

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 4530

(As amended May 26, 1999)

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, and 14 (MCL 28.421, 28.428, and 28.434), the title as amended by 1990 PA 320 and section 1 as amended by 1992 PA 219, and by adding sections 5, 5b, 5c, 5d, 5e, 5f, 5h, 5i, 5j, 5k, 5l, 5n, 5o, 5p, 5q, 5u and 5w.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

TITLE

2

An act to regulate and license the selling, purchasing,

3

possessing, and carrying of certain firearms and gas ejecting

4

devices; to prohibit the buying, selling, or carrying of certain

HB 4530, As Passed Senate, May 26, 1999

House Bill No. 4530

2

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

13 Sec. 1. As used in this act:

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

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

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

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

26 SEC. 5. (1) COUNTY SHERIFFS, LOCAL LAW ENFORCEMENT
27 AGENCIES, AND COUNTY CLERKS SHALL PROVIDE CONCEALED WEAPON

HB 4530, As Passed Senate, May 26, 1999

House Bill No. 4530 as amended May 26, 1999

3

1 APPLICATION KITS DURING NORMAL BUSINESS HOURS TO INDIVIDUALS WHO
2 WISH TO APPLY FOR LICENSES TO CARRY CONCEALED PISTOLS. EACH KIT
3 SHALL ONLY CONTAIN ALL OF THE FOLLOWING:

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

6 (B) THE FINGERPRINT CARDS REQUIRED UNDER SECTION 5D.

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

11 (D) WRITTEN INFORMATION IDENTIFYING ENTITIES THAT OFFER THE
12 TRAINING REQUIRED UNDER SECTION 5C.

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

16 (3) AN INDIVIDUAL WHO IS DENIED AN APPLICATION KIT UNDER
17 THIS SECTION AND OBTAINS AN ORDER OF MANDAMUS DIRECTING THE
18 COUNTY SHERIFF, LOCAL LAW ENFORCEMENT AGENCY, OR COUNTY CLERK TO
19 PROVIDE HIM OR HER WITH THE APPLICATION KIT SHALL BE AWARDED HIS
20 OR HER ACTUAL AND REASONABLE COSTS AND ATTORNEY FEES FOR OBTAIN-
21 ING THE ORDER.

22 (4) THE DEPARTMENT OF STATE POLICE SHALL PROVIDE THE APPLI-
23 CATION KITS REQUIRED UNDER THIS SECTION TO COUNTY SHERIFFS, LOCAL
24 LAW ENFORCEMENT AGENCIES, AND COUNTY CLERKS IN SUFFICIENT QUANTI-
25 TIES TO MEET DEMAND. THE DEPARTMENT OF STATE POLICE SHALL NOT
26 CHARGE A FEE FOR THE KITS.

HB 4530, As Passed Senate, May 26, 1999

House Bill No. 4530

4

1 SEC. 5B. (1) TO OBTAIN A LICENSE TO CARRY A CONCEALED
2 PISTOL, AN INDIVIDUAL SHALL APPLY TO THE CONCEALED WEAPON
3 LICENSING BOARD IN THE COUNTY IN WHICH THAT INDIVIDUAL HAS
4 RESIDED FOR 60 DAYS OR MORE OR, IF HE OR SHE HAS RESIDED FOR 60
5 DAYS OR MORE IN A COUNTY THAT HAS A CHARTER, AN OPTIONAL UNIFIED
6 FORM OF COUNTY GOVERNMENT, OR A POPULATION OF MORE THAN 700,000
7 INDIVIDUALS, IN THAT COUNTY OR IN A COUNTY CONTIGUOUS TO THAT
8 COUNTY. THE APPLICATION SHALL BE FILED WITH THE COUNTY CLERK AS
9 CLERK OF THE CONCEALED WEAPON LICENSING BOARD DURING THE COUNTY
10 CLERK'S NORMAL BUSINESS HOURS. THE APPLICATION SHALL BE ON A
11 FORM PROVIDED BY THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE
12 AND SHALL ALLOW THE APPLICANT TO DESIGNATE WHETHER THE APPLICANT
13 SEEKS A TEMPORARY LICENSE PENDING ISSUANCE OF A REGULAR LICENSE.
14 THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE SHALL PROVIDE THE
15 APPLICATION FORMS REQUIRED UNDER THIS SECTION. THE APPLICATION
16 SHALL BE SIGNED UNDER OATH BY THE APPLICANT. THE OATH SHALL BE
17 ADMINISTERED BY THE COUNTY CLERK OR HIS OR HER REPRESENTATIVE.
18 THE CONCEALED WEAPON LICENSING BOARD SHALL NOT ISSUE A LICENSE TO
19 CARRY A CONCEALED PISTOL TO THE APPLICANT IF THE APPLICATION IS
20 NOT PROPERLY SIGNED UNDER THIS SUBSECTION. THE APPLICATION SHALL
21 CONTAIN ALL OF THE FOLLOWING INFORMATION:

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

HB 4530, As Passed Senate, May 26, 1999

House Bill No. 4530 as amended May 26, 1999

5

1 (B) A STATEMENT BY THE APPLICANT THAT THE APPLICANT MEETS
2 THE CRITERIA FOR A LICENSE UNDER THIS ACT TO CARRY A CONCEALED
3 PISTOL.

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

8 (D) A STATEMENT BY THE APPLICANT REGARDING WHETHER HE OR SHE
9 HAS A HISTORY OF MENTAL ILLNESS THAT WOULD DISQUALIFY HIM OR HER
10 UNDER SECTION 5C(1)(H) TO (K) FROM RECEIVING A LICENSE TO CARRY A
11 CONCEALED PISTOL, AND GRANTING AUTHORITY TO THE CONCEALED WEAPON
12 LICENSING BOARD TO ACCESS THE MENTAL HEALTH RECORDS OF THE APPLI-
13 CANT RELATING TO HIS OR HER MENTAL HEALTH HISTORY. THE APPLICANT
14 MAY REQUEST THAT INFORMATION RECEIVED BY THE CONCEALED WEAPON
15 LICENSING BOARD UNDER THIS SUBDIVISION BE REVIEWED IN A CLOSED
16 SESSION. IF THE APPLICANT REQUESTS THAT THE SESSION BE CLOSED,
17 THE CONCEALED WEAPON LICENSING BOARD SHALL CLOSE THE SESSION ONLY
18 FOR PURPOSES OF THIS SUBDIVISION. THE APPLICANT AND HIS OR HER
19 REPRESENTATIVE HAVE THE RIGHT TO BE PRESENT IN THE CLOSED
20 SESSION. INFORMATION RECEIVED BY THE CONCEALED WEAPON LICENSING
21 BOARD UNDER THIS SUBDIVISION IS CONFIDENTIAL AND SHALL NOT BE
22 DISCLOSED TO ANY PERSON EXCEPT FOR PURPOSES OF THIS ACT.

23 (E) A STATEMENT BY THE APPLICANT REGARDING WHETHER HE OR SHE
24 HAS EVER BEEN CONVICTED IN THIS STATE OR ELSEWHERE FOR ANY FELONY OR
25 ASSAULTIVE CRIME.

26 (F) A STATEMENT BY THE APPLICANT WHETHER HE OR SHE IS
27 DISHONORABLY DISCHARGED FROM THE UNITED STATES ARMED FORCES.

HB 4530, As Passed Senate, May 26, 1999

House Bill No. 4530 as amended May 26, 1999

6

1 (G) IF THE APPLICANT SEEKS A TEMPORARY LICENSE PENDING
2 ISSUANCE OF A REGULAR LICENSE, THE FACTS SUPPORTING THE ISSUANCE
3 OF THAT TEMPORARY LICENSE.

4 (H) A STATEMENT SETTING FORTH THE NAMES, RESIDENTIAL
5 ADDRESSES, AND TELEPHONE NUMBERS OF 2 INDIVIDUALS WHO ARE REFER-
6 ENCES FOR THE APPLICANT.

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

12 (3) THE APPLICANT SHALL PROVIDE A PASSPORT-QUALITY PHOTO-
13 GRAPH OF HIMSELF OR HERSELF TO THE CONCEALED WEAPON LICENSING
14 BOARD AT THE TIME HE OR SHE SUBMITS HIS OR HER APPLICATION TO THE
15 CONCEALED WEAPON LICENSING BOARD.

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

20 (5) THE CONCEALED WEAPON LICENSING BOARD SHALL RETAIN A COPY
21 OF EACH APPLICATION FOR A LICENSE TO CARRY A CONCEALED PISTOL AS
22 AN OFFICIAL RECORD.

