

SENATE BILL No. 34

January 27, 2015, Introduced by Senators GREEN, MEEKHOF, KOWALL, CASPERSON, PROOS, HILDENBRAND, PAVLOV, COLBECK, JONES, ROBERTSON, SCHUITMAKER, KNEZEK, SCHMIDT, HORN, HANSEN, EMMONS, SHIRKEY, STAMAS, MACGREGOR, ZORN, NOFS and KNOLLENBERG and referred to the Committee on Judiciary.

A bill to amend 1927 PA 372, entitled

"An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,"

by amending sections 1, 2a, 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5j, 5k, 5l, 5o, and 8 (MCL 28.421, 28.422a, 28.424, 28.425, 28.425a, 28.425b, 28.425c, 28.425d, 28.425e, 28.425f, 28.425j, 28.425k, 28.425l, 28.425o, and 28.428), section 1 as amended by 2014 PA 203, section 2a as amended by 2013 PA 3, section 4 as amended by 2014 PA 6, sections 5 and 5a as added by 2000 PA 381, section 5b as amended

by 2014 PA 207, sections 5c and 5d as amended by 2002 PA 719, section 5e as amended by 2014 PA 204, sections 5f and 5k as amended by 2012 PA 123, section 5j as amended by 2004 PA 254, section 5l as amended by 2012 PA 32, section 5o as amended by 2014 PA 206, and section 8 as amended by 2008 PA 406, and by adding section 5x; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) As used in this act:

2 (a) "Felony" means, **EXCEPT AS OTHERWISE PROVIDED IN THIS**
 3 **SUBDIVISION**, that term as defined in section 1 of chapter I of the
 4 code of criminal procedure, 1927 PA 175, MCL 761.1, or a violation
 5 of a law of the United States or another state that is designated
 6 as a felony or that is punishable by death or by imprisonment for
 7 more than 1 year. **FELONY DOES NOT INCLUDE A VIOLATION OF A PENAL**
 8 **LAW OF THIS STATE THAT IS EXPRESSLY DESIGNATED AS A MISDEMEANOR.**

9 (b) "Firearm" means ~~a ANY weapon from which a dangerous WILL,~~
 10 **IS DESIGNED TO, OR MAY READILY BE CONVERTED TO EXPEL A** projectile
 11 ~~may be propelled by ACTION OF~~ an explosive. ~~, or by gas or air.~~
 12 ~~Firearm does not include a smooth bore rifle or handgun designed~~
 13 ~~and manufactured exclusively for propelling by a spring, or by gas~~
 14 ~~or air, BBs not exceeding .177 caliber.~~

15 (c) "Firearms records" means any form, information, or record
 16 required for submission to a government agency under sections 2,
 17 2a, 2b, and 5b, or any form, permit, or license issued by a
 18 government agency under this act.

19 (d) "Misdemeanor" means a violation of a penal law of this
 20 state or violation of a local ordinance substantially corresponding

1 to a violation of a penal law of this state that is not a felony or
2 a violation of an order, rule, or regulation of a state agency that
3 is punishable by imprisonment or a fine that is not a civil fine,
4 or both.

5 (e) "Peace officer" means, except as otherwise provided in
6 this act, an individual who is employed as a law enforcement
7 officer, as that term is defined under section 2 of the commission
8 on law enforcement standards act, 1965 PA 203, MCL 28.602, by this
9 state or another state, a political subdivision of this state or
10 another state, or the United States, and who is required to carry a
11 firearm in the course of his or her duties as a law enforcement
12 officer.

13 (f) "Pistol" means a loaded or unloaded firearm that is 26
14 inches or less in length, or a loaded or unloaded firearm that by
15 its construction and appearance conceals it as a firearm.

16 (g) "Purchaser" means a person who receives a pistol from
17 another person by purchase or gift.

18 (h) "Reserve peace officer", "auxiliary officer", or "reserve
19 officer" means, except as otherwise provided in this act, an
20 individual authorized on a voluntary or irregular basis by a duly
21 authorized police agency of this state or a political subdivision
22 of this state to act as a law enforcement officer, who is
23 responsible for the preservation of the peace, the prevention and
24 detection of crime, and the enforcement of the general criminal
25 laws of this state, and who is otherwise eligible to possess a
26 firearm under this act.

27 (i) "Retired police officer" or "retired law enforcement

1 officer" means an individual who was a police officer or law
2 enforcement officer who was certified as described under section 9a
3 of the commission on law enforcement standards act, 1965 PA 203,
4 MCL 28.609a, and retired in good standing from his or her
5 employment as a police officer or law enforcement officer. **A POLICE
6 OFFICER OR LAW ENFORCEMENT OFFICER RETIRED IN GOOD STANDING IF HE
7 OR SHE RECEIVES A PENSION OR OTHER RETIREMENT BENEFIT FOR HIS OR
8 HER SERVICE AS A POLICE OFFICER OR LAW ENFORCEMENT OFFICER OR
9 ACTIVELY MAINTAINED A MICHIGAN COMMISSION ON LAW ENFORCEMENT
10 STANDARDS OR EQUIVALENT STATE CERTIFICATION FOR 10 OR MORE
11 CONSECUTIVE YEARS.**

12 (j) "Seller" means a person who sells or gives a pistol to
13 another person.

14 (k) "State court judge" means a judge of the district court,
15 circuit court, probate court, or court of appeals or justice of the
16 supreme court of this state who is serving either by election or
17 appointment.

18 (l) "State court retired judge" means a judge or justice
19 described in subdivision (k) who is retired, or a retired judge of
20 the recorders court.

21 (2) A person may lawfully own, possess, carry, or transport as
22 a pistol a firearm greater than 26 inches in length if all of the
23 following conditions apply:

24 (a) The person registered the firearm as a pistol under
25 section 2 or 2a before January 1, 2013.

26 (b) The person who registered the firearm as described in
27 subdivision (a) has maintained registration of the firearm since

1 January 1, 2013 without lapse.

2 (c) The person possesses a copy of the license or record
3 issued to him or her under section 2 or 2a.

4 (3) A person who satisfies all of the conditions listed under
5 subsection (2) nevertheless may elect to have the firearm not be
6 considered to be a pistol. A person who makes the election under
7 this subsection shall notify the department of state police of the
8 election in a manner prescribed by that department.

9 Sec. 2a. (1) The following individuals are not required to
10 obtain a license under section 2 to purchase, carry, possess, use,
11 or transport a pistol:

12 (a) An individual licensed under section 5b, **EXCEPT FOR AN**
13 **INDIVIDUAL WHO HAS AN EMERGENCY LICENSE ISSUED UNDER SECTION 5A(4)**
14 **OR A RECEIPT SERVING AS A CONCEALED PISTOL LICENSE UNDER SECTION**
15 **5B(9) OR 5/(3).**

16 (b) A federally licensed firearms dealer.

17 (c) An individual who purchases a pistol from a federally
18 licensed firearms dealer in compliance with 18 USC 922(t).

19 (2) If an individual described in subsection (1) purchases or
20 otherwise acquires a pistol, the seller shall complete a record in
21 triplicate on a form provided by the department of state police.
22 The record shall include the purchaser's concealed weapon license
23 number or, if the purchaser is a federally licensed firearms
24 dealer, his or her dealer license number. If the purchaser is not
25 licensed under section 5b and is not a federally licensed firearms
26 dealer, the record shall include the dealer license number of the
27 federally licensed firearms dealer who is selling the pistol. The

1 purchaser shall sign the record. The seller may retain 1 copy of
2 the record. The purchaser shall receive 2 copies of the record and
3 forward 1 copy to the police department of the city, village, or
4 township in which the purchaser resides, or, if the purchaser does
5 not reside in a city, village, or township having a police
6 department, to the county sheriff, within 10 days following the
7 purchase or acquisition. The return of the copy to the police
8 department or county sheriff may be made in person or may be made
9 by first-class mail or certified mail sent within the 10-day period
10 to the proper address of the police department or county sheriff. A
11 purchaser who fails to comply with the requirements of this
12 subsection is responsible for a state civil infraction and may be
13 fined not more than \$250.00. If a purchaser is found responsible
14 for a state civil infraction under this subsection, the court shall
15 notify the department of state police. If the purchaser is licensed
16 under section 5b, the court shall notify the licensing authority of
17 that determination.

18 (3) Within 10 days after receiving the record copy returned
19 under subsection (2), the police department or county sheriff shall
20 electronically enter the information into the pistol entry database
21 as required by the department of state police if it has the ability
22 to electronically enter that information. If the police department
23 or county sheriff does not have that ability, the police department
24 or county sheriff shall provide that information to the department
25 of state police in a manner otherwise required by the department of
26 state police. Any police department or county sheriff that provided
27 pistol descriptions to the department of state police under former

1 section 9 of this act shall continue to provide pistol descriptions
2 to the department of state police under this subsection. Within 48
3 hours after entering or otherwise providing the information on the
4 record copy returned under subsection (2) to the department of
5 state police, the police department or county sheriff shall forward
6 the copy of the record to the department of state police. The
7 purchaser has the right to obtain a copy of the information placed
8 in the pistol entry database under this subsection to verify the
9 accuracy of that information. The police department or county
10 sheriff may charge a fee not to exceed \$1.00 for the cost of
11 providing the copy. The purchaser may carry, use, possess, and
12 transport the pistol for 30 days beginning on the date of purchase
13 or acquisition only while he or she is in possession of his or her
14 copy of the record. However, the person is not required to have the
15 record in his or her possession while carrying, using, possessing,
16 or transporting the pistol after this period.

17 (4) This section does not apply to a person or entity exempt
18 under section 2(7).

19 (5) An individual who makes a material false statement on a
20 sales record under this section is guilty of a felony punishable by
21 imprisonment for not more than 4 years or a fine of not more than
22 \$2,500.00, or both.

23 (6) The department of state police may promulgate rules to
24 implement this section.

25 (7) As used in this section:

26 (a) Before December 18, 2012, "federally licensed firearms
27 dealer" means an individual who holds a type 01 dealer license

1 under 18 USC 923.

2 (b) Beginning December 18, 2012, "federally licensed firearms
3 dealer" means a person licensed to sell firearms under 18 USC 923.

4 (c) "Person" means an individual, partnership, corporation,
5 association, or other legal entity.

6 Sec. 4. (1) A person who is prohibited from possessing, using,
7 transporting, selling, purchasing, carrying, shipping, receiving,
8 or distributing a firearm under section 224f(2) of the Michigan
9 penal code, 1931 PA 328, MCL 750.224f, may apply to the ~~concealed~~
10 ~~weapons licensing board~~ **CIRCUIT COURT** in the county in which he or
11 she resides for restoration of those rights.

12 (2) A person who is prohibited from possessing, using,
13 transporting, selling, carrying, shipping, or distributing
14 ammunition under section 224f(4) of the Michigan penal code, 1931
15 PA 328, MCL 750.224f, may apply to the ~~concealed weapons licensing~~
16 ~~board~~ **CIRCUIT COURT** in the county in which he or she resides for
17 restoration of those rights.

18 (3) Not more than 1 application may be submitted under
19 subsection (1) or (2) in any calendar year. The ~~concealed weapons~~
20 ~~licensing board may~~ **CIRCUIT COURT SHALL** charge a fee ~~of not more~~
21 ~~than \$10.00 for the actual and necessary expenses of each~~
22 ~~application.~~ **AS PROVIDED IN SECTION 2529 OF THE REVISED JUDICATURE**
23 **ACT OF 1961, 1961 PA 236, MCL 600.2529, UNLESS THE COURT WAIVES**
24 **THAT FEE.**

25 (4) The ~~concealed weapons licensing board~~ **CIRCUIT COURT** shall,
26 by written order, ~~of the board,~~ restore the rights of a person to
27 possess, use, transport, sell, purchase, carry, ship, receive, or

1 distribute a firearm or to possess, use, transport, sell, carry,
2 ship, or distribute ammunition if the ~~board~~ **CIRCUIT COURT**
3 determines, by clear and convincing evidence, that all of the
4 following circumstances exist:

5 (a) The person properly submitted an application for
6 restoration of those rights as provided under this section.

7 (b) The expiration of 5 years after all of the following
8 circumstances:

9 (i) The person has paid all fines imposed for the violation
10 resulting in the prohibition.

11 (ii) The person has served all terms of imprisonment imposed
12 for the violation resulting in the prohibition.

13 (iii) The person has successfully completed all conditions of
14 probation or parole imposed for the violation resulting in the
15 prohibition.

16 (c) The person's record and reputation are such that the
17 person is not likely to act in a manner dangerous to the safety of
18 other persons.

19 ~~— (5) If the concealed weapons licensing board under subsection~~
20 ~~(4) refuses to restore a right under this section, the person may~~
21 ~~petition the circuit court for review of that decision.~~

22 Sec. 5. (1) County ~~sheriffs, local police agencies, and county~~
23 clerks shall provide concealed pistol application kits during
24 normal business hours and free of charge to individuals who wish to
25 apply for licenses to carry concealed pistols. Each kit shall only
26 contain all of the following:

27 (a) A concealed pistol license application form provided by

1 the director of the department of state police.

2 (b) The fingerprint cards ~~required~~ under section
3 ~~5b(11)-5B(10)~~, **IF REQUIRED**.

4 (c) Written information regarding the procedures involved in
5 obtaining a license to carry a concealed pistol. ~~, including~~
6 ~~information regarding the right to appeal the denial of a license~~
7 ~~and the form required for that appeal.~~

8 (d) Written information identifying entities that offer the
9 training required under section 5b(7)(c), **IF MAINTAINED BY THE**
10 **COUNTY CLERK**.

11 (2) A ~~county sheriff, local police agency, or county clerk~~
12 shall not deny an individual the right to receive a concealed
13 pistol application kit under this section.

14 (3) An individual who is denied an application kit under this
15 section and obtains an order of mandamus directing the ~~concealed~~
16 ~~weapon licensing board~~ **COUNTY CLERK** to provide him or her with the
17 application kit shall be awarded his or her actual and reasonable
18 costs and attorney fees for obtaining the order.

19 (4) The department of state police shall provide the
20 application kits required under this section to ~~county sheriffs,~~
21 ~~local law enforcement agencies, and county clerks in sufficient~~
22 ~~quantities to meet demand.~~ **AN ELECTRONIC FORMAT**. The department of
23 state police shall not charge a fee for the kits.

