~her person issued by another state.~~

14 (g) The regular and ordinary transportation of a pistol as
15 merchandise by an authorized agent of a person licensed to manu-
16 facture firearms.

17 (h) A person while carrying a pistol unloaded in a wrapper
18 or container in the trunk of his or her vehicle OR, IF THE VEHI-
19 CLE DOES NOT HAVE A TRUNK, FROM TRANSPORTING THAT PISTOL UNLOADED
20 IN A LOCKED COMPARTMENT OR CONTAINER THAT IS SEPARATED FROM THE
21 AMMUNITION FOR THAT PISTOL from the place of purchase to his or
22 her home or place of business or to a place of repair or back to
23 his or her home or place of business, or in moving goods from 1
24 place of abode or business to another place of abode or
25 business.

26 Sec. 14. (1) ~~All pistols, weapons or devices~~ EXCEPT AS
27 PROVIDED IN SUBSECTION (2), A PISTOL, WEAPON, OR DEVICE carried

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1 or possessed ~~contrary to~~ IN VIOLATION OF this act ~~are hereby~~
2 ~~declared~~ IS forfeited to the state ~~,~~ and shall be turned over
3 to the ~~commissioner~~ DIRECTOR of the ~~Michigan~~ DEPARTMENT OF
4 state police or his OR HER designated representative, for ~~such~~
5 disposition as ~~said commissioner may prescribe~~ THE DIRECTOR OF
6 THE DEPARTMENT OF STATE POLICE PRESCRIBES.

7 (2) A CONCEALED PISTOL CARRIED IN VIOLATION OF THIS ACT BY
8 AN INDIVIDUAL LICENSED UNDER SECTION 5B TO CARRY A CONCEALED
9 PISTOL IS SUBJECT TO SEIZURE AND FORFEITURE UNDER SECTION 5G.

10 Enacting section 1. Sections 3, 6, 9d, and 12c of 1927
11 PA 372, MCL 28.423, 28.426, 28.429d, and 28.432c, are repealed.

12 Enacting section 2. This amendatory act takes effect
13 September 30, 1999.