23 (6) EACH APPLICANT SHALL PAY A FEE OF \$55.00 BY ANY METHOD
24 OF PAYMENT ACCEPTED BY THAT COUNTY FOR PAYMENTS OF OTHER FEES
25 AND PENALTIES , PLUS AN ADDITIONAL ASSESS-
26 MENT OF \$5.00 FOR DEPOSIT IN THE CONCEALED WEAPON ENFORCEMENT
27 FUND UNDER SECTION 5V AT THE TIME OF FILING AN APPLICATION UNDER

HB 4530, As Passed Senate, May 26, 1999

House Bill No. 4530

7

1 THIS SECTION. A UNIT OF LOCAL GOVERNMENT, AN AGENCY OF A UNIT OF
2 LOCAL GOVERNMENT, OR AN AGENCY OR DEPARTMENT OF THIS STATE SHALL
3 NOT CHARGE AN ADDITIONAL FEE, ASSESSMENT, OR OTHER AMOUNT IN CON-
4 NECTION WITH A LICENSE UNDER THIS SECTION, OTHER THAN THE FINGER-
5 PRINT FEE PROVIDED FOR IN THIS ACT. THE FEE AND ASSESSMENT SHALL
6 BE PAYABLE TO THE COUNTY. THE COUNTY TREASURER SHALL DEPOSIT
7 \$10.00 OF EACH FEE COLLECTED UNDER THIS SECTION IN THE GENERAL
8 FUND OF THE COUNTY TO THE CREDIT OF THE COUNTY CLERK AND FORWARD
9 THE BALANCE TO THE STATE TREASURER. THE STATE TREASURER SHALL
10 DEPOSIT THE BALANCE OF THE FEE IN THE GENERAL FUND TO THE CREDIT
11 OF THE DEPARTMENT OF STATE POLICE. THE STATE TREASURER SHALL
12 DEPOSIT THE ASSESSMENT IN THE CONCEALED WEAPON ENFORCEMENT FUND
13 CREATED IN SECTION 5V. EACH COUNTY SHALL REPORT TO THE SENATE
14 AND HOUSE FISCAL AGENCIES BY OCTOBER 1 OF EACH YEAR ITS COSTS PER
15 APPLICANT TO IMPLEMENT THIS SECTION.

16 (7) THE COUNTY SHERIFF ON BEHALF OF THE CONCEALED WEAPON
17 LICENSING BOARD SHALL VERIFY THE REQUIREMENTS OF SECTION 5C(1)(C)
18 TO (K) THROUGH THE LAW ENFORCEMENT INFORMATION NETWORK AND REPORT
19 HIS OR HER FINDING TO THE CONCEALED WEAPON LICENSING BOARD. IF
20 THE APPLICANT RESIDES IN A CITY, VILLAGE, OR TOWNSHIP THAT HAS A
21 POLICE DEPARTMENT, THE CONCEALED WEAPON LICENSING BOARD SHALL
22 CONTACT THAT CITY, VILLAGE, OR TOWNSHIP POLICE DEPARTMENT TO
23 DETERMINE ONLY WHETHER THAT CITY, VILLAGE, OR TOWNSHIP POLICE
24 DEPARTMENT HAS ANY INFORMATION RELEVANT TO THE INVESTIGATION OF
25 WHETHER THE APPLICANT IS ELIGIBLE UNDER THIS ACT TO RECEIVE A
26 LICENSE TO CARRY A CONCEALED PISTOL.

HB 4530, As Passed Senate, May 26, 1999

House Bill No. 4530 as amended May 26, 1999

8

1 SEC. 5C. (1) AN INDIVIDUAL IS NOT ELIGIBLE FOR A LICENSE TO
2 CARRY A CONCEALED PISTOL IF ANY OF THE FOLLOWING APPLY:

3 (A) THE APPLICANT IS LESS THAN 21 YEARS OF AGE.

4 (B) THE APPLICANT IS NOT A UNITED STATES CITIZEN OR A RESI-
5 DENT LEGAL ALIEN UNDER THE UNITED STATES CODE.

6 (C) THE APPLICANT IS THE SUBJECT OF AN ORDER OR DISPOSITION
7 UNDER ANY OF THE FOLLOWING:

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

10 (ii) SECTION 444A OF THE REVISED PROBATE CODE, 1978 PA 642,
11 MCL 700.444A, OR SECTION 5107 OF THE ESTATES AND PROTECTED INDI-
12 VIDUALS CODE, 1998 PA 386, MCL 700.5107.

13 (iii) SECTION 6B OF CHAPTER V OF THE CODE OF CRIMINAL PROCE-
14 DURE, 1927 PA 175, MCL 765.6B, IF THE ORDER HAS A CONDITION
15 IMPOSED PURSUANT TO SECTION 6B(3) OF CHAPTER V OF THE CODE OF
16 CRIMINAL PROCEDURE, 1927 PA 175, MCL 765.6B.

17 (iv) SECTION 16B OF CHAPTER IX OF THE CODE OF CRIMINAL PRO-
18 CEDURE, 1927 PA 175, MCL 769.16B.

19 (v) SECTION 2950 OR 2950A OF THE REVISED JUDICATURE ACT OF
1961, 1961 PA 236, MCL 600.2950 AND 600.2950A.

20 (D) THE APPLICANT IS PROHIBITED FROM POSSESSING, USING,
21 TRANSPORTING, SELLING, PURCHASING, CARRYING, SHIPPING, RECEIVING,
22 OR DISTRIBUTING A FIREARM UNDER SECTION 224F OF THE MICHIGAN
23 PENAL CODE, 1931 PA 328, MCL 750.224F, OR FROM POSSESSING OR CAR-
24 RRYING A FIREARM UNDER FEDERAL LAW.

25 (E) THE APPLICANT HAS BEEN CONVICTED OF A FELONY OR A FELONY
26 CHARGE AGAINST THE APPLICANT IS PENDING AT THE TIME HE OR SHE
APPLIES FOR A LICENSE.

- 1 (F) THE APPLICANT HAS BEEN CONVICTED OF A VIOLATION OF ANY
2 OF THE FOLLOWING:
- 3 (i) SECTION 625, 626, OR 904 OF THE MICHIGAN VEHICLE CODE, 1949
4 PA 300, MCL 257.625, 257.626, AND 257.904, WITHIN 15 YEARS BEFORE
5 THE DATE OF THE APPLICATION.
 - 6 (ii) SECTION 7401 OR 7403 OF THE PUBLIC HEALTH CODE, 1978 PA
7 368, MCL 333.7401 AND 333.7403.
 - 8 (iii) SECTION 602A OF THE MICHIGAN VEHICLE CODE, 1949 PA 300,
9 MCL 257.602A.
 - 10 (iv) SECTION 625, 626, OR 904 OF THE MICHIGAN VEHICLE CODE,
11 1949 PA 300, MCL 257.625, 257.626, AND 257.904, FOR A SECOND TIME.
 - 12 (v) SECTION 625 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300,
13 MCL 257.625, IF THE VIOLATION INVOLVED AN ACCIDENT RESULTING IN
14 SERIOUS PHYSICAL INJURY OR DEATH TO ANOTHER INDIVIDUAL.
 - 15 (vi) SECTION 80176 OF THE NATURAL RESOURCES AND ENVIRONMEN-
16 TAL PROTECTION ACT, 1994 PA 451, MCL 324.80176, IF THE VIOLATION
17 INVOLVED AN ACCIDENT RESULTING IN SERIOUS PHYSICAL INJURY OR
18 DEATH TO ANOTHER INDIVIDUAL.
 - 19 (vii) SECTION 81 OF THE MICHIGAN PENAL CODE, 1931 PA 328,
20 MCL 750.81 (ASSAULT OR BATTERY).
 - 21 (viii) SECTION 81A OF THE MICHIGAN PENAL CODE, 1931 PA 328,
22 MCL 750.81A (ASSAULT OR BATTERING CAUSING INFLICTION OF SERIOUS
23 OR AGGRAVATED INJURY).
 - 24 (ix) SECTION 136B(5) OF THE MICHIGAN PENAL CODE, 1931 PA 328,
25 MCL 750.136B (FOURTH DEGREE CHILD ABUSE).
 - 26 (x) SECTION 145A OF THE MICHIGAN PENAL CODE, 1931 PA 328,
27 MCL 750.145A (ACCOSTING, ENTICING, OR SOLICITING A CHILD FOR
IMMORAL PURPOSES).
 - (xi) SECTION 145N OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
750.145N (VULNERABLE ADULT ABUSE).
 - 20 (xii) SECTION 223 OF THE MICHIGAN PENAL CODE, 1931 PA 328,
21 MCL 750.223 (ILLEGAL SALE OF A FIREARM OR AMMUNITION).
 - 22 (xiii) SECTION 224D OF THE MICHIGAN PENAL CODE, 1931 PA 328,
23 MCL 750.224D (ILLEGAL SALE OF A SELF-DEFENSE SPRAY).
 - 24 (xiv) SECTION 226A OF THE MICHIGAN PENAL CODE, 1931 PA 328,
25 MCL 750.226A (SALE OR POSSESSION OF A SWITCHBLADE).
 - 26 (xv) SECTION 227C OF THE MICHIGAN PENAL CODE, 1931 PA 328,
27 MCL 750.227C (IMPROPER TRANSPORTATION OF A FIREARM).

HB 4530, As Passed Senate, May 26, 1999

House Bill No. 4530 as amended May 26, 1999

10

1 (xvi) SECTION 228 OF THE MICHIGAN PENAL CODE, 1931 PA 328,
2 MCL 750.228 (FAILURE TO HAVE A PISTOL INSPECTED).

3 (xvii) SECTION 229 OF THE MICHIGAN PENAL CODE, 1931 PA 328,
4 MCL 750.229 (ACCEPTING A PISTOL IN PAWN).

5 (xviii) SECTION 232 OF THE MICHIGAN PENAL CODE, 1931 PA 328,
6 MCL 750.232 (FAILURE TO REGISTER THE PURCHASE OF A FIREARM OR A
7 FIREARM COMPONENT).