24 Sec. 5a. ~~(1) Each county shall have a concealed weapon~~
25 ~~licensing board. The concealed weapon licensing board of each~~
26 ~~county shall have the following members:~~

27 ~~— (a) The county prosecuting attorney or his or her designee.~~

1 ~~However, if the county prosecuting attorney decides that he or she~~
2 ~~does not want to be a member of the concealed weapon licensing~~
3 ~~board, he or she shall notify the county board of commissioners in~~
4 ~~writing that he or she does not want to be a member of the~~
5 ~~concealed weapon licensing board for the balance of his or her term~~
6 ~~in office. The county board of commissioners shall then appoint a~~
7 ~~replacement for the prosecuting attorney who is a firearms~~
8 ~~instructor who has the qualifications prescribed in section~~
9 ~~5j(1)(c). The person who replaces the prosecuting attorney shall~~
10 ~~serve on the concealed weapon licensing board in place of the~~
11 ~~prosecuting attorney for the remaining term of the county~~
12 ~~prosecuting attorney unless removed for cause by the county board~~
13 ~~of commissioners. If a vacancy occurs on the concealed weapon~~
14 ~~licensing board of the person appointed pursuant to this section~~
15 ~~during the term of office of the county prosecuting attorney, the~~
16 ~~county board of commissioners shall appoint a replacement person~~
17 ~~who is a firearms instructor who has the qualifications prescribed~~
18 ~~in section 5j(1)(c).~~

19 ~~—— (b) The county sheriff or his or her designee.~~

20 ~~—— (c) The director of the department of state police or his or~~
21 ~~her designee.~~

22 ~~—— (2) If a prosecuting attorney chooses not to be a member of~~
23 ~~the concealed weapon licensing board, all of the following apply:~~

24 ~~—— (a) The prosecuting attorney shall be notified of all~~
25 ~~applications received by the concealed weapon licensing board.~~

26 ~~—— (b) The prosecuting attorney shall be given an opportunity to~~
27 ~~object to granting a license to carry a concealed pistol and~~

1 ~~present evidence bearing directly on an applicant's suitability to~~
2 ~~carry a concealed pistol safely.~~

3 ~~—— (c) The prosecuting attorney shall disclose to the concealed~~
4 ~~weapon licensing board any information of which he or she has~~
5 ~~actual knowledge that bears directly on an applicant's suitability~~
6 ~~to carry a concealed pistol safely.~~

7 ~~—— (3) The county prosecuting attorney or his or her designee~~
8 ~~shall serve as chairperson of the board unless the prosecuting~~
9 ~~attorney does not want to be a member of the concealed weapon~~
10 ~~licensing board, in which case the concealed weapon licensing board~~
11 ~~shall elect its chairperson. Two members of the concealed weapon~~
12 ~~licensing board constitute a quorum of the concealed weapon~~
13 ~~licensing board. The business of the concealed weapon licensing~~
14 ~~board shall be conducted by a majority vote of all of the members~~
15 ~~of the concealed weapon licensing board.~~

16 **(1) BEGINNING OCTOBER 1, 2015, THE COUNTY CONCEALED WEAPON**
17 **LICENSING BOARDS ARE ELIMINATED. EACH COUNTY CONCEALED WEAPON**
18 **LICENSING BOARD SHALL TRANSFER ALL LICENSE APPLICATIONS AND**
19 **OFFICIAL DOCUMENTS IN ITS POSSESSION TO THE COUNTY CLERK OF THE**
20 **COUNTY IN WHICH THE BOARD IS LOCATED NO LATER THAN 12 MIDNIGHT**
21 **SEPTEMBER 30, 2015. ALL PENDING APPLICATIONS REMAIN IN PLACE, ARE**
22 **CONSIDERED TO HAVE AN OCTOBER 1, 2015 APPLICATION DATE, AND SHALL**
23 **BE PROCESSED BY THE COUNTY CLERK AS PROVIDED IN THIS ACT. IF AN**
24 **APPLICANT HAS AN INITIAL OR RENEWAL APPLICATION THAT IS PENDING ON**
25 **OCTOBER 1, 2015, THAT APPLICANT MAY REQUEST A RECEIPT FROM THE**
26 **COUNTY CLERK THAT MEETS THE REQUIREMENTS OF SECTION 5B(9) OR 5I(3).**
27 **THE COUNTY CLERK SHALL ISSUE THAT RECEIPT BY FIRST-CLASS MAIL**

1 UNLESS REQUESTED IN PERSON. THE RECEIPT IS EFFECTIVE ON THE DATE
2 THE COUNTY CLERK ISSUES THAT RECEIPT. THE COUNTY CLERK SHALL NOT
3 CHARGE ANY ADDITIONAL FEE FOR RECEIVING OR PROCESSING AN
4 APPLICATION PREVIOUSLY SUBMITTED TO THE COUNTY CONCEALED WEAPON
5 LICENSING BOARD, EXCEPT AS OTHERWISE PROVIDED IN THIS ACT. A
6 LICENSE TO CARRY A CONCEALED PISTOL ISSUED BY A CONCEALED WEAPON
7 LICENSING BOARD BEFORE 12 MIDNIGHT SEPTEMBER 30, 2015 IS VALID AND
8 REMAINS IN EFFECT UNTIL THE EXPIRATION OF THAT LICENSE OR AS
9 OTHERWISE PROVIDED BY LAW.

10 (2) ~~(4) The county clerk shall serve as the clerk of the~~
11 ~~concealed weapon licensing board.~~ IS RESPONSIBLE FOR ALL OF THE
12 FOLLOWING:

13 (A) STORING AND MAINTAINING ALL RECORDS RELATED TO ISSUING A
14 LICENSE OR NOTICE OF STATUTORY DISQUALIFICATION IN THAT COUNTY.

15 (B) ISSUING LICENSES TO CARRY A CONCEALED PISTOL.

16 (C) ISSUING NOTICES OF STATUTORY DISQUALIFICATION, NOTICES OF
17 SUSPENSIONS, AND NOTICES OF REVOCATIONS.

18 ~~— (5) Except as otherwise provided in this act, the concealed~~
19 ~~weapon licensing board has exclusive authority to issue, deny,~~
20 ~~revoke, or suspend a license to carry a concealed pistol. The~~
21 ~~concealed weapon licensing board shall perform other duties as~~
22 ~~provided by law.~~

23 ~~— (6) The concealed weapon licensing board may convene not more~~
24 ~~than 3 panels to assist the board in evaluating applicants. The~~
25 ~~panels shall be composed of representatives as prescribed in~~
26 ~~subsection (1). The panels do not have the authority to issue,~~
27 ~~deny, revoke, or suspend a license.~~

1 (3) ~~(7)~~ ~~The concealed weapon licensing board may investigate~~
 2 ~~the~~ **DEPARTMENT OF STATE POLICE SHALL VERIFY UNDER SECTION 5B(6)**
 3 **WHETHER AN** applicant for a license to carry a concealed pistol ~~-~~
 4 ~~The investigation shall be restricted to determining only whether~~
 5 ~~the applicant is eligible under this act to receive a license to~~
 6 carry a concealed pistol. ~~, and the investigation regarding the~~
 7 ~~issuance of a license shall end after that determination is made.~~
 8 ~~The concealed weapon licensing board may require the applicant to~~
 9 ~~appear before the board at a mutually agreed upon time for a~~
 10 ~~conference. The applicant's failure or refusal to appear without~~
 11 ~~valid reason before the concealed weapon licensing board as~~
 12 ~~provided in this subsection is grounds for the board to deny~~
 13 ~~issuance of a license to carry a concealed pistol to that~~
 14 ~~applicant.~~

15 (4) ~~(8)~~ ~~If the concealed weapon licensing board~~ **A COUNTY CLERK**
 16 **SHALL ISSUE AN EMERGENCY LICENSE TO CARRY A CONCEALED PISTOL TO AN**
 17 **APPLICANT IF THE INDIVIDUAL IS A PETITIONER FOR A PERSONAL**
 18 **PROTECTION ORDER ISSUED UNDER SECTION 2950 OR 2950A OF THE REVISED**
 19 **JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.2950 AND 600.2950A, OR**
 20 **TO AN APPLICANT IF A COUNTY SHERIFF** determines **THAT** there is
 21 ~~probable cause~~ **CLEAR AND CONVINCING EVIDENCE** to believe the safety
 22 of the applicant or the safety of a member of the applicant's
 23 family **OR HOUSEHOLD** is endangered by the applicant's inability to
 24 immediately obtain a license to carry a concealed pistol. ~~, the~~
 25 ~~concealed weapon licensing board may, pending issuance of a~~
 26 ~~license, issue a temporary license to the individual to carry a~~
 27 ~~concealed pistol. A temporary~~ **CLEAR AND CONVINCING EVIDENCE**

1 INCLUDES, BUT IS NOT LIMITED TO, AN APPLICATION FOR A PERSONAL
2 PROTECTION ORDER, POLICE REPORTS AND OTHER LAW ENFORCEMENT RECORDS,
3 OR WRITTEN, AUDIO, OR VISUAL EVIDENCE OF THREATS TO THE APPLICANT
4 OR MEMBER OF THE APPLICANT'S FAMILY OR HOUSEHOLD. THE COUNTY
5 SHERIFF SHALL ONLY ISSUE A DETERMINATION UNDER THIS SUBSECTION TO
6 AN INDIVIDUAL WHO IS ELIGIBLE UNDER SECTION 5B(7)(D), (E), (F),
7 (H), (I), (J), (K), AND (M) TO RECEIVE A LICENSE BASED ON A
8 CRIMINAL RECORD CHECK THROUGH THE LAW ENFORCEMENT INFORMATION
9 NETWORK AND ONLY AFTER THE COUNTY SHERIFF HAS TAKEN THE
10 INDIVIDUAL'S FINGERPRINTS IN COMPLIANCE WITH SECTION 5B(9). AN
11 EMERGENCY license shall be on a form provided by the department of
12 state police. ~~A temporary~~ AN APPLICANT FOR AN EMERGENCY LICENSE
13 SHALL, WITHIN 10 BUSINESS DAYS OF APPLYING FOR AN EMERGENCY
14 LICENSE, COMPLETE A PISTOL TRAINING COURSE UNDER SECTION 5J AND
15 APPLY FOR A LICENSE UNDER SECTION 5B. A COUNTY SHERIFF WHO MAKES A
16 DETERMINATION UNDER THIS SECTION, PERFORMS A CRIMINAL RECORD CHECK,
17 AND TAKES THE APPLICANT'S FINGERPRINTS MAY CHARGE A FEE NOT TO
18 EXCEED \$15.00. A COUNTY CLERK MAY CHARGE A FEE NOT TO EXCEED \$10.00
19 FOR PRINTING AN EMERGENCY LICENSE. A COUNTY CLERK SHALL DEPOSIT A
20 FEE COLLECTED BY THE COUNTY CLERK UNDER THIS SUBSECTION IN THE
21 CONCEALED PISTOL LICENSING FUND OF THAT COUNTY CREATED IN SECTION
22 5X. AN EMERGENCY license ~~shall be~~ IS unrestricted and ~~shall be~~ IS
23 valid ~~for not more than 180 days. A temporary license may be~~
24 ~~renewed for 1 additional period of not more than 180 days. A~~
25 ~~temporary~~ FOR 45 DAYS OR UNTIL THE COUNTY CLERK ISSUES A LICENSE OR
26 A NOTICE OF STATUTORY DISQUALIFICATION, WHICHEVER OCCURS FIRST.
27 EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, AN EMERGENCY license is,

1 for all other purposes of this act, a license to carry a concealed
2 pistol. THE COUNTY CLERK SHALL INCLUDE AN INDICATION ON THE LICENSE
3 IF AN INDIVIDUAL IS EXEMPT FROM THE PROHIBITIONS AGAINST CARRYING A
4 CONCEALED PISTOL ON PREMISES DESCRIBED IN SECTION 5o IF THE
5 APPLICANT PROVIDES ACCEPTABLE PROOF THAT HE OR SHE QUALIFIES FOR
6 THAT EXEMPTION. AN INDIVIDUAL SHALL NOT OBTAIN MORE THAN 1
7 EMERGENCY LICENSE IN ANY 5-YEAR PERIOD. IF A COUNTY CLERK ISSUES A
8 NOTICE OF STATUTORY DISQUALIFICATION TO AN APPLICANT WHO RECEIVED
9 AN EMERGENCY LICENSE UNDER THIS SECTION, THE APPLICANT SHALL
10 IMMEDIATELY SURRENDER THE EMERGENCY LICENSE TO THE COUNTY CLERK BY
11 MAIL OR IN PERSON IF THAT EMERGENCY LICENSE HAS NOT EXPIRED. AN
12 INDIVIDUAL WHO FAILS TO SURRENDER A LICENSE AS REQUIRED BY THIS
13 SUBSECTION AFTER HE OR SHE IS NOTIFIED OF A STATUTORY
14 DISQUALIFICATION IS GUILTY OF A MISDEMEANOR PUNISHABLE BY
15 IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE THAN
16 \$500.00, OR BOTH.

17 (5) ~~(9)~~—The legislative service bureau shall compile the
18 firearms laws of this state, including laws that apply to carrying
19 a concealed pistol, and shall provide copies of the compilation IN
20 AN ELECTRONIC FORMAT to each ~~concealed weapon licensing board in~~
21 ~~this state for distribution under this subsection. A concealed~~
22 ~~weapon licensing board~~ THE DEPARTMENT OF STATE POLICE. THE
23 DEPARTMENT OF STATE POLICE SHALL PROVIDE A COPY OF THE COMPILED
24 LAWS TO EACH COUNTY CLERK IN THIS STATE. THE DEPARTMENT OF STATE
25 POLICE SHALL ALSO PROVIDE FORMS TO APPEAL ANY NOTICE OF STATUTORY
26 DISQUALIFICATION, OR SUSPENSION OR REVOCATION OF A LICENSE UNDER
27 THIS ACT. THE DEPARTMENT OF STATE POLICE SHALL DISTRIBUTE COPIES OF

1 THE COMPILATION AND FORMS REQUIRED UNDER THIS SUBSECTION IN AN
2 ELECTRONIC FORMAT TO EACH COUNTY CLERK. THE COUNTY CLERK shall
3 distribute a copy of the compilation **AND FORMS AT NO CHARGE** to each
4 individual who applies for a license to carry a concealed pistol at
5 the time the application is submitted. The ~~concealed weapon~~
6 ~~licensing board~~ **COUNTY CLERK** shall require the applicant to sign a
7 written statement acknowledging that he or she has received a copy
8 of the compilation **AND FORMS PROVIDED UNDER THIS SUBSECTION**. An
9 individual is not eligible to receive a license to carry a
10 concealed pistol until he or she has signed the statement.

11 Sec. 5b. (1) To obtain a license to carry a concealed pistol,
12 an individual shall apply to the ~~concealed weapon licensing board~~
13 **COUNTY CLERK** in the county in which that individual resides. The
14 ~~application~~ **APPLICANT** shall ~~be filed~~ **FILE THE APPLICATION** with the
15 county clerk **IN THE COUNTY IN WHICH THE APPLICANT RESIDES** during
16 the county clerk's normal business hours. The application shall be
17 on a form provided by the director of the department of state
18 police and shall allow the applicant to designate whether the
19 applicant seeks a ~~temporary~~ **AN EMERGENCY** license. The application
20 shall be signed under oath by the applicant. The oath shall be
21 administered by the county clerk or his or her representative. **NOT**
22 **MORE THAN 1 APPLICATION MAY BE SUBMITTED UNDER THIS SUBSECTION IN**
23 **ANY CALENDAR YEAR. AN APPLICATION UNDER THIS SUBSECTION IS NOT**
24 **CONSIDERED COMPLETE UNTIL AN APPLICANT SUBMITS ALL OF THE REQUIRED**
25 **INFORMATION AND FEES AND HAS FINGERPRINTS TAKEN UNDER SUBSECTION**
26 **(9). AN APPLICATION UNDER THIS SUBSECTION IS CONSIDERED WITHDRAWN**
27 **IF AN APPLICANT DOES NOT HAVE FINGERPRINTS TAKEN UNDER SUBSECTION**

1 (9) WITHIN 45 DAYS OF THE DATE AN APPLICATION IS FILED UNDER THIS
2 SUBSECTION. A COMPLETED APPLICATION UNDER THIS SECTION EXPIRES 1
3 YEAR FROM THE DATE OF APPLICATION. THE COUNTY CLERK SHALL ISSUE THE
4 APPLICANT A RECEIPT FOR HIS OR HER APPLICATION AT THE TIME THE
5 APPLICATION IS SUBMITTED. THE RECEIPT SHALL CONTAIN THE NAME OF THE
6 APPLICANT, THE APPLICANT'S STATE-ISSUED DRIVER LICENSE OR PERSONAL
7 IDENTIFICATION CARD NUMBER, THE DATE AND TIME THE RECEIPT IS
8 ISSUED, THE AMOUNT PAID, THE NAME OF THE COUNTY IN WHICH THE
9 RECEIPT IS ISSUED, AN IMPRESSION OF THE COUNTY SEAL, AND THE
10 STATEMENT, "THIS RECEIPT WAS ISSUED FOR THE PURPOSE OF APPLYING FOR
11 A CONCEALED PISTOL LICENSE AND FOR OBTAINING FINGERPRINTS RELATED
12 TO THAT APPLICATION. THIS RECEIPT DOES NOT AUTHORIZE AN INDIVIDUAL
13 TO CARRY A CONCEALED PISTOL IN THIS STATE.". The application shall
14 contain all of the following: ~~information:~~

15 (a) The applicant's legal name, ~~and date of birth, and the~~
16 address of his or her primary residence, **AND HIS OR HER STATE-**
17 **ISSUED DRIVER LICENSE OR PERSONAL IDENTIFICATION CARD NUMBER.** ~~If~~
18 ~~the applicant resides in a city, village, or township that has a~~
19 ~~police department, the name of the police department.~~

20 (b) A statement by the applicant that the applicant meets the
21 criteria for a license under this act to carry a concealed pistol.