8 (xix) SECTION 232A OF THE MICHIGAN PENAL CODE, 1931 PA 328,
9 MCL 750.232A (IMPROPERLY OBTAINING A PISTOL, MAKING A FALSE
10 STATEMENT ON AN APPLICATION TO PURCHASE A PISTOL, OR USING FALSE
11 IDENTIFICATION TO PURCHASE A PISTOL).

12 (xx) SECTION 233 OF THE MICHIGAN PENAL CODE, 1931 PA 328,
13 MCL 750.233 (INTENTIONALLY AIMING A FIREARM WITHOUT MALICE).

14 (xxi) SECTION 234 OF THE MICHIGAN PENAL CODE, 1931 PA 328,
15 MCL 750.234 (INTENTIONALLY DISCHARGING A FIREARM AIMED WITHOUT
16 MALICE).

17 (xxii) SECTION 234D OF THE MICHIGAN PENAL CODE, 1931 PA 328,
18 MCL 750.234D (POSSESSING A FIREARM ON PROHIBITED PREMISES).

19 (xxiii) SECTION 234E OF THE MICHIGAN PENAL CODE, 1931 PA
20 328, MCL 750.234E (BRANDISHING A FIREARM IN PUBLIC).

21 (xxiv) SECTION 234F OF THE MICHIGAN PENAL CODE, 1931 PA 328,
22 MCL 750.234F (POSSESSION OF A FIREARM BY AN INDIVIDUAL LESS THAN
23 18 YEARS OF AGE).

24 (xxv) SECTION 235 OF THE MICHIGAN PENAL CODE, 1931 PA 328,
25 MCL 750.235 (INTENTIONALLY DISCHARGING A FIREARM AIMED WITHOUT
26 MALICE CAUSING INJURY).

HB 4530, As Passed Senate, May 26, 1999

House Bill No. 4530 as amended May 26, 1999

11

1 (xxvi) SECTION 235A OF THE MICHIGAN PENAL CODE, 1931 PA 328,
2 MCL 750.235A (PARENT OF A MINOR WHO POSSESSED A FIREARM IN A
3 WEAPON FREE SCHOOL ZONE).

4 (xxvii) SECTION 236 OF THE MICHIGAN PENAL CODE, 1931 PA 328,
5 MCL 750.236 (SETTING A SPRING GUN OR OTHER DEVICE).

6 (xxviii) SECTION 237 OF THE MICHIGAN PENAL CODE, 1931 PA 328,
7 MCL 750.237 (POSSESSING A FIREARM WHILE UNDER THE INFLUENCE OF
8 INTOXICATING LIQUOR OR A DRUG).

9 (xxix) SECTION 237A OF THE MICHIGAN PENAL CODE, 1931 PA 328,
10 MCL 750.237A (WEAPON FREE SCHOOL ZONE VIOLATION).

11 (xxx) SECTION 411H OF THE MICHIGAN PENAL CODE, 1931 PA 328,
12 MCL 750.411H (STALKING).

(xxxi) SECTION 861 OF 1952 PA 45, MCL 752.861 (RECKLESS,
CARELESS, OR NEGLIGENT USE OF A FIREARM RESULTING IN INJURY OR
DEATH).

(xxxii) SECTION 520E OF THE MICHIGAN PENAL CODE, 1931 PA 328,
MCL 750.520E (FOURTH DEGREE CRIMINAL SEXUAL CONDUCT).

13 (xxxiii) SECTION 2 OF 1952 PA 45, MCL 752.862 (CARELESS,
14 RECKLESS, OR NEGLIGENT USE OF A FIREARM RESULTING IN PROPERTY
15 DAMAGE).

16 (xxxiv) SECTION 3[A] OF 1952 PA 45, MCL 752.863A (RECKLESS
17 DISCHARGE OF A FIREARM).

18

19

20

(xxxv) SECTION 703 OF THE MICHIGAN LIQUOR CONTROL CODE, 1998 PA
58, MCL 436.1703 (MINOR PURCHASING OR POSSESSING ALCOHOL, OR
PROVIDING ALCOHOL TO A MINOR).

21 (xxxvi) A VIOLATION OF A LAW OF THE UNITED STATES, ANOTHER
22 STATE, OR LOCAL UNIT OF GOVERNMENT OF THIS STATE OR ANOTHER
23 STATE SUBSTANTIALLY CORRESPONDING TO A VIOLATION DESCRIBED IN
SUBPARAGRAPHS (i) TO (xxxv).

24 (xxxvii) A VIOLATION CHARGED AS A FELONY OR A CRIME ENUMERATED
25 IN SUBPARAGRAPHS (i) TO (xxxvi), BUT SUBSEQUENTLY REDUCED TO OR
26 PLEADED TO AS A MISDEMEANOR NOT ENUMERATED IN SUBPARAGRAPHS (i)
27 TO (xxxvi).

HB 4530, As Passed Senate, May 26, 1999

House Bill No. 4530 as amended May 26, 1999

12

1 (G) THE APPLICANT WAS ADJUDICATED AS A JUVENILE AS BEING
2 RESPONSIBLE FOR COMMITTING AN OFFENSE THAT IF COMMITTED BY AN
3 ADULT WOULD BE A FELONY THAT INVOLVES THE USE OF FORCE OR THE
4 THREAT OF USE OF FORCE AGAINST ANOTHER INDIVIDUAL OR FOR AN
5 OFFENSE LISTED IN SUBDIVISION (F).

6 (H) THE APPLICANT HAS BEEN FOUND GUILTY BUT MENTALLY ILL OF
7 ANY CRIME OR HAS OFFERED A PLEA OF NOT GUILTY OF, OR BEEN
8 ACQUITTED OF, ANY CRIME BY REASON OF INSANITY.

9 (I) THE APPLICANT HAS BEEN SUBJECT TO AN ORDER OF INVOLUN-
10 TARY COMMITMENT IN AN INPATIENT OR OUTPATIENT SETTING DUE TO
11 MENTAL ILLNESS.

12 (J) THE APPLICANT HAS A DIAGNOSED MENTAL ILLNESS AT THE TIME
13 THE APPLICATION IS MADE REGARDLESS OF WHETHER HE OR SHE IS
14 RECEIVING TREATMENT FOR THAT ILLNESS.

15 (K) THE APPLICANT IS UNDER A COURT ORDER OF LEGAL INCAPACITY
16 IN THIS STATE OR ELSEWHERE.

17 (l) THE APPLICANT HAS NOT SUCCESSFULLY COMPLETED A PISTOL
SAFETY
18 TRAINING COURSE OR CLASS THAT MEETS THE REQUIREMENTS OF SECTION
19 5N.

20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]

HB 4530, As Passed Senate, May 26, 1999

House Bill No. 4530 as amended May 26, 1999

13

1

2

3

4

5

6 (2) THE BOARD MAY DENY A LICENSE TO CARRY A CONCEALED PISTOL
7 BASED ON CLEAR AND CONVINCING DOCUMENTED EVIDENCE OF OTHER CIVIL
8 INFRACTIONS, CRIMES, PERSONAL PROTECTION ORDERS OR INJUNCTIONS,
9 OR POLICE REPORTS THAT BEAR DIRECTLY ON THE APPLICANT'S ABILITY
10 TO CARRY A CONCEALED PISTOL WITHOUT BEING A THREAT TO HIMSELF OR
11 HERSELF OR ANOTHER INDIVIDUAL.

12 (3) EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, UPON PROPER
13 APPLICATION, THE BOARD SHALL PROMPTLY ISSUE A LICENSE TO CARRY A
14 CONCEALED PISTOL TO AN ELIGIBLE APPLICANT IF THE BOARD DETERMINES
15 THAT NONE OF THE DISQUALIFYING FACTORS SET FORTH IN THIS SECTION
16 APPLY.

17 (4) AS USED IN THIS SECTION:

18 (A) "CONFINED" INCLUDES, BUT IS NOT LIMITED TO, DETENTION IN
19 A JUVENILE FACILITY.

20 (B) "CONVICTED OF" MEANS A FINAL CONVICTION, THE PAYMENT OF
21 A FINE, A PLEA OF GUILTY OR NOLO CONTENDERE IF ACCEPTED BY THE
22 COURT, OR A FINDING OF GUILT FOR A CRIMINAL LAW VIOLATION.

23 (C) "FELONY" MEANS THAT TERM AS DEFINED IN SECTION 1 OF
24 CHAPTER I OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175,
25 MCL 761.1, OR A VIOLATION OF A LAW OF THE UNITED STATES OR ANOTHER
STATE DESIGNATED AS A FELONY OR PUNISHABLE BY DEATH OR IMPRISONMENT
FOR MORE THAN 1 YEAR.

26 (D) "MENTAL ILLNESS" MEANS A SUBSTANTIAL DISORDER OF THOUGHT
27 OR MOOD THAT SIGNIFICANTLY IMPAIRS JUDGMENT, BEHAVIOR, CAPACITY

HB 4530, As Passed Senate, May 26, 1999

House Bill No. 4530 as amended May 26, 1999

14

1 TO RECOGNIZE REALITY, OR ABILITY TO COPE WITH THE ORDINARY
2 DEMANDS OF LIFE, AND INCLUDES, BUT IS NOT LIMITED TO, CLINICAL
3 DEPRESSION.

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

(5) UPON ENTRY OF A COURT ORDER OR CONVICTION OF ONE OF THE
ENUMERATED PROHIBITIONS FOR USING, TRANSPORTING, SELLING,
PURCHASING, CARRYING, SHIPPING, RECEIVING OR DISTRIBUTING A FIREARM
IN THIS SECTION THE DEPARTMENT OF STATE POLICE SHALL IMMEDIATELY
ENTER THE ORDER OR CONVICTION INTO THE LAW ENFORCEMENT INFORMATION
NETWORK. FOR PURPOSES OF THIS ACT INFORMATION OF THE COURT ORDER OR
CONVICTION SHALL NOT BE REMOVED FROM THE LAW ENFORCEMENT INFORMATION
NETWORK, BUT MAY BE MOVED TO A SEPARATE FILE INTENDED FOR THE USE OF
THE COUNTY GUN BOARDS, THE COURTS AND OTHER GOVERNMENT ENTITIES AS
NECESSARY AND EXCLUSIVELY TO DETERMINE ELIGIBILITY TO BE LICENCED
UNDER THIS ACT.

7 SEC. 5D. (1) BEFORE SUBMITTING AN APPLICATION FOR A LICENSE
8 TO CARRY A CONCEALED PISTOL, THE INDIVIDUAL SHALL HAVE 2 SETS OF
9 CLASSIFIABLE FINGERPRINTS TAKEN BY THE COUNTY SHERIFF. A SHERIFF MAY
CHARGE A FEE FOR THE ACTUAL AND REASONABLE COSTS OF TAKING THE
FINGERPRINTS, BUT NOT MORE THAN \$15.00.

10 (2) THE COUNTY SHERIFF SHALL TAKE THE FINGERPRINTS OF AN
11 INDIVIDUAL WITHIN THE EXPIRATION OF 5 BUSINESS DAYS AFTER THE
12 INDIVIDUAL REQUESTS HIS OR HER FINGERPRINTS TO BE TAKEN UNDER
13 SUBSECTION (1).

14 (3) ONE SET OF FINGERPRINTS TAKEN UNDER SUBSECTION (1) SHALL
15 BE TAKEN ON A FORM FURNISHED BY THE DEPARTMENT OF STATE POLICE
16 AND PROVIDED TO THE APPLICANT UNDER SECTION 5. THAT SET OF FIN-
17 GERPRINTS SHALL BE FORWARDED IMMEDIATELY BY THE COUNTY SHERIFF TO
18 THE DEPARTMENT OF STATE POLICE. THE DEPARTMENT OF STATE POLICE
19 SHALL COMPARE THAT SET OF FINGERPRINTS WITH FINGERPRINTS ALREADY
20 ON FILE WITH THE DEPARTMENT OF STATE POLICE. THE OTHER SET OF
21 FINGERPRINTS TAKEN UNDER SUBSECTION (1) SHALL BE TAKEN ON A FORM
22 FURNISHED BY THE FEDERAL BUREAU OF INVESTIGATION AND PROVIDED TO
23 THE APPLICANT UNDER SECTION 5. THAT SET OF FINGERPRINTS SHALL BE
24 FORWARDED IMMEDIATELY BY THE COUNTY SHERIFF TO THE DEPARTMENT OF
STATE POLICE WHO SHALL FORWARD THAT SET OF FINGERPRINTS TO THE
FEDERAL BUREAU

25 OF INVESTIGATION OR AN ENTITY DESIGNATED BY THE FEDERAL BUREAU OF
26 INVESTIGATION TO RECEIVE THOSE FINGERPRINTS. THE REQUEST SHALL
27 STATE THAT THE DEPARTMENT OF STATE POLICE IS TO BE PROVIDED WITH

HB 4530, As Passed Senate, May 26, 1999

00486'99 *** (S-1)

HB 4530, As Passed Senate, May 26, 1999

House Bill No. 4530 as amended May 26, 1999

15

1 THE REPORT OF THE COMPARISON. THE DEPARTMENT OF STATE POLICE
2 SHALL WITHIN 10 DAYS AFTER RECEIVING THE REPORT PROVIDE A COPY OF
3 BOTH COMPARISONS TO THE COUNTY SHERIFF WHO TOOK THE FINGERPRINTS
4 AND TO THE CONCEALED WEAPON LICENSING BOARD OF THE COUNTY IN
5 WHICH THE APPLICANT RESIDES. IF, FOR ANY REASON, THE DEPARTMENT
6 DOES NOT PROVIDE THE COMPARISON REPORT WITHIN THE 10-DAY PERIOD,
7 THE DEPARTMENT OF STATE POLICE SHALL NOTIFY THE CONCEALED WEAPON
8 LICENSING BOARD OF THE DELAY FOR PURPOSES OF SECTION 5E(4). THE
9 DEPARTMENT OF STATE POLICE SHALL FILE THE FINGERPRINTS RECEIVED
10 UNDER THIS SECTION IN THE NON-CRIMINAL FINGERPRINT FILES.

11 EXCEPT AS OTHERWISE PROVIDED IN SECTIONS 5A(6) AND
12 5E(4). THE CONCEALED WEAPON LICENSING BOARD SHALL NOT
13 ISSUE A CONCEALED WEAPON LICENSE UNDER THIS ACT TO AN APPLI-
14 CANT UNTIL THE CONCEALED WEAPON LICENSING BOARD HAS RECEIVED THE
15 FINGERPRINT COMPARISON REPORTS REQUIRED UNDER THIS SUBSECTION.
16 THE CONCEALED WEAPON LICENSING BOARD IS NOT REQUIRED TO ISSUE A
17 CONCEALED WEAPONS LICENSE TO AN APPLICANT IF THAT APPLICANT'S
18 FINGERPRINTS ARE DETERMINED TO BE UNCLASSIFIABLE BY THE FEDERAL
19 BUREAU OF INVESTIGATION.

20 SEC. 5E. (1) THE CONCEALED WEAPON LICENSING BOARD SHALL
21 DENY A LICENSE TO AN APPLICANT TO CARRY A CONCEALED WEAPON IF THE
22 APPLICANT IS NOT QUALIFIED UNDER SECTION 5C TO RECEIVE THAT
23 LICENSE.

24 (2) A LICENSE TO CARRY A CONCEALED PISTOL THAT IS ISSUED
25 BASED UPON AN APPLICATION THAT CONTAINS A MATERIAL FALSE STATE-
26 MENT IS VOID FROM THE DATE THE LICENSE IS ISSUED.

27 (3) THE CONCEALED WEAPON LICENSING BOARD SHALL ISSUE OR DENY
ISSUANCE OF A LICENSE WITHIN 30 DAYS AFTER THE CONCEALED WEAPON

HB 4530, As Passed Senate, May 26, 1999

House Bill No. 4530 as amended May 26, 1999

16

1 LICENSING BOARD RECEIVES THE FINGERPRINT COMPARISON REPORT
2 PROVIDED UNDER SECTION 5D. IF THE CONCEALED WEAPON LICENSING
3 BOARD DENIES ISSUANCE OF A LICENSE TO CARRY A CONCEALED PISTOL,
4 THE CONCEALED WEAPON LICENSING BOARD SHALL WITHIN 5 BUSINESS DAYS
5 DO BOTH OF THE FOLLOWING:

6 (A) INFORM THE APPLICANT IN WRITING OF THE REASONS FOR THE
7 DENIAL. INFORMATION UNDER THIS SUBDIVISION SHALL INCLUDE ALL OF
8 THE FOLLOWING:

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

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

13 (B) INFORM THE APPLICANT IN WRITING OF HIS OR HER RIGHT TO
14 APPEAL THE DENIAL TO THE DISTRICT COURT AS PROVIDED IN SECTION
15 5H.

16 (4) IF THE FINGERPRINT COMPARISON REPORT IS NOT RECEIVED BY
17 THE CONCEALED WEAPON LICENSING BOARD WITHIN 30 DAYS AFTER THE
18 FINGERPRINT REPORT IS FORWARDED TO THE DEPARTMENT OF STATE POLICE
19 BY THE FEDERAL BUREAU OF INVESTIGATION, THE CONCEALED WEAPONS
20 LICENSING BOARD SHALL ISSUE A TEMPORARY CONCEALED PISTOL
21 LICENSE IF THE APPLICANT IS OTHERWISE QUALIFIED FOR A LICENSE. A
22 TEMPORARY LICENSE ISSUED UNDER THIS SECTION IS VALID
23 FOR 180 DAYS OR UNTIL THE CONCEALED WEAPONS LICENSING BOARD
24 RECEIVES THE FINGERPRINT COMPARISON REPORT PROVIDED UNDER SECTION
25 5D AND ISSUES OR DENIES ISSUANCE OF A CONCEALED PISTOL LICENSE AS
26 OTHERWISE PROVIDED UNDER THIS ACT. UPON ISSUANCE OR THE DENIAL
27 OF ISSUANCE OF THE CONCEALED PISTOL LICENSE TO AN APPLICANT WHO
RECEIVED A TEMPORARY LICENSE UNDER THIS SECTION, THE APPLICANT

HB 4530, As Passed Senate, May 26, 1999

House Bill No. 4530 as amended May 26, 1999

17

1 SHALL IMMEDIATELY SURRENDER THE TEMPORARY LICENSE TO THE
2 CONCEALED WEAPONS LICENSING BOARD THAT ISSUED THAT TEMPORARY
3 LICENSE.