22 (c) A statement by the applicant authorizing the ~~concealed~~
23 ~~weapon licensing board~~ **DEPARTMENT OF STATE POLICE** to access any
24 record, ~~including any medical record, pertaining to the~~
25 ~~applicant's qualifications for a license to carry a concealed~~
26 ~~pistol under this act. The applicant may request that information~~
27 ~~received by the concealed weapon licensing board under this~~

1 ~~subdivision be reviewed in a closed session. If the applicant~~
 2 ~~requests that the session be closed, the concealed weapon licensing~~
 3 ~~board shall close the session only for purposes of this~~
 4 ~~subdivision. The applicant and his or her representative have the~~
 5 ~~right to be present in the closed session.~~ **NEEDED TO PERFORM THE**
 6 **VERIFICATION IN SUBSECTION (6) .**

7 (d) A statement by the applicant regarding whether he or she
 8 has a history of mental illness that would disqualify him or her
 9 under subsection (7) (j) to (l) from receiving a license to carry a
 10 concealed pistol. ~~, and authorizing the concealed weapon licensing~~
 11 ~~board to access the mental health records of the applicant relating~~
 12 ~~to his or her mental health history. The applicant may request that~~
 13 ~~information received by the concealed weapon licensing board under~~
 14 ~~this subdivision be reviewed in a closed session. If the applicant~~
 15 ~~requests that the session be closed, the concealed weapon licensing~~
 16 ~~board shall close the session only for purposes of this~~
 17 ~~subdivision. The applicant and his or her representative have the~~
 18 ~~right to be present in the closed session.~~

19 (e) A statement by the applicant regarding whether he or she
 20 has ever been convicted in this state or elsewhere for any of the
 21 following:

22 (i) Any felony.

23 (ii) A misdemeanor listed under subsection (7) (h) ~~or (i)~~, if
 24 the applicant was convicted of that misdemeanor in the 8 years
 25 immediately preceding the date of the application, **OR A MISDEMEANOR**
 26 **LISTED UNDER SUBSECTION (7) (I) IF THE APPLICANT WAS CONVICTED OF**
 27 **THAT MISDEMEANOR IN THE 3 YEARS IMMEDIATELY PRECEDING THE DATE OF**

1 **THE APPLICATION.**

2 (f) A statement by the applicant whether he or she has been
3 dishonorably discharged from the United States armed forces.

4 ~~(g) If the applicant seeks a temporary license, the facts~~
5 ~~supporting the issuance of that temporary license.~~

6 ~~(h) The names, residential addresses, and telephone numbers of~~
7 ~~2 individuals who are references for the applicant.~~

8 (G) ~~(i) A~~ **IF AN APPLICANT DOES NOT HAVE A DIGITIZED PHOTOGRAPH**
9 **ON FILE WITH THE SECRETARY OF STATE, A** passport-quality photograph
10 of the applicant provided by the applicant at the time of
11 application.

12 (H) ~~(j)~~ A certificate stating that the applicant has completed
13 the training course prescribed by this act.

14 (2) **THE COUNTY CLERK SHALL NOT REQUIRE THE APPLICANT TO SUBMIT**
15 **ANY ADDITIONAL FORMS, DOCUMENTS, LETTERS, OR OTHER EVIDENCE OF**
16 **ELIGIBILITY FOR OBTAINING A LICENSE TO CARRY A CONCEALED PISTOL**
17 **EXCEPT AS SET FORTH IN SUBSECTION (1) OR AS OTHERWISE PROVIDED FOR**
18 **IN THIS ACT.** The application form shall contain a conspicuous
19 warning that the application is executed under oath and that
20 intentionally making a material false statement on the application
21 is a felony punishable by imprisonment for not more than 4 years or
22 a fine of not more than \$2,500.00, or both.

23 (3) An individual who intentionally makes a material false
24 statement on an application under subsection (1) is guilty of a
25 felony punishable by imprisonment for not more than 4 years or a
26 fine of not more than \$2,500.00, or both.

27 (4) The ~~concealed weapon licensing board~~ **COUNTY CLERK** shall

1 retain a copy of each application for a license to carry a
2 concealed pistol as an official record. One year after the
3 expiration of a concealed pistol license, the county clerk may
4 destroy the record and maintain only a name index of the record.

5 (5) ~~Each~~ **UNTIL OCTOBER 1, 2015, EACH** applicant shall pay a
6 ~~nonrefundable~~ **AN APPLICATION AND LICENSING** fee of \$105.00 by any
7 method of payment accepted by that county for payments of other
8 fees and penalties. **BEGINNING OCTOBER 1, 2015, EACH APPLICANT SHALL**
9 **PAY AN APPLICATION AND LICENSING FEE OF \$100.00 BY ANY METHOD OF**
10 **PAYMENT ACCEPTED BY THAT COUNTY FOR PAYMENTS OF OTHER FEES AND**
11 **PENALTIES.** Except for a local police agency as provided in
12 subsection (9), a unit of local government, an agency of a unit of
13 local government, or an agency or department of this state shall
14 not charge an additional fee, assessment, or other amount in
15 connection with a license under this section. **NO OTHER CHARGE, FEE,**
16 **COST, OR ASSESSMENT, INCLUDING ANY LOCAL CHARGE, FEE, COST, OR**
17 **ASSESSMENT, IS REQUIRED OF THE APPLICANT EXCEPT AS SPECIFICALLY**
18 **AUTHORIZED IN THIS ACT.** The **APPLICATION AND LICENSING** fee shall be
19 payable to the county. ~~The~~ **UNTIL OCTOBER 1, 2015, THE** county
20 treasurer shall deposit ~~\$41.00~~ **\$15.00** of each **APPLICATION AND**
21 **LICENSING** fee collected under this section in the general fund of
22 the county and credit ~~\$26.00~~ of that deposit to the credit of the
23 ~~county clerk and \$15.00~~ of that deposit to the credit of the county
24 sheriff and **DEPOSIT \$26.00 OF EACH FEE COLLECTED UNDER THIS SECTION**
25 **IN THE CONCEALED PISTOL LICENSING FUND OF THAT COUNTY CREATED IN**
26 **SECTION 5X. BEGINNING OCTOBER 1, 2015, THE COUNTY TREASURER SHALL**
27 **DEPOSIT \$26.00 OF EACH APPLICATION AND LICENSING FEE COLLECTED**

1 UNDER THIS SECTION IN THE CONCEALED PISTOL LICENSING FUND OF THAT
2 COUNTY CREATED IN SECTION 5X. THE COUNTY TREASURER SHALL forward
3 the balance **REMAINING** to the state treasurer. The state treasurer
4 shall deposit the balance of the fee in the general fund to the
5 credit of the department of state police. The department of state
6 police shall use the money received under this act to process the
7 fingerprints and to reimburse the federal bureau of investigation
8 for the costs associated with processing fingerprints submitted
9 under this act. The balance of the money received under this act
10 shall be credited to the department of state police.

11 ~~(6) The county sheriff on behalf of the concealed weapon~~
12 ~~licensing board shall verify the requirements of subsection (7)(d),~~
13 ~~(e), (f), (h), (i), (j), (k), (l), and (m) through the law~~
14 ~~enforcement information network and~~ **THE DEPARTMENT OF STATE POLICE**
15 **SHALL VERIFY THE REQUIREMENTS OF SUBSECTION (7)(D), (E), (F), (H),**
16 **(I), (J), (K), AND (M) THROUGH THE LAW ENFORCEMENT INFORMATION**
17 **NETWORK AND THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM**
18 **AND SHALL** report his or her finding to the concealed weapon
19 licensing board. If the applicant resides in a city, village, or
20 township that has a police department, the concealed weapon
21 licensing board shall contact that city, village, or township
22 police department to determine only whether that city, village, or
23 township police department has any information relevant to the
24 investigation of whether the applicant is eligible under this act
25 to receive a license to carry a concealed pistol. The concealed
26 weapon licensing board may require a person claiming active duty
27 status with the United States armed forces under this section to

1 ~~provide proof of 1 or both of the following:~~

2 ~~—— (a) The person's home of record.~~

3 ~~—— (b) Permanent active duty assignment in this state.~~ **TO THE**

4 **COUNTY CLERK ALL STATUTORY DISQUALIFICATIONS, IF ANY, UNDER THIS**

5 **ACT THAT APPLY TO AN APPLICANT.**

6 (7) The ~~concealed weapon licensing board~~ **COUNTY CLERK** shall
 7 issue **AND SHALL SEND BY FIRST-CLASS MAIL** a license to an applicant
 8 to carry a concealed pistol within the period required under this
 9 act ~~after the applicant properly submits an application under~~
 10 ~~subsection (1) and IF the concealed weapon licensing board~~ **COUNTY**
 11 **CLERK** determines that all of the following circumstances exist:

12 (a) The applicant is 21 years of age or older.

13 (b) The applicant is a citizen of the United States or is an
 14 alien lawfully admitted into the United States, is a legal resident
 15 of this state, and has resided in this state for not less than the
 16 6 months immediately preceding the date of application. The
 17 ~~concealed weapon licensing board may~~ **COUNTY CLERK SHALL** waive the
 18 6-month residency requirement for a ~~temporary~~ **AN EMERGENCY** license
 19 under section ~~5a(8)~~ **5A(4)** if **THE APPLICANT IS A PETITIONER FOR A**
 20 **PERSONAL PROTECTION ORDER ISSUED UNDER SECTION 2950 OR 2950A OF THE**
 21 **REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.2950 AND**
 22 **600.2950A, OR IF** the ~~concealed weapon licensing board~~ **COUNTY**
 23 **SHERIFF** determines there is ~~probable cause~~ **CLEAR AND CONVINCING**
 24 **EVIDENCE** to believe the safety of the applicant or the safety of a
 25 member of the applicant's family **OR HOUSEHOLD** is endangered by the
 26 applicant's inability to immediately obtain a license to carry a
 27 concealed pistol. If the applicant holds a valid concealed pistol

1 license issued by another state at the time the applicant's
2 residency in this state is established, the ~~concealed weapon~~
3 ~~licensing board may~~ **COUNTY CLERK SHALL** waive the 6-month waiting
4 period and the applicant may apply for a concealed pistol license
5 at the time the applicant's residency in this state is established.
6 ~~The concealed weapon licensing board shall immediately issue a~~
7 ~~temporary license to that applicant. The temporary license is valid~~
8 ~~until the concealed weapon licensing board decides whether to grant~~
9 ~~or deny the application. For the purposes of this section, a person~~
10 ~~shall be~~ **IS** considered a legal resident of this state if any of the
11 following apply:

12 (i) The person has a valid, lawfully obtained ~~Michigan~~ driver
13 license issued under the Michigan vehicle code, 1949 PA 300, MCL
14 257.1 to 257.923, or official state personal identification card
15 issued under 1972 PA 222, MCL 28.291 to 28.300.

16 (ii) The person is lawfully registered to vote in this state.

17 (iii) The person is on active duty status with the United States
18 armed forces and is stationed outside of this state, but the
19 person's home of record is in this state.

20 (iv) The person is on active duty status with the United States
21 armed forces and is permanently stationed in this state, but the
22 person's home of record is in another state.

23 (c) The applicant has knowledge and has had training in the
24 safe use and handling of a pistol by the successful completion of a
25 pistol safety training course or class that meets the requirements
26 of section 5j. ~~, and that is available to the general public and~~
27 ~~presented by a law enforcement agency, junior or community college,~~

1 ~~college, or public or private institution or organization or~~
2 ~~firearms training school.~~

3 (d) The applicant is not the subject of an order or
4 disposition under any of the following:

5 (i) Section 464a of the mental health code, 1974 PA 258, MCL
6 330.1464a.

7 (ii) Section 5107 of the estates and protected individuals
8 code, 1998 PA 386, MCL 700.5107.

9 (iii) Sections 2950 and 2950a of the revised judicature act of
10 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.

11 (iv) Section 6b of chapter V of the code of criminal procedure,
12 1927 PA 175, MCL 765.6b, if the order has a condition imposed under
13 section 6b(3) of chapter V of the code of criminal procedure, 1927
14 PA 175, MCL 765.6b.

15 (v) Section 16b of chapter IX of the code of criminal
16 procedure, 1927 PA 175, MCL 769.16b.

17 (e) The applicant is not prohibited from possessing, using,
18 transporting, selling, purchasing, carrying, shipping, receiving,
19 or distributing a firearm under section 224f of the Michigan penal
20 code, 1931 PA 328, MCL 750.224f.

21 (f) The applicant has never been convicted of a felony in this
22 state or elsewhere, and a felony charge against the applicant is
23 not pending in this state or elsewhere at the time he or she
24 applies for a license described in this section.

25 (g) The applicant has not been dishonorably discharged from
26 the United States armed forces.

27 (h) The applicant has not been convicted of a misdemeanor

1 violation of any of the following in the 8 years immediately
 2 preceding the date of application **AND A CHARGE FOR A MISDEMEANOR**
 3 **VIOLATION OF ANY OF THE FOLLOWING IS NOT PENDING AGAINST THE**
 4 **APPLICANT IN THIS STATE OR ELSEWHERE AT THE TIME HE OR SHE APPLIES**
 5 **FOR A LICENSE DESCRIBED IN THIS SECTION:**

6 ~~—— (i) Section 617a of the Michigan vehicle code, 1949 PA 300, MCL~~
 7 ~~257.617a (failing to stop when involved in a personal injury~~
 8 ~~accident).~~

9 ~~—— (ii) Section 625 of the Michigan vehicle code, 1949 PA 300, MCL~~
 10 ~~257.625, punishable as provided in subsection (9)(b) of that~~
 11 ~~section (operating while intoxicated, second offense).~~

12 ~~—— (iii) Section 625m of the Michigan vehicle code, 1949 PA 300,~~
 13 ~~MCL 257.625m punishable under subsection (4) of that section~~
 14 ~~(operating a commercial vehicle with alcohol content, second~~
 15 ~~offense).~~

16 ~~—— (iv) Section 626 of the Michigan vehicle code, 1949 PA 300, MCL~~
 17 ~~257.626 (reckless driving).~~

18 ~~—— (v) Section 904(1) of the Michigan vehicle code, 1949 PA 300,~~
 19 ~~MCL 257.904 (operating while license suspended or revoked),~~
 20 ~~punishable as a second or subsequent offense.~~

21 (i) SECTION 617A (FAILING TO STOP WHEN INVOLVED IN A PERSONAL
 22 INJURY ACCIDENT), SECTION 625 AS PUNISHABLE UNDER SUBSECTION (9)(B)
 23 OF THAT SECTION (OPERATING WHILE INTOXICATED, SECOND OFFENSE),
 24 SECTION 625M AS PUNISHABLE UNDER SUBSECTION (4) OF THAT SECTION
 25 (OPERATING A COMMERCIAL VEHICLE WITH ALCOHOL CONTENT, SECOND
 26 OFFENSE), SECTION 626 (RECKLESS DRIVING), OR A VIOLATION OF SECTION
 27 904(1) (OPERATING WHILE LICENSE SUSPENDED OR REVOKED, SECOND OR

1 SUBSEQUENT OFFENSE) OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL
2 257.617A, 257.625, 257.625M, 257.626, AND 257.904.