4 SEC. 5F. A LICENSE TO CARRY A CONCEALED PISTOL SHALL BE IN
5 A FORM PRESCRIBED BY THE DEPARTMENT OF STATE POLICE. THE LICENSE
6 SHALL CONTAIN ALL OF THE FOLLOWING:

7 (A) THE LICENSEE'S FULL NAME, DATE OF BIRTH, AND STREET
8 ADDRESS.

9 (B) A PHOTOGRAPH AND A PHYSICAL DESCRIPTION OF THE
10 LICENSEE.

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

12 SEC. 5H. (1) IF THE CONCEALED WEAPON LICENSING BOARD DENIES
13 ISSUANCE OF A LICENSE TO CARRY A CONCEALED PISTOL OR FAILS TO
14 ISSUE THAT LICENSE AS PROVIDED IN THIS ACT, THE APPLICANT MAY
15 APPEAL THE DENIAL OR THE FAILURE TO ISSUE THE LICENSE TO THE DIS-
16 TRICT COURT IN THE JUDICIAL DISTRICT IN WHICH HE OR SHE RESIDES.
17 THE APPEAL OF THE DENIAL OR FAILURE TO ISSUE A LICENSE SHALL BE
18 DETERMINED BY A REVIEW OF THE RECORD FOR ERROR, EXCEPT THAT IF
19 THE DECISION OF THE CONCEALED WEAPON LICENSING BOARD WAS BASED
20 UPON GROUNDS SPECIFIED IN SECTION 5C(2) THAT PORTION OF THE
21 APPEAL SHALL BE BY HEARING DE NOVO. WITNESSES IN THE HEARING
22 SHALL BE SWORN. A JURY SHALL NOT BE PROVIDED IN A HEARING UNDER
23 THIS SECTION. A VERBATIM RECORD SHALL BE MADE.

(2) IF THE CONCEALED WEAPON LICENSING BOARD DENIED ISSUANCE OF
A LICENSE TO THE APPLICANT BASED UPON THE APPLICANT'S USE OF A
CONTROLLED SUBSTANCE OR ALCOHOL, THE COURT MAY REQUIRE THE APPLICANT
TO SUBMIT TO A CHEMICAL ANALYSIS OF HIS OR HER BLOOD, BREATH, OR
URINE TO DETECT THE PRESENCE OF ANY CONTROLLED SUBSTANCES OR
ALCOHOL. IF THE ANALYSIS INDICATES THE PRESENCE OF A CONTROLLED
SUBSTANCE OR ALCOHOL, THE COURT MAY REQUIRE THE APPLICANT TO PAY THE
COSTS OF THE ANALYSIS. IF THE ANALYSIS DOES NOT INDICATE THE
PRESENCE OF A CONTROLLED SUBSTANCE OR ALCOHOL, THE COURT MAY ORDER
THE CONCEALED WEAPON LICENSING BOARD TO PAY THE COSTS OF THE
ANALYSIS.

24 (3) IF THE COURT DETERMINES THE DENIAL, FAILURE TO ISSUE A
25 LICENSE, OR ISSUANCE OF A RESTRICTED LICENSE WAS CLEARLY ERRONE-
26 OUS, THE COURT SHALL ORDER THE CONCEALED WEAPON LICENSING BOARD
27 TO ISSUE A LICENSE AS REQUIRED BY THIS ACT.

HB 4530, As Passed Senate, May 26, 1999

House Bill No. 4530 as amended May 26, 1999

18

1 (4) IF THE COURT DETERMINES THE DECISION OF THE CONCEALED
2 WEAPON LICENSING BOARD TO DENY ISSUANCE OF A LICENSE TO AN APPLI-
3 CANT WAS ARBITRARY AND CAPRICIOUS, THE COURT SHALL ORDER THE CON-
4 CEALED WEAPON LICENSING BOARD TO PAY THE ACTUAL COSTS AND ACTUAL
5 ATTORNEY FEES OF THE APPLICANT IN APPEALING THE DENIAL.

6 (5) IF THE COURT DETERMINES AN APPLICANT'S APPEAL WAS FRIVO-
7 LOUS, THE COURT SHALL ORDER THE APPLICANT TO PAY THE ACTUAL COSTS
8 AND ACTUAL ATTORNEY FEES OF THE CONCEALED WEAPON LICENSING BOARD
9 IN RESPONDING TO THE APPEAL.

10 SEC. 5I. (1) THE DEPARTMENT OF STATE POLICE SHALL CREATE
11 AND MAINTAIN A COMPUTERIZED DATABASE OF INDIVIDUALS WHO APPLY
12 UNDER THIS ACT FOR A LICENSE TO CARRY A CONCEALED PISTOL. THE
13 DATABASE SHALL CONTAIN ONLY THE FOLLOWING INFORMATION AS TO EACH
14 APPLICANT:

15 (A) THE APPLICANT'S NAME, DATE OF BIRTH, ADDRESS, AND COUNTY
16 OF RESIDENCE.

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

19 (C) EXCEPT AS PROVIDED IN SUBSECTION (2), IF THE APPLICANT
20 WAS DENIED A LICENSE TO CARRY A CONCEALED PISTOL AFTER THE EFFEC-
21 TIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, A STATE-
22 MENT OF THE REASONS FOR THAT DENIAL.

23 (D) A STATEMENT OF ALL CRIMINAL CHARGES PENDING AND CRIMINAL
24 CONVICTIONS OBTAINED AGAINST THE APPLICANT DURING THE LICENSE
25 PERIOD.

HB 4530, As Passed Senate, May 26, 1999

House Bill No. 4530 as amended May 26, 1999

19

1 (E) A STATEMENT OF ALL DETERMINATIONS OF RESPONSIBILITY FOR
2 CIVIL INFRACTIONS OF THIS ACT PENDING OR OBTAINED AGAINST THE
3 APPLICANT DURING THE LICENSE PERIOD.

4 (2) IF AN INDIVIDUAL WHO WAS DENIED A LICENSE TO CARRY A
5 CONCEALED PISTOL AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT
6 THAT ADDED THIS SECTION IS SUBSEQUENTLY ISSUED A LICENSE TO CARRY
7 A CONCEALED PISTOL, THE DEPARTMENT OF STATE POLICE SHALL DELETE
8 FROM THE COMPUTERIZED DATABASE THE PREVIOUS REASONS FOR THE
9 DENIAL.

10 (3) THE DEPARTMENT OF STATE POLICE SHALL ENTER THE INFORMA-
11 TION DESCRIBED IN SUBSECTION (1)(A) AND (B) INTO THE LAW ENFORCE-
12 MENT INFORMATION NETWORK.

13 (4) EXCEPT FOR AN APPLICANT'S DATE OF BIRTH [REDACTED],
14 INFORMATION IN THE DATABASE IS SUBJECT TO DISCLOSURE UNDER THE
15 FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

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

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

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

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

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

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

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

26 (G) THE NUMBER OF APPLICATIONS PENDING AT THE TIME THE
27 REPORT IS MADE.

HB 4530, As Passed Senate, May 26, 1999

House Bill No. 4530 as amended May 26, 1999

20

1 (H) THE MEAN AND MEDIAN AMOUNT OF TIME AND THE LONGEST AND
2 SHORTEST AMOUNT OF TIME USED BY THE FEDERAL BUREAU OF INVESTIGA-
3 TION TO SUPPLY THE FINGERPRINT COMPARISON REPORT REQUIRED IN SEC-
4 TION 5D. THE DEPARTMENT MAY USE A STATISTICALLY SIGNIFICANT
5 SAMPLE TO COMPLY WITH THIS SUBDIVISION.

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

16 (J) THE NUMBER OF PENDING CRIMINAL CHARGES, CATEGORIZED BY
17 OFFENSE, AGAINST INDIVIDUALS LICENSED TO CARRY A CONCEALED
18 PISTOL AND AGAINST INDIVIDUALS EXEMPTED FROM THE LICENSING
PROVISIONS OF THIS ACT PURSUANT TO SECTION 12A.

19 (K) THE NUMBER OF CRIMINAL CASES DISMISSED, CATEGORIZED BY
20 OFFENSE, AGAINST INDIVIDUALS LICENSED TO CARRY A CONCEALED
21 PISTOL AND AGAINST INDIVIDUALS EXEMPTED FROM THE LICENSING
PROVISIONS OF THIS ACT PURSUANT TO SECTION 12A.

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

HB 4530, As Passed Senate, May 26, 1999

House Bill No. 4530

21

1 (M) FOR THE PURPOSES OF SUBDIVISIONS (I), (J), (K), AND (L),
2 THE DEPARTMENT OF STATE POLICE SHALL USE THE DATA PROVIDED UNDER
3 SECTION 5Q.

4 (N) THE NUMBER OF SUICIDES BY INDIVIDUALS LICENSED TO CARRY
5 A CONCEALED PISTOL, TO THE EXTENT THAT INFORMATION IS
6 OBTAINABLE.

7 (O) ACTUAL COSTS INCURRED PER PERMIT FOR EACH COUNTY.

8 SEC. 5J. (1) AN INDIVIDUAL WHO IS LICENSED UNDER THIS ACT
9 TO CARRY A CONCEALED PISTOL SHALL HAVE HIS OR HER LICENSE TO
10 CARRY THAT PISTOL IN HIS OR HER POSSESSION AT ALL TIMES HE OR SHE
11 IS CARRYING A CONCEALED PISTOL.

12 (2) AN INDIVIDUAL WHO IS LICENSED UNDER THIS ACT TO CARRY A
13 CONCEALED PISTOL SHALL SHOW HIS OR HER LICENSE TO CARRY A CON-
14 CEALED PISTOL TO A PEACE OFFICER UPON REQUEST BY THAT PEACE
15 OFFICER.

16 (3) AN INDIVIDUAL LICENSED UNDER THIS ACT TO CARRY A CON-
17 CEALED PISTOL WHO IS STOPPED BY A PEACE OFFICER SHALL DISCLOSE TO
18 THE PEACE OFFICER THAT HE OR SHE IS CARRYING A PISTOL CONCEALED
19 UPON HIS OR HER PERSON OR IN HIS OR HER VEHICLE.

20 (4) AN INDIVIDUAL WHO VIOLATES SUBSECTION (1) OR (2) IS
21 RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE FINED NOT
22 MORE THAN \$100.00.

23 (5) AN INDIVIDUAL WHO VIOLATES SUBSECTION (3) IS RESPONSIBLE
24 FOR A STATE CIVIL INFRACTION AND MAY BE FINED AS FOLLOWS:

25 (A) FOR A FIRST OFFENSE, BY A FINE OF \$500.00 OR BY THE
26 INDIVIDUAL'S LICENSE TO CARRY A CONCEALED PISTOL BEING SUSPENDED
27 FOR 6 MONTHS, OR BOTH.

HB 4530, As Passed Senate, May 26, 1999

House Bill No. 4530

22

1 (B) FOR A SECOND OR SUBSEQUENT OFFENSE, BY A FINE OF
2 \$1,000.00 AND BY THE INDIVIDUAL'S LICENSE TO CARRY A CONCEALED
3 PISTOL BEING REVOKED.

4 (6) IF AN INDIVIDUAL IS FOUND RESPONSIBLE FOR A CIVIL
5 INFRACTION UNDER THIS SECTION, THE COURT SHALL NOTIFY THE DEPART-
6 MENT OF STATE POLICE AND THE CONCEALED WEAPON LICENSING BOARD
7 THAT ISSUED THE LICENSE OF THAT DETERMINATION.

8 (7) A PISTOL CARRIED IN VIOLATION OF THIS SECTION IS SUBJECT
9 TO SEIZURE BY A PEACE OFFICER WITHOUT PROCESS. IF A PEACE OFFI-
10 CER SEIZES A PISTOL UNDER THIS SUBSECTION, THE INDIVIDUAL HAS 45
11 DAYS IN WHICH TO DISPLAY HIS OR HER LICENSE OR DOCUMENTATION TO
12 AN AUTHORIZED EMPLOYEE OF THE LAW ENFORCEMENT ENTITY THAT EMPLOYS
13 THE PEACE OFFICER. IF THE INDIVIDUAL DISPLAYS HIS OR HER LICENSE
14 OR DOCUMENTATION TO AN AUTHORIZED EMPLOYEE OF THE LAW ENFORCEMENT
15 ENTITY THAT EMPLOYS THE PEACE OFFICER BEFORE THE EXPIRATION OF
16 THE 45-DAY PERIOD, THE AUTHORIZED EMPLOYEE OF THAT LAW ENFORCE-
17 MENT ENTITY SHALL RETURN THE PISTOL TO THE INDIVIDUAL. IF THE
18 INDIVIDUAL DOES NOT DISPLAY HIS OR HER LICENSE OR DOCUMENTATION
19 BEFORE THE EXPIRATION OF THE 45-DAY PERIOD, THE PISTOL IS SUBJECT
20 TO FORFEITURE AS PROVIDED IN SECTION 5K. THIS SUBSECTION DOES
21 NOT APPLY IF THE PEACE OFFICER VERIFIES THROUGH THE LAW ENFORCE-
22 MENT INFORMATION NETWORK THAT THE INDIVIDUAL IS LICENSED UNDER
23 THIS ACT TO CARRY A CONCEALED PISTOL.

24 SEC. 5K. A PISTOL CARRIED IN VIOLATION OF THIS ACT IS
25 SUBJECT TO SEIZURE AND FORFEITURE IN THE SAME MANNER THAT PROP-
26 erty IS SUBJECT TO SEIZURE AND FORFEITURE UNDER SECTIONS 4701 TO
27 4709 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236,

HB 4530, As Passed Senate, May 26, 1999

House Bill No. 4530

23

1 MCL 600.4701 TO 600.4709. THIS SECTION DOES NOT APPLY IF THE
2 VIOLATION IS A STATE CIVIL INFRACTION UNDER SECTION 5J, UNLESS
3 THE INDIVIDUAL FAILS TO PRESENT HIS OR HER LICENSE WITHIN THE
4 45-DAY PERIOD DESCRIBED IN THAT SECTION.

5 SEC. 5I. (1) AN INDIVIDUAL WHO IS LICENSED TO CARRY A CON-
6 CEALED PISTOL ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
7 ADDED THIS SECTION MAY CARRY A CONCEALED PISTOL UNDER THAT
8 LICENSE UNTIL THE LICENSE EXPIRES OR THE INDIVIDUAL'S AUTHORITY
9 TO CARRY A CONCEALED PISTOL UNDER THAT LICENSE IS OTHERWISE TER-
10 MINATED, WHICHEVER OCCURS FIRST.

11 (2) AN INDIVIDUAL WHO IS LICENSED UNDER THIS ACT TO CARRY A
12 CONCEALED PISTOL ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
13 ADDED THIS SECTION MAY APPLY FOR A RENEWAL LICENSE UPON THE EXPI-
14 RATION OF THAT LICENSE AS PROVIDED IN SECTION 5P.

15 SEC. 5N. (1) A PISTOL TRAINING OR SAFETY PROGRAM DESCRIBED
16 IN SECTION 5C MEETS THE REQUIREMENTS OF THIS ACT ONLY IF ALL OF
17 THE FOLLOWING CONDITIONS ARE MET:

18 (A) THE PROGRAM IS CERTIFIED BY THIS STATE OR A NATIONAL OR
19 STATE FIREARMS TRAINING ORGANIZATION AND PROVIDES INSTRUCTION IN,
20 BUT IS NOT LIMITED TO PROVIDING INSTRUCTION IN, ALL OF THE
21 FOLLOWING:

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

25 (ii) AMMUNITION KNOWLEDGE, AND THE FUNDAMENTALS OF HANDGUN
26 SHOOTING.

HB 4530, As Passed Senate, May 26, 1999

House Bill No. 4530 as amended May 26, 1999

24

- 1 (iii) HANDGUN SHOOTING POSITIONS.
- 2 (iv) FIREARMS AND THE LAW, INCLUDING CIVIL LIABILITY
- 3 ISSUES.
- 4 (v) AVOIDING CRIMINAL ATTACK AND CONTROLLING A VIOLENT
- 5 CONFRONTATION.
- 6 (vi) ALL LAWS THAT APPLY TO CARRYING A CONCEALED PISTOL IN
- 7 THIS STATE.
- 8 (vii) AT LEAST 8 HOURS OF INSTRUCTION, INCLUDING 3 HOURS OF
- 9 FIRING RANGE TIME.
- 10 (B) THE PROGRAM PROVIDES A CERTIFICATE OF COMPLETION THAT
- 11 STATES THE PROGRAM COMPLIES WITH THE REQUIREMENTS OF THIS SECTION
- 12 AND THAT THE INDIVIDUAL SUCCESSFULLY COMPLETED THE COURSE,
- 13 AND THAT IS SIGNED BY THE COURSE INSTRUCTOR.
- 14 (C) THE INSTRUCTOR OF THE COURSE IS CERTIFIED BY THIS STATE
- 15 OR A NATIONAL ORGANIZATION TO TEACH THE 8-HOUR PISTOL SAFETY
- 16 TRAINING COURSE DESCRIBED IN THIS SECTION.
- 17 (2) A PERSON SHALL NOT DO EITHER OF THE FOLLOWING:
- 18 (A) GRANT A CERTIFICATE OF COMPLETION DESCRIBED UNDER SUB-
- 19 SECTION (1)(B) TO AN INDIVIDUAL KNOWING THE INDIVIDUAL DID NOT
- 20 SATISFACTORILY COMPLETE THE COURSE.
- 21 (B) PRESENT A CERTIFICATE OF COMPLETION DESCRIBED UNDER SUB-
- 22 SECTION (1)(B) TO A CONCEALED WEAPON LICENSING BOARD KNOWING THAT
- 23 THE INDIVIDUAL DID NOT SATISFACTORILY COMPLETE THE COURSE.
- 24 (3) A PERSON WHO VIOLATES SUBSECTION (2) IS GUILTY OF A
- 25 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A
- FINE OF NOT MORE THAN \$2,500.00, OR BOTH.

HB 4530, As Passed Senate, May 26, 1999

House Bill No. 4530 as amended May 26, 1999

25

1 SEC. 50. (1) ACCEPTANCE OF A LICENSE ISSUED UNDER THIS ACT
2 TO CARRY A CONCEALED PISTOL CONSTITUTES IMPLIED CONSENT TO SUBMIT
3 TO A CHEMICAL ANALYSIS UNDER THIS SECTION. THIS SECTION ALSO APPLIES
4 TO INDIVIDUALS LISTED IN SECTION 12A(A) TO (F).