3 (ii) ~~(vi)~~—Section ~~185~~—185(7) of the aeronautics code of the
4 state of Michigan, 1945 PA 327, MCL 259.185 (operating aircraft
5 while under the influence of intoxicating liquor or a controlled
6 substance with prior conviction).

7 (iii) ~~(vii)~~—Section 29 of the weights and measures act, 1964 PA
8 283, MCL 290.629 (hindering or obstructing certain persons
9 performing official weights and measures duties).

10 (iv) ~~(viii)~~—Section 10 of the motor fuels quality act, 1984 PA
11 44, MCL 290.650 (hindering, obstructing, assaulting, or committing
12 bodily injury upon director or authorized representative).

13 ~~—— (ix) Section 81134 of the natural resources and environmental~~
14 ~~protection act, 1994 PA 451, MCL 324.81134, punishable under~~
15 ~~subsection (5) of that section (operating ORV under the influence~~
16 ~~of intoxicating liquor or a controlled substance, second or~~
17 ~~subsequent offense).~~

18 ~~—— (x) Section 82127 of the natural resources and environmental~~
19 ~~protection act, 1994 PA 451, MCL 324.82127 (operating a snowmobile~~
20 ~~under the influence of intoxicating liquor or a controlled~~
21 ~~substance), punishable as a second or subsequent offense under~~
22 ~~section 82128(1)(b) of the natural resources and environmental~~
23 ~~protection act, 1994 PA 451, MCL 324.82128.~~

24 ~~—— (xi) Section 80176 of the natural resources and environmental~~
25 ~~protection act, 1994 PA 451, MCL 324.80176, and punishable under~~
26 ~~section 80177(1)(b) (operating vessel under the influence of~~
27 ~~intoxicating liquor or a controlled substance, second or subsequent~~

1 ~~offense).~~

2 (v) SECTION 80176 AS PUNISHABLE UNDER SECTION 80177(1)(B)
 3 (OPERATING VESSEL UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A
 4 CONTROLLED SUBSTANCE, SECOND OFFENSE), SECTION 81134 AS PUNISHABLE
 5 UNDER SUBSECTION (5) OF THAT SECTION (OPERATING ORV UNDER THE
 6 INFLUENCE OF INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE, SECOND
 7 OR SUBSEQUENT OFFENSE), OR SECTION 82127 AS PUNISHABLE UNDER
 8 SECTION 82128(1)(B) (OPERATING SNOWMOBILE UNDER THE INFLUENCE OF
 9 INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE, SECOND OFFENSE) OF
 10 THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA
 11 451, MCL 324.80176, 324.80177, 324.81134, 324.82127, AND 324.82128.

12 (vi) ~~(xii)~~—Section 7403 of the public health code, 1978 PA 368,
 13 MCL 333.7403 (POSSESSION OF CONTROLLED SUBSTANCE, CONTROLLED
 14 SUBSTANCE ANALOGUE, OR PRESCRIPTION FORM).

15 (vii) ~~(xiii)~~—Section 353 of the railroad code of 1993, 1993 PA
 16 354, MCL 462.353, ~~(operating locomotive under the influence of~~
 17 ~~intoxicating liquor or a controlled substance, or while visibly~~
 18 ~~impaired),~~ punishable under subsection (4) of that section
 19 (OPERATING LOCOMOTIVE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR
 20 A CONTROLLED SUBSTANCE, OR WHILE VISIBLY IMPAIRED, SECOND OFFENSE).

21 (viii) ~~(xiv)~~—Section 7 of 1978 PA 33, MCL 722.677 (displaying
 22 sexually explicit matter to minors).

23 ~~—(xv) Section 81 of the Michigan penal code, 1931 PA 328, MCL~~
 24 ~~750.81 (assault or domestic assault).~~

25 ~~—(xvi) Section 81a(1) or (2) of the Michigan penal code, 1931 PA~~
 26 ~~328, MCL 750.81a (aggravated assault or aggravated domestic~~
 27 ~~assault).~~

- 1 ~~—— (xvii) Section 115 of the Michigan penal code, 1931 PA 328, MCL~~
2 ~~750.115 (breaking and entering or entering without breaking).~~
- 3 ~~—— (xviii) Section 136b(7) of the Michigan penal code, 1931 PA 328,~~
4 ~~MCL 750.136b (fourth degree child abuse).~~
- 5 ~~—— (xix) Section 145a of the Michigan penal code, 1931 PA 328, MCL~~
6 ~~750.145a (accosting, enticing, or soliciting a child for immoral~~
7 ~~purposes).~~
- 8 ~~—— (xx) Section 145n of the Michigan penal code, 1931 PA 328, MCL~~
9 ~~750.145n (vulnerable adult abuse).~~
- 10 ~~—— (xxi) Section 157b(3) (b) of the Michigan penal code, 1931 PA~~
11 ~~328, MCL 750.157b (solicitation to commit a felony).~~
- 12 ~~—— (xxii) Section 215 of the Michigan penal code, 1931 PA 328, MCL~~
13 ~~750.215 (impersonating peace officer or medical examiner).~~
- 14 ~~—— (xxiii) Section 223 of the Michigan penal code, 1931 PA 328, MCL~~
15 ~~750.223 (illegal sale of a firearm or ammunition).~~
- 16 ~~—— (xxiv) Section 224d of the Michigan penal code, 1931 PA 328,~~
17 ~~MCL 750.224d (illegal use or sale of a self defense spray).~~
- 18 ~~—— (xxv) Section 226a of the Michigan penal code, 1931 PA 328, MCL~~
19 ~~750.226a (sale or possession of a switchblade).~~
- 20 ~~—— (xxvi) Section 227c of the Michigan penal code, 1931 PA 328,~~
21 ~~MCL 750.227c (improper transportation of a loaded firearm).~~
- 22 ~~—— (xxvii) Former section 228 of the Michigan penal code, 1931 PA~~
23 ~~328 (failure to have a pistol inspected).~~
- 24 ~~—— (xxviii) Section 229 of the Michigan penal code, 1931 PA 328,~~
25 ~~MCL 750.229 (accepting a pistol in pawn).~~
- 26 ~~—— (xxix) Section 232 of the Michigan penal code, 1931 PA 328, MCL~~
27 ~~750.232 (failure to register the purchase of a firearm or a firearm~~

1 component).

2 ~~—— (xxx) Section 232a of the Michigan penal code, 1931 PA 328, MCL~~
3 ~~750.232a (improperly obtaining a pistol, making a false statement~~
4 ~~on an application to purchase a pistol, or using false~~
5 ~~identification to purchase a pistol).~~

6 ~~—— (xxxi) Section 233 of the Michigan penal code, 1931 PA 328, MCL~~
7 ~~750.233 (intentionally aiming a firearm without malice).~~

8 ~~—— (xxxii) Section 234 of the Michigan penal code, 1931 PA 328, MCL~~
9 ~~750.234 (intentionally discharging a firearm aimed without malice).~~

10 ~~—— (xxxiii) Section 234d of the Michigan penal code, 1931 PA 328,~~
11 ~~MCL 750.234d (possessing a firearm on prohibited premises).~~

12 ~~—— (xxxiv) Section 234e of the Michigan penal code, 1931 PA 328,~~
13 ~~MCL 750.234e (brandishing a firearm in public).~~

14 ~~—— (xxxv) Section 234f of the Michigan penal code, 1931 PA 328,~~
15 ~~MCL 750.234f (possession of a firearm by an individual less than 18~~
16 ~~years of age).~~

17 ~~—— (xxxvi) Section 235 of the Michigan penal code, 1931 PA 328, MCL~~
18 ~~750.235 (intentionally discharging a firearm aimed without malice~~
19 ~~causing injury).~~

20 ~~—— (xxxvii) Section 235a of the Michigan penal code, 1931 PA 328,~~
21 ~~MCL 750.235a (parent of a minor who possessed a firearm in a weapon~~
22 ~~free school zone).~~

23 ~~—— (xxxviii) Section 236 of the Michigan penal code, 1931 PA 328,~~
24 ~~MCL 750.236 (setting a spring gun or other device).~~

25 ~~—— (xxxix) Section 237 of the Michigan penal code, 1931 PA 328, MCL~~
26 ~~750.237 (possessing a firearm while under the influence of~~
27 ~~intoxicating liquor or a drug).~~

1 ~~Section 237a of the Michigan penal code, 1931 PA 328, MCL~~
2 ~~750.237a (weapon free school zone violation).~~

3 ~~Section 335a of the Michigan penal code, 1931 PA 328, MCL~~
4 ~~750.335a (indecent exposure).~~

5 ~~Section 411h of the Michigan penal code, 1931 PA 328, MCL~~
6 ~~750.411h (stalking).~~

7 ~~Section 520e of the Michigan penal code, 1931 PA 328, MCL~~
8 ~~750.520e (fourth degree criminal sexual conduct).~~

9 ~~Section 1 of 1952 PA 45, MCL 752.861 (reckless, careless,~~
10 ~~or negligent use of a firearm resulting in injury or death).~~

11 ~~Section 2 of 1952 PA 45, MCL 752.862 (careless, reckless,~~
12 ~~or negligent use of a firearm resulting in property damage).~~

13 ~~Section 3a of 1952 PA 45, MCL 752.863a (reckless~~
14 ~~discharge of a firearm).~~

15 **(ix) SECTION 81 (ASSAULT OR DOMESTIC ASSAULT), SECTION 81A(1)**
16 **OR (2) (AGGRAVATED ASSAULT OR AGGRAVATED DOMESTIC ASSAULT), SECTION**
17 **115 (BREAKING AND ENTERING OR ENTERING WITHOUT BREAKING), SECTION**
18 **136B(7) (FOURTH DEGREE CHILD ABUSE), SECTION 145N (VULNERABLE ADULT**
19 **ABUSE), SECTION 157B(3) (B) (SOLICITATION TO COMMIT A FELONY),**
20 **SECTION 215 (IMPERSONATING PEACE OFFICER OR MEDICAL EXAMINER),**
21 **SECTION 223 (ILLEGAL SALE OF A FIREARM OR AMMUNITION), SECTION 224D**
22 **(ILLEGAL USE OR SALE OF A SELF-DEFENSE SPRAY), SECTION 226A (SALE**
23 **OR POSSESSION OF A SWITCHBLADE), SECTION 227C (IMPROPER**
24 **TRANSPORTATION OF A LOADED FIREARM), SECTION 229 (ACCEPTING A**
25 **PISTOL IN PAWN), SECTION 232 (FAILURE TO REGISTER THE PURCHASE OF A**
26 **FIREARM OR A FIREARM COMPONENT), SECTION 232A (IMPROPERLY OBTAINING**
27 **A PISTOL, MAKING A FALSE STATEMENT ON AN APPLICATION TO PURCHASE A**

1 PISTOL, OR USING FALSE IDENTIFICATION TO PURCHASE A PISTOL),
2 SECTION 233 (INTENTIONALLY AIMING A FIREARM WITHOUT MALICE),
3 SECTION 234 (INTENTIONALLY DISCHARGING A FIREARM AIMED WITHOUT
4 MALICE), SECTION 234D (POSSESSING A FIREARM ON PROHIBITED
5 PREMISES), SECTION 234E (BRANDISHING A FIREARM IN PUBLIC), SECTION
6 234F (POSSESSION OF A FIREARM BY AN INDIVIDUAL LESS THAN 18 YEARS
7 OF AGE), SECTION 235 (INTENTIONALLY DISCHARGING A FIREARM AIMED
8 WITHOUT MALICE CAUSING INJURY), SECTION 235A (PARENT OF A MINOR WHO
9 POSSESSED A FIREARM IN A WEAPON FREE SCHOOL ZONE), SECTION 236
10 (SETTING A SPRING GUN OR OTHER DEVICE), SECTION 237 (POSSESSING A
11 FIREARM WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A
12 CONTROLLED SUBSTANCE), SECTION 237A (WEAPON FREE SCHOOL ZONE
13 VIOLATION), SECTION 335A (INDECENT EXPOSURE), SECTION 411H
14 (STALKING), OR SECTION 520E (FOURTH DEGREE CRIMINAL SEXUAL CONDUCT)
15 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.81, 750.81A,
16 750.115, 750.136B, 750.145N, 750.157B, 750.215, 750.223, 750.224D,
17 750.226A, 750.227C, 750.229, 750.232, 750.232A, 750.233, 750.234,
18 750.234D, 750.234E, 750.234F, 750.235, 750.235A, 750.236, 750.237,
19 750.237A, 750.335A, 750.411H, AND 750.520E.

20 (x) FORMER SECTION 228 OF THE MICHIGAN PENAL CODE, 1931 PA
21 328.

22 (xi) SECTION 1 (RECKLESS, CARELESS, OR NEGLIGENT USE OF A
23 FIREARM RESULTING IN INJURY OR DEATH), SECTION 2 (CARELESS,
24 RECKLESS, OR NEGLIGENT USE OF A FIREARM RESULTING IN PROPERTY
25 DAMAGE), OR SECTION 3A (RECKLESS DISCHARGE OF A FIREARM) OF 1952 PA
26 45, MCL 752.861, 752.862, AND 752.863A.

27 (xii) ~~(xvii)~~—A violation of a law of the United States, another

1 state, or a local unit of government of this state or another state
 2 substantially corresponding to a violation described in
 3 subparagraphs (i) to ~~(xvi)~~. (xi) .

4 (i) The applicant has not been convicted of a misdemeanor
 5 violation of any of the following in the 3 years immediately
 6 preceding the date of application unless the misdemeanor violation
 7 is listed under subdivision (h) **AND A CHARGE FOR A MISDEMEANOR**
 8 **VIOLATION OF ANY OF THE FOLLOWING IS NOT PENDING AGAINST THE**
 9 **APPLICANT IN THIS STATE OR ELSEWHERE AT THE TIME HE OR SHE APPLIES**
 10 **FOR A LICENSE DESCRIBED IN THIS SECTION:**

11 ~~—— (i) Section 625 of the Michigan vehicle code, 1949 PA 300, MCL~~
 12 ~~257.625 (operating under the influence).~~

13 ~~—— (ii) Section 625a of the Michigan vehicle code, 1949 PA 300,~~
 14 ~~MCL 257.625a (refusal of commercial vehicle operator to submit to a~~
 15 ~~chemical test).~~

16 ~~—— (iii) Section 625k of the Michigan vehicle code, 1949 PA 300,~~
 17 ~~MCL 257.625k (ignition interlock device reporting violation).~~

18 ~~—— (iv) Section 625l of the Michigan vehicle code, 1949 PA 300,~~
 19 ~~MCL 257.625l (circumventing an ignition interlocking device).~~

20 ~~—— (v) Section 625m of the Michigan vehicle code, 1949 PA 300,~~
 21 ~~MCL 257.625m, punishable under subsection (3) of that section~~
 22 ~~(operating a commercial vehicle with alcohol content).~~

23 (i) **SECTION 625 (OPERATING UNDER THE INFLUENCE), SECTION 625A**
 24 **(REFUSAL OF COMMERCIAL VEHICLE OPERATOR TO SUBMIT TO A CHEMICAL**
 25 **TEST), SECTION 625K (IGNITION INTERLOCK DEVICE REPORTING**
 26 **VIOLATION), SECTION 625L (CIRCUMVENTING AN IGNITION INTERLOCK**
 27 **DEVICE), OR SECTION 625M PUNISHABLE UNDER SUBSECTION (3) OF THAT**

1 SECTION (OPERATING A COMMERCIAL VEHICLE WITH ALCOHOL CONTENT) OF
2 THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.625, 257.625A,
3 257.625K, 257.625I, AND 257.625M.

4 (ii) ~~(vi)~~ Section 185 of the aeronautics code of the state of
5 Michigan, 1945 PA 327, MCL 259.185 (operating aircraft under the
6 influence).

7 ~~Section 81134 of the natural resources and environmental
8 protection act, 1994 PA 451, MCL 324.81134 (operating ORV under the
9 influence).~~

10 ~~Section 81135 of the natural resources and environmental
11 protection act, 1994 PA 451, MCL 324.81135 (operating ORV while
12 visibly impaired).~~

13 ~~Section 82127 of the natural resources and environmental
14 protection act, 1994 PA 451, MCL 324.82127 (operating a snowmobile
15 under the influence).~~

16 (iii) SECTION 81134 (OPERATING ORV UNDER THE INFLUENCE), SECTION
17 81135 (OPERATING ORV WHILE VISIBLY IMPAIRED), OR SECTION 82127
18 (OPERATING A SNOWMOBILE UNDER THE INFLUENCE) OF THE NATURAL
19 RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL
20 324.81134, 324.81135, AND 324.82127.

21 (iv) ~~(x)~~ Part 74 of the public health code, 1978 PA 368, MCL
22 333.7401 to 333.7461 (controlled substance violation).

23 (v) ~~(xi)~~ Section 353 of the railroad code of 1993, 1993 PA 354,
24 MCL 462.353, ~~(operating locomotive under the influence),~~ punishable
25 under subsection (3) of that section (OPERATING LOCOMOTIVE UNDER
26 THE INFLUENCE).

27 ~~Section 167 of the Michigan penal code, 1931 PA 328, MCL~~

1 ~~750.167 (disorderly person).~~
2 ~~—— (xiii) Section 174 of the Michigan penal code, 1931 PA 328, MCL~~
3 ~~750.174 (embezzlement).~~
4 ~~—— (xiv) Section 218 of the Michigan penal code, 1931 PA 328, MCL~~
5 ~~750.218 (false pretenses with intent to defraud).~~
6 ~~—— (xv) Section 356 of the Michigan penal code, 1931 PA 328, MCL~~
7 ~~750.356 (larceny).~~
8 ~~—— (xvi) Section 356d of the Michigan penal code, 1931 PA 328, MCL~~
9 ~~750.356d (second degree retail fraud).~~
10 ~~—— (xvii) Section 359 of the Michigan penal code, 1931 PA 328, MCL~~
11 ~~750.359 (larceny vacant building).~~
12 ~~—— (xviii) Section 362 of the Michigan penal code, 1931 PA 328, MCL~~
13 ~~750.362 (larceny by conversion).~~
14 ~~—— (xix) Section 362a of the Michigan penal code, 1931 PA 328, MCL~~
15 ~~750.362a (larceny defrauding lesser).~~
16 ~~—— (xx) Section 377a of the Michigan penal code, 1931 PA 328, MCL~~
17 ~~750.377a (malicious destruction of property).~~
18 ~~—— (xxi) Section 380 of the Michigan penal code, 1931 PA 328, MCL~~
19 ~~750.380 (malicious destruction of real property).~~
20 ~~—— (xxii) Section 535 of the Michigan penal code, 1931 PA 328, MCL~~
21 ~~750.535 (receiving stolen property).~~
22 ~~—— (xxiii) Section 540e of the Michigan penal code, 1931 PA 328,~~
23 ~~MCL 750.540e (malicious use of telephones).~~

24 **(vi) SECTION 167 (DISORDERLY PERSON), SECTION 174**
25 **(EMBEZZLEMENT), SECTION 218 (FALSE PRETENSES WITH INTENT TO**
26 **DEFRAUD), SECTION 356 (LARCENY), SECTION 356D (SECOND DEGREE RETAIL**
27 **FRAUD), SECTION 359 (LARCENY FROM A VACANT BUILDING OR STRUCTURE),**

1 SECTION 362 (LARCENY BY CONVERSION), SECTION 362A (LARCENY -
2 DEFRAUDING LESSOR), SECTION 377A (MALICIOUS DESTRUCTION OF
3 PROPERTY), SECTION 380 (MALICIOUS DESTRUCTION OF REAL PROPERTY),
4 SECTION 535 (RECEIVING OR CONCEALING STOLEN PROPERTY), OR SECTION
5 540E (MALICIOUS USE OF TELECOMMUNICATIONS SERVICE OR DEVICE) OF THE
6 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.167, 750.174, 750.218,
7 750.356, 750.356D, 750.359, 750.362, 750.362A, 750.377A, 750.380,
8 750.535, AND 750.540E.

9 (vii) ~~(xiv)~~—A violation of a law of the United States, another
10 state, or a local unit of government of this state or another state
11 substantially corresponding to a violation described in
12 subparagraphs (i) to ~~(xviii)~~ (vi).

13 (j) The applicant has not been found guilty but mentally ill
14 of any crime and has not offered a plea of not guilty of, or been
15 acquitted of, any crime by reason of insanity.

16 (k) The applicant **IS NOT CURRENTLY AND** has never been subject
17 to an order of involuntary commitment in an inpatient or outpatient
18 setting due to mental illness.

19 (l) The applicant does not have a ~~diagnosed~~ **DIAGNOSIS OF** mental
20 illness **THAT INCLUDES AN ASSESSMENT THAT THE INDIVIDUAL PRESENTS A**
21 **DANGER TO HIMSELF OR HERSELF OR TO ANOTHER** at the time the
22 application is made, regardless of whether he or she is receiving
23 treatment for that illness.

24 (m) The applicant is not under a court order of legal
25 incapacity in this state or elsewhere.

26 (n) ~~Issuing a license to the applicant to carry a concealed~~
27 ~~pistol in this state is not detrimental to the safety of the~~

1 ~~applicant or to any other individual. A determination under this~~
2 ~~subdivision shall be based on clear and convincing evidence of~~
3 ~~repeated violations of this act, crimes, personal protection orders~~
4 ~~or injunctions, or police reports or other clear and convincing~~
5 ~~evidence of the actions of, or statements of, the applicant that~~
6 ~~bear directly on the applicant's ability to carry a concealed~~
7 ~~pistol.~~ **THE APPLICANT HAS A VALID STATE-ISSUED DRIVER LICENSE OR**
8 **PERSONAL IDENTIFICATION CARD.**

9 (8) Upon entry of a court order or conviction of 1 of the
10 enumerated prohibitions for using, transporting, selling,
11 purchasing, carrying, shipping, receiving, or distributing a
12 firearm in this section the department of state police shall
13 immediately enter the order or conviction into the law enforcement
14 information network. For purposes of this act, information of the
15 court order or conviction shall not be removed from the law
16 enforcement information network, but may be moved to a separate
17 file intended for the use of the ~~county concealed weapon licensing~~
18 ~~boards,~~ **DEPARTMENT OF STATE POLICE**, the courts, and other
19 government entities as necessary and exclusively to determine
20 eligibility to be licensed under this act.

21 (9) An individual, after submitting an application and paying
22 the fee prescribed under subsection (5), shall request ~~and have~~
23 **THAT** classifiable fingerprints **BE** taken by the **COUNTY CLERK,**
24 **DEPARTMENT OF STATE POLICE**, county sheriff, ~~or~~ a local police
25 agency, ~~if that local police agency maintains~~ **OR OTHER ENTITY, IF**
26 **THE COUNTY CLERK, DEPARTMENT OF STATE POLICE, COUNTY SHERIFF, LOCAL**
27 **POLICE AGENCY, OR OTHER ENTITY PROVIDES** fingerprinting capability

1 FOR THE PURPOSES OF THIS ACT. AN INDIVIDUAL WHO HAS HAD
2 CLASSIFIABLE FINGERPRINTS TAKEN UNDER SECTION 5A(4) DOES NOT NEED
3 ADDITIONAL FINGERPRINTS TAKEN UNDER THIS SUBSECTION. If the
4 individual requests that classifiable fingerprints be taken by THE
5 COUNTY CLERK, DEPARTMENT OF STATE POLICE, COUNTY SHERIFF, a local
6 police agency, OR OTHER ENTITY, the individual shall also pay ~~to~~
7 ~~that local police agency~~ a fee of \$15.00 by any method of payment
8 accepted ~~by the unit of local government~~ for payments of other fees
9 and penalties. A COUNTY CLERK SHALL DEPOSIT ANY FEE IT ACCEPTS
10 UNDER THIS SUBSECTION IN THE CONCEALED PISTOL LICENSING FUND OF
11 THAT COUNTY CREATED IN SECTION 5X. The COUNTY CLERK, DEPARTMENT OF
12 STATE POLICE, county sheriff, ~~or~~ local police agency, OR OTHER
13 ENTITY shall take the fingerprints within 5 business days after the
14 request. COUNTY CLERKS, THE DEPARTMENT OF STATE POLICE, COUNTY
15 SHERIFFS, LOCAL POLICE AGENCIES, AND OTHER ENTITIES SHALL PROVIDE
16 REASONABLE ACCESS TO FINGERPRINTING SERVICES DURING NORMAL BUSINESS
17 HOURS AS IS NECESSARY TO COMPLY WITH THE REQUIREMENTS OF THIS ACT
18 IF THE COUNTY CLERK, DEPARTMENT OF STATE POLICE, COUNTY SHERIFF,
19 LOCAL POLICE AGENCY, OR OTHER ENTITY PROVIDES FINGERPRINTING
20 CAPABILITY FOR THE PURPOSES OF THIS ACT. THE ENTITY PROVIDING
21 FINGERPRINTING SERVICES SHALL ISSUE THE APPLICANT A RECEIPT AT THE
22 TIME HIS OR HER FINGERPRINTS ARE TAKEN. THE COUNTY CLERK,
23 DEPARTMENT OF STATE POLICE, COUNTY SHERIFF, LOCAL POLICE AGENCY, OR
24 OTHER ENTITY SHALL NOT PROVIDE A RECEIPT UNDER THIS SUBSECTION
25 UNLESS THE INDIVIDUAL REQUESTING THE FINGERPRINTS PROVIDES AN
26 APPLICATION RECEIPT RECEIVED UNDER SUBSECTION (1). A RECEIPT UNDER
27 THIS SUBSECTION SHALL CONTAIN ALL OF THE FOLLOWING:

- 1 (A) THE NAME OF THE APPLICANT.
- 2 (B) THE DATE AND TIME THE RECEIPT IS ISSUED.
- 3 (C) THE AMOUNT PAID.
- 4 (D) THE NAME OF THE ENTITY PROVIDING THE FINGERPRINT SERVICES.
- 5 (E) THE APPLICANT'S STATE-ISSUED DRIVER LICENSE OR PERSONAL
6 IDENTIFICATION CARD NUMBER.
- 7 (F) THE STATEMENT "THIS RECEIPT WAS ISSUED FOR THE PURPOSE OF
8 APPLYING FOR A CONCEALED PISTOL LICENSE. AS PROVIDED IN SECTION 5B
9 OF 1927 PA 372, MCL 28.425B, IF A LICENSE OR NOTICE OF STATUTORY
10 DISQUALIFICATION IS NOT ISSUED WITHIN 45 DAYS AFTER THE DATE THIS
11 RECEIPT WAS ISSUED, THIS RECEIPT SHALL SERVE AS A CONCEALED PISTOL
12 LICENSE FOR THE INDIVIDUAL NAMED IN THE RECEIPT WHEN CARRIED WITH
13 AN OFFICIAL STATE-ISSUED DRIVER LICENSE OR PERSONAL IDENTIFICATION
14 CARD. THE RECEIPT IS VALID AS A LICENSE UNTIL A LICENSE OR NOTICE
15 OF STATUTORY DISQUALIFICATION IS ISSUED BY THE COUNTY CLERK. THIS
16 RECEIPT DOES NOT EXEMPT THE INDIVIDUAL NAMED IN THE RECEIPT FROM
17 COMPLYING WITH ALL APPLICABLE LAWS FOR THE PURCHASE OF FIREARMS.".

18 (10) The fingerprints shall be taken, under subsection (9), ~~on~~
19 ~~forms and~~ in a manner prescribed by the department of state police.
20 The fingerprints **TAKEN BY A COUNTY CLERK, COUNTY SHERIFF, LOCAL**
21 **POLICE AGENCY, OR OTHER ENTITY** shall be immediately forwarded to
22 the department of state police for comparison with fingerprints
23 already on file with the department of state police. The department
24 of state police shall **IMMEDIATELY** forward the fingerprints to the
25 federal bureau of investigation. ~~Within 10 days after receiving a~~
26 ~~report of the fingerprints from the federal bureau of~~
27 ~~investigation, the department of state police shall provide a copy~~

1 ~~to the submitting sheriff's department or local police agency as~~
2 ~~appropriate and the clerk of the appropriate concealed weapon~~
3 ~~licensing board.~~ **WITHIN 5 BUSINESS DAYS OF COMPLETING THE**
4 **VERIFICATION UNDER SUBSECTION (6), THE DEPARTMENT SHALL SEND THE**
5 **COUNTY CLERK A LIST OF AN APPLICANT'S STATUTORY DISQUALIFICATIONS**
6 **UNDER THIS ACT.** Except as provided in ~~subsection (14),~~ **SECTION**
7 **5A(4),** the ~~concealed weapon licensing board~~ **COUNTY CLERK** shall not
8 issue a concealed pistol license until ~~it~~ **HE OR SHE** receives the
9 ~~fingerprint comparison report~~ **OF STATUTORY DISQUALIFICATIONS**
10 prescribed in this subsection. **IF AN INDIVIDUAL'S FINGERPRINTS ARE**
11 **NOT CLASSIFIABLE, THE DEPARTMENT OF STATE POLICE SHALL, AT NO**
12 **CHARGE, TAKE THE INDIVIDUAL'S FINGERPRINTS AGAIN OR PROVIDE FOR THE**
13 **COMPARISONS UNDER THIS SUBSECTION TO BE CONDUCTED THROUGH**
14 **ALTERNATIVE MEANS.** The ~~concealed weapon licensing board may deny a~~
15 ~~license if~~ **COUNTY CLERK SHALL NOT ISSUE A NOTICE OF STATUTORY**
16 **DISQUALIFICATION BECAUSE** an individual's fingerprints are not
17 classifiable by the federal bureau of investigation.

18 (11) The ~~concealed weapon licensing board~~ **COUNTY CLERK** shall
19 ~~deny a license~~ **SEND BY FIRST-CLASS MAIL A NOTICE OF STATUTORY**
20 **DISQUALIFICATION FOR A LICENSE UNDER THIS ACT** to an applicant ~~to~~
21 ~~carry a concealed pistol~~ if the applicant is not qualified under
22 subsection (7) to receive that license.

23 (12) A license to carry a concealed pistol that is issued
24 based upon an application that contains a material false statement
25 is void from the date the license is issued.