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

11 (A) IF THE PERSON WAS UNDER THE INFLUENCE OF INTOXICATING
12 LIQUOR OR A CONTROLLED SUBSTANCE OR A COMBINATION OF INTOXICATING
13 LIQUOR AND A CONTROLLED SUBSTANCE, OR HAD A BODILY ALCOHOL CON-
14 TENT OF .10 OR MORE GRAMS PER 100 MILLILITERS OF BLOOD, PER 210
15 LITERS OF BREATH, OR PER 67 MILLILITERS OF URINE, THE INDIVIDUAL
16 IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT
17 MORE THAN 93 DAYS OR \$100.00, OR BOTH. THE COURT SHALL ORDER THE
18 CONCEALED WEAPON LICENSING BOARD THAT ISSUED THE INDIVIDUAL A
19 LICENSE TO CARRY A CONCEALED WEAPON TO PERMANENTLY REVOKE THE
20 LICENSE. THE CONCEALED WEAPON LICENSING BOARD SHALL PERMANENTLY
21 REVOKE THE LICENSE AS ORDERED BY THE COURT.

22 (B) IF THE PERSON HAD A BODILY ALCOHOL CONTENT OF .08 OR
23 MORE BUT LESS THAN .10 GRAMS PER 100 MILLILITERS OF BLOOD, PER
24 210 LITERS OF BREATH, OR PER 67 MILLILITERS OF URINE, THE INDI-
25 VIDUAL IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR
26 NOT MORE THAN 93 DAYS OR \$100.00, OR BOTH. THE COURT MAY ORDER
27 THE CONCEALED WEAPON LICENSING BOARD THAT ISSUED THE INDIVIDUAL A
LICENSE TO CARRY A CONCEALED WEAPON TO REVOKE THE LICENSE FOR NOT

HB 4530, As Passed Senate, May 26, 1999

House Bill No. 4530 as amended May 26, 1999

26

1 MORE THAN 3 YEARS. THE CONCEALED WEAPON LICENSING BOARD SHALL
2 REVOKE THE LICENSE AS ORDERED BY THE COURT.

3 (C) IF THE PERSON HAD A BODILY ALCOHOL CONTENT OF .02 OR
4 MORE BUT LESS THAN .08 GRAMS PER 100 MILLILITERS OF BLOOD, PER
5 210 LITERS OF BREATH, OR PER 67 MILLILITERS OF URINE, THE INDI-
6 VIDUAL IS RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE
7 FINED NOT MORE THAN \$100.00. THE COURT MAY ORDER THE CONCEALED
8 WEAPON LICENSING BOARD THAT ISSUED THE INDIVIDUAL THE LICENSE TO
9 REVOKE THE LICENSE FOR 1 YEAR. THE CONCEALED WEAPON LICENSING
10 BOARD SHALL REVOKE THE LICENSE AS ORDERED BY THE COURT. THE
11 COURT SHALL NOTIFY THE CONCEALED WEAPON LICENSING BOARD THAT
12 ISSUED THE INDIVIDUAL A LICENSE TO CARRY A CONCEALED WEAPON IF
13 THE INDIVIDUAL IS FOUND RESPONSIBLE FOR A SUBSEQUENT VIOLATION OF
14 THIS SUBDIVISION.

15 (3) THIS SECTION DOES NOT PROHIBIT AN INDIVIDUAL LICENSED
16 UNDER THIS ACT TO CARRY A CONCEALED PISTOL WHO HAS ANY BODILY
17 ALCOHOL CONTENT FROM TRANSPORTING THAT PISTOL IN THE LOCKED TRUNK
18 OF HIS OR HER MOTOR VEHICLE OR ANOTHER MOTOR VEHICLE IN WHICH HE OR
19 SHE IS A PASSENGER OR, IF THE VEHICLE DOES NOT HAVE A
20 TRUNK, FROM TRANSPORTING THAT PISTOL UNLOADED IN A LOCKED COM-
21 PARTMENT OR CONTAINER THAT IS SEPARATED FROM THE AMMUNITION FOR
22 THAT PISTOL OR ON A VESSEL IF THE PISTOL IS TRANSPORTED UNLOADED IN
23 A LOCKED COMPARTMENT OR CONTAINER THAT IS SEPARATED FROM THE
24 AMMUNITION FOR THAT PISTOL.

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

HB 4530, As Passed Senate, May 26, 1999

House Bill No. 4530

27

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

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

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

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

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

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

20 (7) IF A PERSON REFUSES TO TAKE A CHEMICAL TEST AUTHORIZED
21 UNDER THIS SECTION, THE PEACE OFFICER SHALL PROMPTLY REPORT THE
22 REFUSAL IN WRITING TO THE CONCEALED WEAPON LICENSING BOARD THAT
23 ISSUED THE LICENSE TO THE INDIVIDUAL TO CARRY A CONCEALED
24 PISTOL.

25 (8) IF A PERSON TAKES A CHEMICAL TEST AUTHORIZED UNDER THIS
26 SECTION AND THE TEST RESULTS INDICATE THAT THE INDIVIDUAL HAD ANY
27 BODILY ALCOHOL CONTENT OR THE PRESENCE OF A CONTROLLED SUBSTANCE

HB 4530, As Passed Senate, May 26, 1999

House Bill No. 4530 as amended May 26, 1999

28

1 WHILE CARRYING A CONCEALED PISTOL, THE PEACE OFFICER SHALL
2 PROMPTLY REPORT THE VIOLATION IN WRITING TO THE CONCEALED WEAPON
3 LICENSING BOARD THAT ISSUED THE LICENSE TO THE INDIVIDUAL TO
4 CARRY A CONCEALED PISTOL.

5 (9) AS USED IN THIS SECTION:

6 (A) "CONTROLLED SUBSTANCE" MEANS THAT TERM AS DEFINED IN
7 SECTION 7104 OF THE PUBLIC HEALTH CODE, 1978 PA 368,
8 MCL 333.7104.

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

12 SEC. 5P. (1) A LICENSE TO CARRY A CONCEALED PISTOL IS VALID
13 FOR 3 YEARS, AND IS RENEWABLE IN THE SAME MANNER AS THE ORIGINAL
14 LICENSE WAS RECEIVED, EXCEPT AS FOLLOWS:

15 (A) THE RENEWAL FEE IS \$35.00, OR THE ACTUAL AND REASONABLE
16 COSTS OF THAT RENEWAL, WHICHEVER IS GREATER. THE FEE SHALL BE
17 PAYABLE TO THE COUNTY. THE COUNTY TREASURER SHALL DEPOSIT THE
18 FEE IN THE GENERAL FUND OF THE COUNTY.

19 (B) FOR AN INDIVIDUAL LICENSED ON OR AFTER SEPTEMBER 30,
20 1999 APPLYING FOR RENEWAL, THE EDUCATIONAL REQUIREMENTS OF
21 SECTION 5C ARE WAIVED EXCEPT THAT THE APPLICANT SHALL PRESENT A
22 STATEMENT SIGNED BY THE APPLICANT CERTIFYING THAT HE OR SHE HAS
23 COMPLETED NOT LESS THAN 3 HOURS OF REVIEW OF THE TRAINING
24 DESCRIBED UNDER SECTION 5C SINCE RECEIVING HIS OR HER LICENSE,
25 AND THAT TRAINING INCLUDED FIRING RANGE TIME IN THE 6 MONTHS
26 IMMEDIATELY PRECEDING HIS OR HER RENEWAL APPLICATION. FOR AN
27 INDIVIDUAL LICENSED BEFORE SEPTEMBER 30, 1999 APPLYING FOR THE

HB 4530, As Passed Senate, May 26, 1999

House Bill No. 4530 as amended May 26, 1999

29

1 FIRST TIME UNDER THIS SECTION TO RENEW HIS OR HER LICENSE TO
2 CARRY A CONCEALED WEAPON, THE EDUCATIONAL REQUIREMENTS OF
3 SECTION 5C ARE NOT WAIVED.

4 (2) AN INDIVIDUAL LICENSED TO CARRY A CONCEALED PISTOL UNDER
5 THIS ACT ON SEPTEMBER 30, 1999 IS ELIGIBLE FOR A RENEWAL LICENSE
6 AT THE FEE PROVIDED FOR UNDER THIS SECTION. THIS SUBSECTION
7 APPLIES REGARDLESS OF WHETHER THE LICENSE ISSUED BEFORE SEPTEMBER
8 30, 1999 WAS RESTRICTED.

9 SEC. 5Q. A PROSECUTING ATTORNEY SHALL PROMPTLY NOTIFY THE
10 COUNTY CONCEALED WEAPON LICENSING BOARD THAT ISSUED THE LICENSE
11 OF A CRIMINAL CHARGE AGAINST A LICENSE HOLDER FOR ANY FELONY OR
12 FOR A CRIMINAL OFFENSE LISTED IN SECTION 5C. THE PROSECUTING
13 ATTORNEY SHALL PROMPTLY NOTIFY THE COUNTY CONCEALED WEAPON
14 LICENSING BOARD THAT ISSUED THE LICENSE OF THE DISPOSITION OF THE
15 CRIMINAL CHARGE. IF A LICENSE HOLDER IS CONVICTED OF A CRIME,
16 THE PROSECUTING ATTORNEY'S NOTIFICATION SHALL INDICATE IF THE
17 CRIME INVOLVED THE BRANDISHING OR USE OF A PISTOL, IF A PISTOL
18 WAS CARRIED BY THE LICENSE HOLDER DURING THE COMMISSION OF THE
19 CRIME, OR IF NO PISTOL WAS CARRIED BY THE LICENSE HOLDER DURING
20 THE COMMISSION OF THE CRIME. THE STATE POLICE SHALL PROVIDE A
21 FORM FOR REPORTING PURPOSES. EACH YEAR BY A DATE DETERMINED BY
22 THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE, THE CHAIRPERSON
23 OF THE COUNTY CONCEALED WEAPON LICENSING BOARD SHALL COMPILE AND
24 PROVIDE A REPORT TO THE DEPARTMENT OF STATE POLICE IN A FORMAT
25 DETERMINED BY THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE CON-
26 TAINING THE INFORMATION PROVIDED TO THE CONCEALED WEAPON
27 LICENSING BOARD UNDER THIS SECTION, SECTION 5J, OR SECTION 5o.