26 (13) Subject to ~~subsections~~ **SUBSECTION (10), and (14),** the
27 ~~concealed weapon licensing board~~ **DEPARTMENT OF STATE POLICE SHALL**

1 COMPLETE THE VERIFICATION REQUIRED UNDER SUBSECTION (6) AND THE
 2 COUNTY CLERK shall issue ~~or deny issuance of a~~ license OR A NOTICE
 3 OF STATUTORY DISQUALIFICATION within 45 days after the ~~concealed~~
 4 ~~weapon licensing board receives the fingerprint comparison report~~
 5 ~~provided under subsection (10).~~ DATE THE APPLICANT HAS CLASSIFIABLE
 6 FINGERPRINTS TAKEN UNDER SUBSECTION (9). THE COUNTY CLERK SHALL
 7 INCLUDE AN INDICATION ON THE LICENSE IF AN INDIVIDUAL IS EXEMPT
 8 FROM THE PROHIBITIONS AGAINST CARRYING A CONCEALED PISTOL ON
 9 PREMISES DESCRIBED IN SECTION 50 IF THE APPLICANT PROVIDES
 10 ACCEPTABLE PROOF THAT HE OR SHE QUALIFIES FOR THAT EXEMPTION. If
 11 the ~~concealed weapon licensing board denies issuance of a license~~
 12 ~~to carry a concealed pistol, the concealed weapon licensing board~~
 13 COUNTY CLERK ISSUES A NOTICE OF STATUTORY DISQUALIFICATION, THE
 14 COUNTY CLERK shall within 5 business days do ~~both~~ ALL of the
 15 following:

16 (a) Inform the applicant in writing of the reasons for the
 17 ~~denial.~~ DISQUALIFICATION. Information under this subdivision shall
 18 include all of the following:

19 (i) A statement of ~~the specific and articulable facts~~
 20 ~~supporting the denial.~~ EACH STATUTORY DISQUALIFICATION IDENTIFIED.

21 (ii) Copies of ~~any writings, photographs, records, or other~~
 22 ~~documentary evidence upon which the denial is based.~~ THE SOURCE OF
 23 THE RECORD FOR EACH STATUTORY DISQUALIFICATION IDENTIFIED.

24 (iii) THE CONTACT INFORMATION FOR THE SOURCE OF THE RECORD FOR
 25 EACH STATUTORY DISQUALIFICATION IDENTIFIED.

26 (b) Inform the applicant in writing of his or her right to
 27 appeal the ~~denial~~ NOTICE OF STATUTORY DISQUALIFICATION to the

1 circuit court as provided in section 5d.

2 (C) INFORM THE APPLICANT THAT HE OR SHE SHOULD CONTACT THE
3 SOURCE OF THE RECORD FOR ANY STATUTORY DISQUALIFICATION TO CORRECT
4 ANY ERRORS IN THE RECORD RESULTING IN THE STATUTORY
5 DISQUALIFICATION.

6 (14) ~~If the fingerprint comparison report is not received by~~
7 ~~the concealed weapon licensing board within 60 days after the~~
8 ~~fingerprint report is forwarded to the department of state police~~
9 ~~by the federal bureau of investigation, the concealed weapon~~
10 ~~licensing board shall issue a temporary license to carry a~~
11 ~~concealed pistol to the applicant if the applicant is otherwise~~
12 ~~qualified for a license. A temporary license issued under this~~
13 ~~section is valid for 180 days or until the concealed weapon~~
14 ~~licensing board receives the fingerprint comparison report provided~~
15 ~~under subsection (10) and issues or denies issuance of a license to~~
16 ~~carry a concealed pistol as otherwise provided under this act. Upon~~
17 ~~issuance or the denial of issuance of the license to carry a~~
18 ~~concealed pistol to an applicant who received a temporary license~~
19 ~~under this section, the applicant shall immediately surrender the~~
20 ~~temporary license to the concealed weapon licensing board that~~
21 ~~issued that temporary license.~~ IF A LICENSE OR NOTICE OF STATUTORY
22 DISQUALIFICATION IS NOT ISSUED UNDER SUBSECTION (13) WITHIN 45 DAYS
23 AFTER THE DATE THE APPLICANT HAS CLASSIFIABLE FINGERPRINTS TAKEN
24 UNDER SUBSECTION (9), THE RECEIPT ISSUED UNDER SUBSECTION (9) SHALL
25 SERVE AS A CONCEALED PISTOL LICENSE FOR PURPOSES OF THIS ACT WHEN
26 CARRIED WITH A STATE-ISSUED DRIVER LICENSE OR PERSONAL
27 IDENTIFICATION CARD AND IS VALID UNTIL A LICENSE OR NOTICE OF

1 **STATUTORY DISQUALIFICATION IS ISSUED BY THE COUNTY CLERK.**

2 (15) If an individual licensed under this act to carry a
3 concealed pistol moves to a different county within this state, his
4 or her license remains valid until it expires or is otherwise
5 suspended or revoked under this act. **AN INDIVIDUAL MAY NOTIFY A**
6 **COUNTY CLERK THAT HE OR SHE HAS MOVED TO A DIFFERENT ADDRESS WITHIN**
7 **THIS STATE FOR THE PURPOSE OF RECEIVING THE NOTICE UNDER SECTION**
8 **5/(1).** A license to carry a concealed pistol that is lost, stolen,
9 or defaced may be replaced by the issuing county clerk for a
10 replacement fee of \$10.00. **A COUNTY CLERK SHALL DEPOSIT A**
11 **REPLACEMENT FEE UNDER THIS SUBSECTION IN THE CONCEALED PISTOL**
12 **LICENSING FUND OF THAT COUNTY CREATED IN SECTION 5X.**

13 (16) If a ~~concealed weapons licensing board suspends or~~
14 ~~revokes a license~~ issued under this act **IS SUSPENDED OR REVOKED,**
15 the license is forfeited and ~~shall be returned~~ **THE INDIVIDUAL SHALL**
16 **RETURN THE LICENSE** to the ~~concealed weapon licensing board~~ **COUNTY**
17 **CLERK** forthwith **BY MAIL OR IN PERSON.** A COUNTY CLERK SHALL RETAIN A
18 **SUSPENDED OR REVOKED LICENSE AS AN OFFICIAL RECORD 1 YEAR AFTER THE**
19 **EXPIRATION OF THE LICENSE, UNLESS THE LICENSE IS REINSTATED OR A**
20 **NEW LICENSE IS ISSUED. THE COUNTY CLERK SHALL NOTIFY THE DEPARTMENT**
21 **OF STATE POLICE IF A LICENSE IS SUSPENDED OR REVOKED. THE**
22 **DEPARTMENT OF STATE POLICE SHALL ENTER THAT SUSPENSION OR**
23 **REVOCATION INTO THE LAW ENFORCEMENT INFORMATION NETWORK.** An
24 individual who fails to return a license as required under this
25 subsection after he or she was notified that his or her license was
26 suspended or revoked is guilty of a misdemeanor punishable by
27 imprisonment for not more than 93 days or a fine of not more than

1 \$500.00, or both.

2 (17) An applicant or an individual licensed under this act to
3 carry a concealed pistol may be furnished a copy of his or her
4 application under this section upon request and the payment of a
5 reasonable fee **NOT TO EXCEED \$1.00. THE COUNTY CLERK SHALL DEPOSIT**
6 **ANY FEE COLLECTED UNDER THIS SUBSECTION IN THE CONCEALED PISTOL**
7 **LICENSING FUND OF THAT COUNTY CREATED IN SECTION 5X.**

8 (18) This section does not prohibit the ~~concealed-weapon~~
9 ~~licensing board~~ **COUNTY CLERK** from making public and distributing to
10 the public at no cost lists of individuals who are certified as
11 qualified instructors as prescribed under section 5j.

12 (19) **A COUNTY CLERK ISSUING AN INITIAL LICENSE OR RENEWAL**
13 **LICENSE UNDER THIS ACT SHALL MAIL THE LICENSE TO THE LICENSEE BY**
14 **FIRST-CLASS MAIL IN A SEALED ENVELOPE. UPON PAYMENT OF THE FEE**
15 **UNDER SUBSECTION (15), A COUNTY CLERK SHALL ISSUE A REPLACEMENT**
16 **LICENSE IN PERSON AT THE TIME OF APPLICATION FOR A REPLACEMENT**
17 **LICENSE UNLESS THE APPLICANT REQUESTS THAT IT BE DELIVERED BY**
18 **FIRST-CLASS MAIL.**

19 (20) **A COUNTY CLERK, COUNTY SHERIFF, COUNTY PROSECUTING**
20 **ATTORNEY, POLICE DEPARTMENT, OR THE DEPARTMENT OF STATE POLICE IS**
21 **NOT LIABLE FOR CIVIL DAMAGES AS A RESULT OF THE ISSUANCE OF A**
22 **LICENSE UNDER THIS ACT TO AN INDIVIDUAL WHO LATER COMMITS A CRIME**
23 **OR A NEGLIGENT ACT.**

24 (21) **AN INDIVIDUAL LICENSED UNDER THIS ACT TO CARRY A**
25 **CONCEALED PISTOL MAY VOLUNTARILY SURRENDER THAT LICENSE WITHOUT**
26 **EXPLANATION. A COUNTY CLERK SHALL RETAIN A SURRENDERED LICENSE AS**
27 **AN OFFICIAL RECORD FOR 1 YEAR AFTER THE LICENSE IS SURRENDERED. IF**

1 AN INDIVIDUAL VOLUNTARILY SURRENDERS A LICENSE UNDER THIS
2 SUBSECTION, THE COUNTY CLERK SHALL NOTIFY THE DEPARTMENT OF STATE
3 POLICE. THE DEPARTMENT OF STATE POLICE SHALL ENTER INTO THE LAW
4 ENFORCEMENT INFORMATION NETWORK THAT THE LICENSE WAS VOLUNTARILY
5 SURRENDERED AND THE DATE THE LICENSE WAS VOLUNTARILY SURRENDERED.

6 (22) ~~(19)~~—As used in this section:

7 (A) "ACCEPTABLE PROOF" MEANS ANY OF THE FOLLOWING:

8 (i) FOR A RETIRED POLICE OFFICER OR RETIRED LAW ENFORCEMENT
9 OFFICER, THE OFFICER'S RETIRED IDENTIFICATION OR A LETTER FROM A
10 LAW ENFORCEMENT AGENCY STATING THAT THE RETIRED POLICE OFFICER OR
11 LAW ENFORCEMENT OFFICER RETIRED IN GOOD STANDING.

12 (ii) FOR AN INDIVIDUAL WHO IS EMPLOYED OR CONTRACTED BY AN
13 ENTITY DESCRIBED UNDER SECTION 50(1) TO PROVIDE SECURITY SERVICES,
14 A LETTER FROM THAT ENTITY STATING THAT THE EMPLOYEE IS REQUIRED BY
15 HIS OR HER EMPLOYER OR THE TERMS OF A CONTRACT TO CARRY A CONCEALED
16 FIREARM ON THE PREMISES OF THE EMPLOYING OR CONTRACTING ENTITY AND
17 HIS OR HER EMPLOYEE IDENTIFICATION.

18 (iii) FOR AN INDIVIDUAL WHO IS LICENSED AS A PRIVATE
19 INVESTIGATOR OR PRIVATE DETECTIVE UNDER THE PROFESSIONAL
20 INVESTIGATOR LICENSURE ACT, 1965 PA 285, MCL 338.821 TO 338.851,
21 HIS OR HER LICENSE.

22 (iv) FOR AN INDIVIDUAL WHO IS A CORRECTIONS OFFICER OF A COUNTY
23 SHERIFF'S DEPARTMENT, HIS OR HER EMPLOYEE IDENTIFICATION.

24 (v) FOR AN INDIVIDUAL WHO IS A MOTOR CARRIER OFFICER OR
25 CAPITOL SECURITY OFFICER OF THE DEPARTMENT OF STATE POLICE, HIS OR
26 HER EMPLOYEE IDENTIFICATION.

27 (vi) FOR AN INDIVIDUAL WHO IS A MEMBER OF A SHERIFF'S POSSE,

1 HIS OR HER IDENTIFICATION.

2 (vii) FOR AN INDIVIDUAL WHO IS AN AUXILIARY OFFICER OR RESERVE
3 OFFICER OF A POLICE OR SHERIFF'S DEPARTMENT, HIS OR HER EMPLOYEE
4 IDENTIFICATION.

5 (viii) FOR AN INDIVIDUAL WHO IS A PAROLE OR PROBATION OFFICER OF
6 THE DEPARTMENT OF CORRECTIONS, HIS OR HER EMPLOYEE IDENTIFICATION.

7 (ix) FOR A STATE COURT JUDGE OR STATE COURT RETIRED JUDGE, A
8 LETTER FROM THE JUDICIAL TENURE COMMISSION STATING THAT THE STATE
9 COURT JUDGE OR STATE COURT RETIRED JUDGE IS IN GOOD STANDING.

10 (x) FOR AN INDIVIDUAL WHO IS A COURT OFFICER, HIS OR HER
11 EMPLOYEE IDENTIFICATION.

12 (B) ~~(a)~~—"Convicted" means a final conviction, the payment of a
13 fine, a plea of guilty or nolo contendere if accepted by the court,
14 or a finding of guilt for a criminal law violation or a juvenile
15 adjudication or disposition by the juvenile division of probate
16 court or family division of circuit court for a violation that if
17 committed by an adult would be a crime.

18 (C) ~~(b)~~—"Felony" means, **EXCEPT AS OTHERWISE PROVIDED IN THIS**
19 **SUBDIVISION**, that term as defined in section 1 of chapter I of the
20 code of criminal procedure, 1927 PA 175, MCL 761.1, or a violation
21 of a law of the United States or another state that is designated
22 as a felony or that is punishable by death or by imprisonment for
23 more than 1 year. **FELONY DOES NOT INCLUDE A VIOLATION OF A PENAL**
24 **LAW OF THIS STATE THAT IS EXPRESSLY DESIGNATED AS A MISDEMEANOR.**

25 (D) ~~(e)~~—"Mental illness" means a substantial disorder of
26 thought or mood that significantly impairs judgment, behavior,
27 capacity to recognize reality, or ability to cope with the ordinary

1 demands of life, and includes, but is not limited to, clinical
2 depression.

3 (E) ~~(d)~~—"Misdemeanor" means a violation of a penal law of this
4 state or violation of a local ordinance substantially corresponding
5 to a violation of a penal law of this state that is not a felony or
6 a violation of an order, rule, or regulation of a state agency that
7 is punishable by imprisonment or a fine that is not a civil fine,
8 or both.

9 (F) ~~(e)~~—"Treatment" means care or any therapeutic service,
10 including, but not limited to, the administration of a drug, and
11 any other service for the treatment of a mental illness.

12 (23) SUBSECTION (5), AS AMENDED BY THE AMENDATORY ACT THAT
13 ADDED THIS SUBSECTION, APPLIES BEGINNING APRIL 1, 2015.

14 (24) SUBSECTIONS (1) TO (4), (6) TO (18), AND (22), AS AMENDED
15 BY THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, APPLY BEGINNING
16 OCTOBER 1, 2015.

17 (25) SUBSECTIONS (19) TO (21), AS ADDED BY THE AMENDATORY ACT
18 THAT ADDED THIS SUBSECTION, APPLY BEGINNING OCTOBER 1, 2015.

19 Sec. 5c. (1) A license to carry a concealed pistol shall be in
20 a form, with the same dimensions as a Michigan operator license,
21 prescribed by the department of state police. **BEGINNING OCTOBER 1,**
22 **2015, THE LICENSE SHALL BE CONSTRUCTED OF PLASTIC LAMINATED PAPER**
23 **OR HARD PLASTIC. NO ADDITIONAL FEE SHALL BE CHARGED FOR THE LICENSE**
24 **UNLESS OTHERWISE PRESCRIBED IN THIS ACT. A FEE NOT TO EXCEED \$10.00**
25 **MAY BE CHARGED FOR AN OPTIONAL HARD PLASTIC LICENSE ONLY IF THE**
26 **COUNTY CLERK ALSO PROVIDES THE OPTION OF OBTAINING A PLASTIC**
27 **LAMINATED PAPER LICENSE AT NO CHARGE. A COUNTY CLERK SHALL DEPOSIT**

1 A FEE COLLECTED UNDER THIS SUBSECTION IN THE CONCEALED PISTOL
2 LICENSING FUND OF THAT COUNTY CREATED IN SECTION 5X. The license
3 shall contain all of the following:

4 (a) The licensee's full name and date of birth.

5 (b) A photograph and a physical description of the licensee.

6 (c) A statement of the effective dates of the license.

7 (d) An indication of exceptions authorized by this act
8 applicable to the licensee.

9 (E) THE LICENSEE'S STATE-ISSUED DRIVER LICENSE OR PERSONAL
10 IDENTIFICATION CARD NUMBER.

11 (F) THE PREMISES ON WHICH CARRYING A CONCEALED PISTOL IS
12 PROHIBITED UNDER SECTION 5o.

13 (G) THE PEACE OFFICER DISCLOSURE REQUIRED UNDER SECTION 5F(3).

14 (H) ~~(e)~~—An indication whether the license is a duplicate OR AN
15 EMERGENCY LICENSE.

16 (I) IF THE LICENSE IS AN EMERGENCY LICENSE, AN INDICATION THAT
17 THE EMERGENCY LICENSE DOES NOT EXEMPT THE INDIVIDUAL FROM COMPLYING
18 WITH ALL APPLICABLE LAWS FOR THE PURCHASE OF FIREARMS.

19 (2) THE DEPARTMENT OF STATE POLICE OR A COUNTY CLERK SHALL NOT
20 REQUIRE A LICENSEE'S SIGNATURE TO APPEAR ON A LICENSE TO CARRY A
21 CONCEALED PISTOL.

22 (3) ~~(2)~~—Subject to section 5o and except as otherwise provided
23 by law, a license to carry a concealed pistol issued by the ~~county~~
24 ~~concealed weapon licensing board~~ COUNTY CLERK authorizes the
25 licensee to do all of the following:

26 (a) Carry a pistol concealed on or about his or her person
27 anywhere in this state.

1 (b) Carry a pistol in a vehicle, whether concealed or not
2 concealed, anywhere in this state.

3 (4) THE SECRETARY OF STATE SHALL MAKE A DIGITIZED PHOTOGRAPH
4 TAKEN OF THE APPLICANT FOR A DRIVER LICENSE OR PERSONAL
5 IDENTIFICATION CARD AVAILABLE TO THE DEPARTMENT FOR USE UNDER THIS
6 ACT. THE DEPARTMENT SHALL PROVIDE THE PHOTOGRAPH OF THE APPLICANT
7 RECEIVED FROM THE SECRETARY OF STATE TO THE COUNTY CLERK WHO SHALL
8 USE THE PHOTOGRAPH ON THE INDIVIDUAL'S LICENSE UNLESS THE APPLICANT
9 DOES NOT HAVE A DIGITIZED PHOTOGRAPH ON FILE WITH THE SECRETARY OF
10 STATE. IF AN APPLICANT DOES NOT HAVE A DIGITIZED PHOTOGRAPH ON FILE
11 WITH THE SECRETARY OF STATE, THE APPLICANT SHALL PROVIDE A
12 PASSPORT-QUALITY PHOTOGRAPH OF THE APPLICANT AS PROVIDED UNDER
13 SECTION 5B(1).

14 Sec. 5d. (1) If the ~~concealed weapon licensing board denies~~
15 ~~issuance of a license to carry a concealed pistol,~~ COUNTY CLERK
16 ISSUES A NOTICE OF STATUTORY DISQUALIFICATION, FAILS TO PROVIDE A
17 RECEIPT THAT COMPLIES WITH SECTION 5B(1) OR 5/(3), or fails to issue
18 ~~that~~ A license TO CARRY A CONCEALED PISTOL as provided in this act,
19 THE DEPARTMENT OF STATE POLICE FAILS TO PROVIDE A RECEIPT THAT
20 COMPLIES WITH SECTION 5/(3), OR THE COUNTY CLERK, DEPARTMENT OF
21 STATE POLICE, COUNTY SHERIFF, LOCAL POLICE AGENCY, OR OTHER ENTITY
22 FAILS TO PROVIDE A RECEIPT THAT COMPLIES WITH SECTION 5B(9), the
23 applicant may appeal the ~~denial~~ NOTICE OF STATUTORY
24 DISQUALIFICATION, THE FAILURE TO PROVIDE A RECEIPT, or the failure
25 to issue the license to the circuit court in the judicial circuit
26 in which he or she resides. The appeal of the ~~denial~~ NOTICE OF
27 STATUTORY DISQUALIFICATION, FAILURE TO PROVIDE A RECEIPT, or

1 failure to issue a license shall be determined by a review of the
2 record for error. ~~, except that if the decision of the concealed~~
3 ~~weapon licensing board was based upon grounds specified in section~~
4 ~~5b(7)(n) that portion of the appeal shall be by hearing de novo.~~
5 ~~Witnesses in the hearing shall be sworn. A jury shall not be~~
6 ~~provided in a hearing under this section.~~

7 (2) If the court determines that the ~~denial~~ **NOTICE OF**
8 **STATUTORY DISQUALIFICATION, FAILURE TO PROVIDE A RECEIPT THAT**
9 **COMPLIES WITH SECTION 5B(1) OR (9) OR 5/(3),** or failure to issue a
10 license was clearly erroneous **OR WAS ARBITRARY AND CAPRICIOUS,** the
11 court shall order the ~~concealed weapon licensing board~~ **COUNTY CLERK**
12 to issue a license **OR RECEIPT** as required by this act. **FOR**
13 **APPLICATIONS SUBMITTED AFTER OCTOBER 1, 2015, IF THE COURT**
14 **DETERMINES THAT THE NOTICE OF STATUTORY DISQUALIFICATION, FAILURE**
15 **TO PROVIDE A RECEIPT THAT COMPLIES WITH SECTION 5B(1) OR (9) OR**
16 **5/(3), OR FAILURE TO ISSUE A LICENSE WAS CLEARLY ERRONEOUS, THE**
17 **COURT MAY ORDER AN ENTITY TO REFUND ANY FILING FEES THE APPLICANT**
18 **INCURRED IN FILING THE APPEAL, ACCORDING TO THE DEGREE OF**
19 **RESPONSIBILITY OF THAT ENTITY.**

20 (3) ~~If~~ **FOR APPLICATIONS SUBMITTED BEFORE OCTOBER 1, 2015, IF**
21 the court determines that the decision of the concealed weapon
22 licensing board to deny issuance of a license to an applicant was
23 arbitrary and capricious, the court shall order this state to pay
24 1/3 and the county in which the concealed weapon licensing board is
25 located to pay 2/3 of the actual costs and actual attorney fees of
26 the applicant in appealing the denial. **FOR APPLICATIONS SUBMITTED**
27 **ON OR AFTER OCTOBER 1, 2015, IF THE COURT UNDER SUBSECTION (2)**

1 DETERMINES THAT THE NOTICE OF STATUTORY DISQUALIFICATION, FAILURE
2 TO PROVIDE A RECEIPT THAT COMPLIES WITH SECTION 5B(1) OR (9) OR
3 5/(3), OR FAILURE TO ISSUE A LICENSE TO AN APPLICANT WAS ARBITRARY
4 AND CAPRICIOUS, THE COURT SHALL ORDER THE COUNTY CLERK, THE ENTITY
5 TAKING THE FINGERPRINTS, OR THE STATE TO PAY THE ACTUAL COSTS AND
6 ACTUAL ATTORNEY FEES OF THE APPLICANT IN APPEALING THE NOTICE OF
7 STATUTORY DISQUALIFICATION, FAILURE TO PROVIDE A RECEIPT THAT
8 COMPLIES WITH SECTION 5B(1) OR (9) OR 5/(3), OR FAILURE TO ISSUE A
9 LICENSE, ACCORDING TO THE DEGREE OF RESPONSIBILITY OF THE COUNTY
10 CLERK, THE ENTITY TAKING THE FINGERPRINTS, OR THE STATE.

11 (4) If the court determines that an applicant's appeal was
12 frivolous, the court shall order the applicant to pay the actual
13 costs and actual attorney fees of the ~~concealed weapon licensing~~
14 ~~board~~ COUNTY CLERK, ENTITY TAKING THE FINGERPRINTS, OR THE STATE in
15 responding to the appeal.

16 Sec. 5e. (1) The department of state police shall create and
17 maintain a computerized database of individuals who apply under
18 this act for a license to carry a concealed pistol. The database
19 shall contain only the following information as to each individual:

20 (a) The individual's name, date of birth, address, ~~and~~ county
21 of residence, **AND STATE-ISSUED DRIVER LICENSE AND PERSONAL**
22 **IDENTIFICATION CARD NUMBER.**

23 (b) If the individual is licensed to carry a concealed pistol
24 in this state, the license number and date of expiration.

25 (c) Except as provided in subsection (2), if the individual
26 was denied a license to carry a concealed pistol after July 1, 2001
27 **OR ISSUED A NOTICE OF STATUTORY DISQUALIFICATION**, a statement of

1 the reasons for that denial **OR NOTICE OF STATUTORY**
2 **DISQUALIFICATION.**

3 (d) A statement of all criminal charges pending and criminal
4 convictions obtained against the individual during the license
5 period.

6 (e) A statement of all determinations of responsibility for
7 civil infractions of this act pending or obtained against the
8 individual during the license period.

9 **(F) THE STATUS OF THE INDIVIDUAL'S APPLICATION OR LICENSE.**

10 (2) If an individual who was denied a license to carry a
11 concealed pistol after July 1, 2001 **OR ISSUED A NOTICE OF STATUTORY**
12 **DISQUALIFICATION** is subsequently issued a license to carry a
13 concealed pistol, the department of state police shall delete from
14 the computerized database the previous reasons for the denial **OR**
15 **NOTICE OF STATUTORY DISQUALIFICATION.**

16 (3) The department of state police shall enter the information
17 described in subsection (1) (a), ~~and (b)~~, **AND (F)** into the law
18 enforcement information network.

19 (4) Information in the database shall only be accessed and
20 disclosed according to an access protocol that includes the
21 following requirements:

22 (a) That the requestor of the firearms records uses the law
23 enforcement information network or another system that maintains a
24 record of the requestor's identity, time, and date that the request
25 was made.

26 (b) Requires the requestor in an intentional query by name of
27 the firearms records to attest that the firearms records were

1 sought under 1 of the lawful purposes provided in section 1b(2).

2 (5) The department of state police shall **BY JANUARY 1 OF EACH**
 3 **YEAR** file with the secretary of the senate and the clerk of the
 4 house of representatives, and post on the department of state
 5 police's internet website, an annual report setting forth all of
 6 the following information for ~~each county concealed weapon~~
 7 ~~licensing board~~. **THE STATE FOR THE PREVIOUS FISCAL YEAR:**

8 (a) The number of concealed pistol applications received.

9 (b) The number of concealed pistol licenses issued.

10 (c) The number of ~~concealed pistol licenses denied~~. **STATUTORILY**
 11 **DISQUALIFIED APPLICANTS.**

12 (d) Categories for ~~denial~~ **STATUTORY DISQUALIFICATION** under
 13 subdivision (c).

14 (e) The number of concealed pistol licenses **SUSPENDED OR**
 15 **revoked.**

16 (f) Categories for **SUSPENSION OR** revocation under subdivision
 17 (e).

18 (g) The number of applications pending at the time the report
 19 is made.

20 (h) The mean and median amount of time and the longest and
 21 shortest amount of time used by the federal bureau of investigation
 22 to supply the fingerprint comparison report required in section
 23 5b(10). The department may use a statistically significant sample
 24 to comply with this subdivision.

25 ~~— (i) The number of charges of state civil infractions of this~~
 26 ~~act or charges of criminal violations, categorized by offense,~~
 27 ~~filed against individuals licensed to carry a concealed pistol that~~

1 ~~resulted in a finding of responsibility or a criminal conviction.~~
 2 ~~The report shall indicate the number of crimes in each category of~~
 3 ~~criminal offense that involved the brandishing or use of a pistol,~~
 4 ~~the number that involved the carrying of a pistol by the license~~
 5 ~~holder during the commission of the crime, and the number in which~~
 6 ~~no pistol was carried by the license holder during the commission~~
 7 ~~of the crime.~~

8 ~~—— (j) The number of pending criminal charges, categorized by~~
 9 ~~offense, against individuals licensed to carry a concealed pistol.~~

10 ~~—— (k) The number of criminal cases dismissed, categorized by~~
 11 ~~offense, against individuals licensed to carry a concealed pistol.~~

12 ~~—— (l) The number of cases filed against individuals licensed to~~
 13 ~~carry a concealed pistol for criminal violations that resulted in a~~
 14 ~~finding of not responsible or not guilty, categorized by offense.~~

15 ~~—— (m) For the purposes of subdivisions (i), (j), (k), and (l),~~
 16 ~~the department of state police shall use the data provided under~~
 17 ~~section 5m.~~

18 **(I) THE TOTAL NUMBER OF INDIVIDUALS LICENSED TO CARRY A**
 19 **CONCEALED PISTOL FOUND RESPONSIBLE FOR A CIVIL VIOLATION OF THIS**
 20 **ACT, THE TOTAL NUMBER OF CIVIL VIOLATIONS OF THIS ACT CATEGORIZED**
 21 **BY OFFENSE, THE TOTAL NUMBER OF INDIVIDUALS LICENSED TO CARRY A**
 22 **CONCEALED PISTOL CONVICTED OF A CRIME, AND THE TOTAL NUMBER OF**
 23 **THOSE CRIMINAL CONVICTIONS CATEGORIZED BY OFFENSE.**

24 **(J) ~~(n)~~—The number of suicides by individuals licensed to**
 25 **carry a concealed pistol.**

26 **(K) THE TOTAL AMOUNT OF REVENUE THE DEPARTMENT OF STATE POLICE**
 27 **HAS RECEIVED UNDER THIS ACT.**

1 (l) ACTUAL COSTS INCURRED PER INITIAL AND RENEWAL LICENSE BY
2 THE DEPARTMENT OF STATE POLICE UNDER THIS ACT, ITEMIZED BY EACH
3 STATUTORY SECTION OF THIS ACT.

4 (M) A LIST OF EXPENDITURES MADE BY THE DEPARTMENT OF STATE
5 POLICE FROM MONEY RECEIVED UNDER THIS ACT, REGARDLESS OF PURPOSE.

6 (N) ~~(e)~~—Actual costs incurred per permit for each county
7 CLERK.

8 (O) ~~(p)~~—The number of times the database was accessed,
9 categorized by the purpose for which the database was accessed.

10 Sec. 5f. (1) An individual who is licensed ~~under this act~~ to
11 carry a concealed pistol shall have his or her license to carry
12 that pistol **AND HIS OR HER STATE-ISSUED DRIVER LICENSE OR PERSONAL**
13 **IDENTIFICATION CARD** in his or her possession at all times he or she
14 is carrying a concealed pistol or a portable device that uses
15 electro-muscular disruption technology.

16 (2) An individual who is licensed ~~under this act~~ to carry a
17 concealed pistol and who is carrying a concealed pistol or a
18 portable device that uses electro-muscular disruption technology
19 shall show both of the following to a peace officer upon request by
20 that peace officer:

21 (a) His or her license to carry a concealed pistol.

22 (b) His or her **STATE-ISSUED** driver license or Michigan
23 personal identification card.

24 (3) An individual licensed under this act to carry a concealed
25 pistol and who is carrying a concealed pistol or a portable device
26 that uses electro-muscular disruption technology and who is stopped
27 by a peace officer shall immediately disclose to the peace officer

1 that he or she is carrying a pistol or a portable device that uses
2 electro-muscular disruption technology concealed upon his or her
3 person or in his or her vehicle.