Sec. 5U. (1) AN INDIVIDUAL LICENSED UNDER THIS ACT TO CARRY A
CONCEALED PISTOL, OR WHO IS EXEMPT FROM LICENSURE UNDER SECTION
12A(F), SHALL NOT CARRY A CONCEALED PISTOL ON THE PREMISES OF ANY OF
THE FOLLOWING FACILITIES IF THAT FACILITY IS POSTED TO PROHIBIT
CARRYING A CONCEALED PISTOL ON THE PREMISES OF THAT FACILITY:

- (A) A COURT.
- (B) A JAIL.
- (C) A LOCK-UP.
- (D) A JUVENILE DETENTION FACILITY.

(2) A LOCAL UNIT OF GOVERNMENT MAY POST A FACILITY DESCRIBED IN
SUBSECTION (1) TO PROHIBIT CARRYING A CONCEALED PISTOL ON THE
PREMISES OF THAT FACILITY AS PROVIDED IN THIS SECTION.

SEC. 5W. IF THE CARRYING OF A SPECIFIC PISTOL IS ILLEGAL UNDER
ANOTHER STATUTE, IT IS NOT RENDERED LEGAL BY A LICENSE TO CARRY A

HB 4530, As Passed Senate, May 26, 1999

CONCEALED PISTOL UNDER THIS ACT.

00486'99 *** (S-1)

House Bill No. 4530

30

1 Sec. 8. (1) The CONCEALED WEAPON licensing board ~~herein~~
2 ~~created by section 6~~ THAT ISSUED A LICENSE TO AN APPLICANT TO
3 CARRY A CONCEALED PISTOL may revoke ~~any~~ THAT license ~~issued by~~
4 ~~it upon receiving a certificate of any magistrate showing that~~
5 ~~such licensee has been convicted of violating any of the provi-~~
6 ~~sions of this act, or has been convicted of a felony. Such~~
7 ~~license may also be revoked whenever in the judgment of said~~
8 ~~board the reason for granting such license shall have ceased to~~
9 ~~exist, or whenever said board shall for any reasonable cause~~
10 ~~determine said licensee to be an unfit person to carry a pistol~~
11 ~~concealed upon his person. No such~~ IF THE BOARD DETERMINES THAT
12 THE INDIVIDUAL COMMITTED ANY VIOLATION OF THIS ACT OTHER THAN A
13 VIOLATION OF SECTION 5J OR IF THE BOARD DETERMINES THAT THE INDI-
14 VIDUAL IS NOT ELIGIBLE UNDER THIS ACT TO RECEIVE A LICENSE TO
15 CARRY A CONCEALED PISTOL. IF THE BOARD DETERMINES THE INDIVIDUAL
16 HAS BEEN FOUND RESPONSIBLE FOR 3 OR MORE STATE CIVIL INFRACTION
17 VIOLATIONS OF THIS ACT DURING THE LICENSE PERIOD, THE BOARD SHALL
18 CONDUCT A HEARING AND MAY SUSPEND THE INDIVIDUAL'S LICENSE FOR
19 NOT MORE THAN 1 YEAR.

20 (2) ~~A~~ EXCEPT AS PROVIDED IN SUBSECTIONS (3) AND (4), A
21 license shall NOT be revoked UNDER THIS SECTION except upon writ-
22 ten complaint and ~~then only after~~ AN OPPORTUNITY FOR a hearing
23 ~~by said~~ BEFORE THE board. ~~, of which~~ THE BOARD SHALL GIVE THE
24 INDIVIDUAL at least ~~7~~ 10 days' notice ~~shall be given to the~~
25 ~~licensee either~~ OF A HEARING UNDER THIS SECTION. THE NOTICE
26 SHALL BE by personal service or by ~~registered~~ CERTIFIED mail
27 DELIVERED to ~~his~~ THE INDIVIDUAL'S last known address.

00486'99 *** (S-1)

HB 4530, As Passed Senate, May 26, 1999

House Bill No. 4530

31

1 (3) IF THE CONCEALED WEAPON LICENSING BOARD IS NOTIFIED
2 UNDER SECTION 5Q THAT AN INDIVIDUAL LICENSED TO CARRY A CONCEALED
3 WEAPON IS CHARGED WITH A FELONY OR SPECIFIED CRIMINAL OFFENSE AS
4 DEFINED IN THIS ACT, THE CONCEALED WEAPON LICENSING BOARD SHALL
5 IMMEDIATELY SUSPEND THE INDIVIDUAL'S LICENSE UNTIL THERE IS A
6 FINAL DISPOSITION OF THE CHARGE FOR THAT OFFENSE AND SHALL SEND
7 NOTICE OF THAT SUSPENSION TO THE INDIVIDUAL'S LAST KNOWN ADDRESS
8 AS INDICATED IN THE RECORDS OF THE CONCEALED WEAPON LICENSING
9 BOARD. THE NOTICE SHALL INFORM THE INDIVIDUAL THAT HE OR SHE IS
10 ENTITLED TO A PROMPT HEARING ON THE SUSPENSION, AND THE CONCEALED
11 WEAPON LICENSING BOARD SHALL CONDUCT A PROMPT HEARING IF
12 REQUESTED IN WRITING BY THE INDIVIDUAL. THE REQUIREMENTS OF SUB-
13 SECTION (2) DO NOT APPLY TO THIS SUBSECTION.

14 (4) IF THE CONCEALED WEAPON LICENSING BOARD DETERMINES BY
15 CLEAR AND CONVINCING EVIDENCE BASED ON SPECIFIC ARTICULABLE FACTS
16 THAT THE APPLICANT POSES A DANGER TO THE APPLICANT OR TO ANY
17 OTHER PERSON, THE CONCEALED WEAPON LICENSING BOARD SHALL IMMEDI-
18 ATELY SUSPEND THE INDIVIDUAL'S LICENSE PENDING A REVOCATION HEAR-
19 ING UNDER THIS SECTION. THE CONCEALED WEAPON LICENSING BOARD
20 SHALL SEND NOTICE OF THE SUSPENSION TO THE INDIVIDUAL'S LAST
21 KNOWN ADDRESS AS INDICATED IN THE RECORDS OF THE CONCEALED WEAPON
22 LICENSING BOARD. THE NOTICE SHALL INFORM THE INDIVIDUAL THAT HE
23 OR SHE IS ENTITLED TO A PROMPT HEARING ON THE SUSPENSION, AND THE
24 CONCEALED WEAPON LICENSING BOARD SHALL CONDUCT A PROMPT HEARING
25 IF REQUESTED IN WRITING BY THE INDIVIDUAL. THE REQUIREMENTS OF
26 SUBSECTION (2) DO NOT APPLY TO THIS SUBSECTION.

HB 4530, As Passed Senate, May 26, 1999

House Bill No. 4530

32

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

5 Sec. 14. (1) ~~All~~ SUBJECT TO SECTION 5K, ALL pistols,
6 weapons, or devices carried or possessed contrary to this act are
7 ~~hereby~~ declared forfeited to the state, and shall be turned
8 over to the ~~commissioner~~ DIRECTOR of the ~~Michigan state~~
9 ~~police~~ DEPARTMENT OF MANAGEMENT AND BUDGET or his OR HER desig-
10 nated representative, for ~~such disposition as said commissioner~~
11 ~~may prescribe~~ DISPOSAL UNDER THIS SECTION.

12 (2) THE DIRECTOR OF THE DEPARTMENT OF MANAGEMENT AND BUDGET
13 SHALL DISPOSE OF FIREARMS UNDER THIS SECTION ONLY AS FOLLOWS:

14 (A) BY CONDUCTING A PUBLIC AUCTION IN WHICH FIREARMS
15 RECEIVED UNDER THIS SECTION MAY BE PURCHASED BY INDIVIDUALS
16 AUTHORIZED BY LAW TO POSSESS THOSE FIREARMS.

17 (B) BY DESTROYING FIREARMS THAT CANNOT BE LAWFULLY POSSESSED
18 BY INDIVIDUALS UNDER FEDERAL LAW OR THE LAWS OF THIS STATE OR
19 THAT ARE MECHANICALLY DEFECTIVE OR REMAIN UNPURCHASED AFTER AN
20 AUCTION UNDER SUBDIVISION (A).

21 Enacting section 1. This amendatory act takes effect
22 September 30, 1999.

23 Enacting section 2. This amendatory act does not take
24 effect unless Senate Bill No. 460 of the 90th Legislature is
25 enacted into law.