4 (4) An individual who violates subsection (1) or (2) is
5 responsible for a state civil infraction and ~~may~~ **SHALL** be fined ~~not~~
6 ~~more than~~ \$100.00.

7 (5) An individual who violates subsection (3) is responsible
8 for a state civil infraction and ~~may~~ **SHALL** be fined as follows:

9 (a) For a first offense, by a fine of ~~not more than~~ \$500.00 ~~or~~
10 **AND** by the individual's license to carry a concealed pistol being
11 suspended for 6 months. ~~, or both.~~

12 (b) For a subsequent offense within 3 years of a prior
13 offense, by a fine of ~~not more than~~ \$1,000.00 and by the
14 individual's license to carry a concealed pistol being revoked.

15 (6) If an individual is found responsible for a state civil
16 infraction under ~~this section, the court shall notify the~~
17 ~~department of state police and the concealed weapon licensing board~~
18 ~~that~~ **SUBSECTION (5), THE PEACE OFFICER SHALL NOTIFY THE DEPARTMENT**
19 **OF STATE POLICE OF THAT CIVIL INFRACTION. THE DEPARTMENT OF STATE**
20 **POLICE SHALL NOTIFY THE COUNTY CLERK WHO issued the license, of**
21 ~~that determination.~~ **WHO SHALL SUSPEND OR REVOKE THAT LICENSE. THE**
22 **COUNTY CLERK SHALL SEND NOTICE BY FIRST-CLASS MAIL OF THAT**
23 **SUSPENSION OR REVOCATION TO THE INDIVIDUAL'S LAST KNOWN ADDRESS AS**
24 **INDICATED IN THE RECORDS OF THE COUNTY CLERK. THE DEPARTMENT OF**
25 **STATE POLICE SHALL IMMEDIATELY ENTER THAT SUSPENSION OR REVOCATION**
26 **INTO THE LAW ENFORCEMENT INFORMATION NETWORK.**

27 (7) A pistol or portable device that uses electro-muscular

1 disruption technology carried in violation of this section is
2 subject to immediate seizure by a peace officer. If a peace officer
3 seizes a pistol or portable device that uses electro-muscular
4 disruption technology under this subsection, the individual has 45
5 days in which to display his or her license or documentation to an
6 authorized employee of the law enforcement entity that employs the
7 peace officer. If the individual displays his or her license or
8 documentation to an authorized employee of the law enforcement
9 entity that employs the peace officer within the 45-day period, the
10 authorized employee of that law enforcement entity shall return the
11 pistol or portable device that uses electro-muscular disruption
12 technology to the individual unless the individual is prohibited by
13 law from possessing a firearm or portable device that uses electro-
14 muscular disruption technology. If the individual does not display
15 his or her license or documentation within the 45-day period, the
16 pistol or portable device that uses electro-muscular disruption
17 technology is subject to forfeiture as provided in section 5g. A
18 pistol or portable device that uses electro-muscular disruption
19 technology is not subject to immediate seizure under this
20 subsection if both of the following circumstances exist:

21 (a) The individual has his or her **STATE-ISSUED** driver license
22 or ~~Michigan~~ personal identification card in his or her possession
23 when the violation occurs.

24 (b) The peace officer verifies through the law enforcement
25 information network that the individual is licensed ~~under this act~~
26 to carry a concealed pistol.

27 (8) As used in this section, "peace officer" includes a motor

1 carrier officer appointed under section 6d of 1935 PA 59, MCL
2 28.6d, and security personnel employed by the state under section
3 6c of 1935 PA 59, MCL 28.6c.

4 Sec. 5j. (1) A pistol training or safety program described in
5 section 5b(7)(c) meets the requirements for knowledge or training
6 in the safe use and handling of a pistol only if the ~~program~~
7 ~~consists~~ **TRAINING WAS PROVIDED WITHIN 5 YEARS PRECEDING THE DATE OF**
8 **APPLICATION AND CONSISTED** of not less than 8 hours of instruction
9 and all of the following conditions are met:

10 (a) The program is certified by this state or a national or
11 state firearms training organization and provides 5 hours of
12 instruction in, but is not limited to providing instruction in, all
13 of the following:

14 (i) The safe storage, use, and handling of a pistol including,
15 but not limited to, safe storage, use, and handling to protect
16 child safety.

17 (ii) Ammunition knowledge, and the fundamentals of pistol
18 shooting.

19 (iii) Pistol shooting positions.

20 (iv) Firearms and the law, including civil liability issues and
21 the use of deadly force. This portion shall be taught by an
22 attorney or an individual trained in the use of deadly force.

23 (v) Avoiding criminal attack and controlling a violent
24 confrontation.

25 (vi) All laws that apply to carrying a concealed pistol in this
26 state.

27 (b) The program provides at least 3 hours of instruction on a

1 firing range and requires firing at least 30 rounds of ammunition.

2 (c) The program provides a certificate of completion that
3 states the program complies with the requirements of this section
4 and that the individual successfully completed the course, and that
5 contains the printed name and signature of the course instructor.
6 ~~Not later than October 1, 2004, the~~ **THE** certificate of completion
7 shall contain the statement, "This course complies with section 5j
8 of 1927 PA 372.". **FOR CERTIFICATES ISSUED ON OR AFTER OCTOBER 1,**
9 **2015, EACH CERTIFICATE SHALL ALSO CONTAIN BOTH OF THE FOLLOWING,**
10 **WHICH SHALL BE PRINTED ON THE FACE OF THE CERTIFICATE OR ATTACHED**
11 **IN A SEPARATE DOCUMENT:**

12 (i) **THE INSTRUCTOR'S NAME AND TELEPHONE NUMBER.**

13 (ii) **THE NAME AND TELEPHONE NUMBER OF THE STATE AGENCY OR A**
14 **STATE OR NATIONAL FIREARMS TRAINING ORGANIZATION THAT HAS CERTIFIED**
15 **THE INDIVIDUAL AS AN INSTRUCTOR FOR PURPOSES OF THIS SECTION, HIS**
16 **OR HER INSTRUCTOR CERTIFICATION NUMBER, IF ANY, AND THE EXPIRATION**
17 **DATE OF THAT CERTIFICATION.**

18 (d) The instructor of the course is certified by this state or
19 a **STATE OR** national **FIREARMS TRAINING** organization to teach the ~~8-~~
20 ~~hour~~ **pistol safety training course** ~~course~~ **COURSES** described in this
21 section. **THE COUNTY CLERK SHALL NOT REQUIRE ANY OTHER CERTIFICATION**
22 **OR REQUIRE AN INSTRUCTOR TO REGISTER WITH THE COUNTY OR COUNTY**
23 **CLERK.**

24 (2) **A TRAINING CERTIFICATE THAT DOES NOT MEET THE REQUIREMENTS**
25 **UNDER STATE LAW APPLICABLE AT THE TIME THE CERTIFICATION WAS ISSUED**
26 **MAY OTHERWISE MEET THE REQUIREMENTS OF SUBSECTION (1) (C) IF THE**
27 **APPLICANT PROVIDES INFORMATION THAT REASONABLY DEMONSTRATES THAT**

1 **THE CERTIFICATE OR THE TRAINING MEETS THE APPLICABLE REQUIREMENTS.**

2 (3) ~~(2)~~—A person shall not do either of the following:

3 (a) Grant a certificate of completion described under
4 subsection (1)(c) to an individual knowing the individual did not
5 satisfactorily complete the course.

6 (b) Present a certificate of completion described under
7 subsection (1)(c) to a ~~concealed weapon licensing board~~ **COUNTY**
8 **CLERK** knowing that the individual did not satisfactorily complete
9 the course.

10 (4) ~~(3)~~—A person who violates subsection ~~(2)~~ **(3)** is guilty of
11 a felony punishable by imprisonment for not more than 4 years or a
12 fine of not more than \$2,500.00, or both.

13 (5) ~~(4)~~—A ~~concealed weapons licensing board~~ **COUNTY CLERK** shall
14 not require that a specific form, color, wording, or other content
15 appear on a certificate of completion, ~~except as provided in~~
16 ~~subsection (5), and shall accept as valid a certificate of~~
17 ~~completion issued prior to the effective date of the amendatory act~~
18 ~~that added this subsection that contains an inaccurate reference or~~
19 ~~no reference to this section but otherwise complies with this~~
20 ~~section.~~ **EXCEPT AS OTHERWISE REQUIRED UNDER THIS ACT.**

21 ~~— (5) Beginning October 1, 2004, a concealed weapons licensing~~
22 ~~board shall require that a certificate of completion contain the~~
23 ~~statement, "This course complies with section 5j of 1927 PA 372."~~

24 Sec. 5k. (1) Acceptance of a license issued under this act to
25 carry a concealed pistol constitutes implied consent to submit to a
26 chemical analysis under this section. This section also applies to
27 individuals listed in section 12a.

1 (2) An individual shall not carry a concealed pistol or
2 portable device that uses electro-muscular disruption technology
3 while he or she is under the influence of alcoholic liquor or a
4 controlled substance or while having a bodily alcohol content
5 prohibited under this section. An individual who violates this
6 section is responsible for a state civil infraction or guilty of a
7 crime as follows:

8 (a) If the person was under the influence of alcoholic liquor
9 or a controlled substance or a combination of alcoholic liquor and
10 a controlled substance, or had a bodily alcohol content of .10 or
11 more grams per 100 milliliters of blood, per 210 liters of breath,
12 or per 67 milliliters of urine, the individual is guilty of a
13 misdemeanor punishable by imprisonment for not more than 93 days or
14 \$100.00, or both. The court shall order the ~~concealed weapon~~
15 ~~licensing board that~~ **COUNTY CLERK WHO** issued the individual a
16 license to carry a concealed pistol to ~~permanently~~ revoke the
17 license. ~~The concealed weapon licensing board shall permanently~~
18 ~~revoke the license as ordered by the court.~~ **THE COUNTY CLERK WHO**
19 **ISSUED THE LICENSE SHALL NOTIFY THE DEPARTMENT OF STATE POLICE OF**
20 **THE REVOCATION IN A MANNER PRESCRIBED BY THE DEPARTMENT OF STATE**
21 **POLICE. THE DEPARTMENT OF STATE POLICE SHALL IMMEDIATELY ENTER THAT**
22 **REVOCATION INTO THE LAW ENFORCEMENT INFORMATION NETWORK.**

23 (b) If the person had a bodily alcohol content of .08 or more
24 but less than .10 grams per 100 milliliters of blood, per 210
25 liters of breath, or per 67 milliliters of urine, the individual is
26 guilty of a misdemeanor punishable by imprisonment for not more
27 than 93 days or \$100.00, or both. The court ~~may~~ **SHALL** order the

1 ~~concealed weapon licensing board that~~ COUNTY CLERK WHO issued the
2 individual a license to carry a concealed pistol to ~~revoke~~ SUSPEND
3 the license for ~~not more than~~ 3 years. The ~~concealed weapon~~
4 ~~licensing board shall revoke the license as ordered by the~~
5 ~~court.~~ THE COUNTY CLERK WHO ISSUED THE LICENSE SHALL NOTIFY THE
6 DEPARTMENT OF STATE POLICE OF THAT SUSPENSION IN A MANNER
7 PRESCRIBED BY THE DEPARTMENT OF STATE POLICE. THE DEPARTMENT OF
8 STATE POLICE SHALL IMMEDIATELY ENTER THAT SUSPENSION INTO THE LAW
9 ENFORCEMENT INFORMATION NETWORK.

10 (c) If the person had a bodily alcohol content of .02 or more
11 but less than .08 grams per 100 milliliters of blood, per 210
12 liters of breath, or per 67 milliliters of urine, the individual is
13 responsible for a state civil infraction and ~~may~~ SHALL be fined ~~not~~
14 ~~more than~~ \$100.00. The ~~court may order the concealed weapon~~
15 ~~licensing board that~~ PEACE OFFICER SHALL NOTIFY THE DEPARTMENT OF
16 STATE POLICE OF A CIVIL INFRACTION UNDER THIS SUBDIVISION. THE
17 DEPARTMENT OF STATE POLICE SHALL NOTIFY THE COUNTY CLERK WHO issued
18 the individual the license, ~~to revoke~~ WHO SHALL SUSPEND the license
19 for 1 year. The ~~concealed weapon licensing board shall revoke the~~
20 ~~license as ordered by the court. The court shall notify the~~
21 ~~concealed weapon licensing board that issued the individual a~~
22 ~~license to carry a concealed pistol if an individual is found~~
23 ~~responsible for a subsequent violation of this subdivision.~~ THE
24 DEPARTMENT OF STATE POLICE SHALL IMMEDIATELY ENTER THAT SUSPENSION
25 INTO THE LAW ENFORCEMENT INFORMATION NETWORK.

26 (3) This section does not prohibit an individual licensed
27 under this act to carry a concealed pistol who has any bodily

1 alcohol content from doing any of the following:

2 (a) Transporting that pistol in the locked trunk of his or her
3 motor vehicle or another motor vehicle in which he or she is a
4 passenger or, if the vehicle does not have a trunk, from
5 transporting that pistol unloaded in a locked compartment or
6 container that is separated from the ammunition for that pistol.

7 (b) Transporting that pistol on a vessel if the pistol is
8 transported unloaded in a locked compartment or container that is
9 separated from the ammunition for that pistol.

10 (c) Transporting a portable device using electro-muscular
11 disruption technology in the locked trunk of his or her motor
12 vehicle or another motor vehicle in which he or she is a passenger,
13 or, if the vehicle does not have a trunk, from transporting that
14 portable device in a locked compartment or container.

15 (d) Transporting a portable device using electro-muscular
16 disruption technology on a vessel if the portable device is
17 transported in a locked compartment or container.

18 (4) A peace officer who has probable cause to believe an
19 individual is carrying a concealed pistol or a portable device
20 using electro-muscular disruption technology in violation of this
21 section may require the individual to submit to a chemical analysis
22 of his or her breath, blood, or urine.

23 (5) Before an individual is required to submit to a chemical
24 analysis under subsection (4), the peace officer shall inform the
25 individual of all of the following:

26 (a) The individual may refuse to submit to the chemical
27 analysis, but if he or she chooses to do so, all of the following

1 apply:

2 (i) The officer may obtain a court order requiring the
3 individual to submit to a chemical analysis.

4 (ii) The refusal ~~may~~ **SHALL** result in his or her license to
5 carry a concealed pistol being suspended ~~or revoked~~. **FOR 6 MONTHS.**

6 (b) If the individual submits to the chemical analysis, he or
7 she may obtain a chemical analysis described in subsection (4) from
8 a person of his or her own choosing.

9 (6) The collection and testing of breath, blood, and urine
10 specimens under this section shall be conducted in the same manner
11 that breath, blood, and urine specimens are collected and tested
12 for alcohol- and controlled-substance-related driving violations
13 under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

14 (7) If a person refuses to take a chemical test authorized
15 under this section, the **PERSON IS RESPONSIBLE FOR A STATE CIVIL**
16 **INFRACTION AND SHALL BE FINED \$100.00.** A peace officer shall
17 promptly report the refusal in writing to the ~~concealed weapon~~
18 ~~licensing board that issued the license to the individual to carry~~
19 ~~a concealed pistol~~. **DEPARTMENT OF STATE POLICE. THE DEPARTMENT OF**
20 **STATE POLICE SHALL NOTIFY THE COUNTY CLERK WHO ISSUED THE LICENSE**
21 **AND WHO SHALL SUSPEND THE LICENSE FOR 6 MONTHS. THE DEPARTMENT OF**
22 **STATE POLICE SHALL IMMEDIATELY ENTER THAT SUSPENSION INTO THE LAW**
23 **ENFORCEMENT INFORMATION NETWORK.**

24 ~~—— (8) If a person takes a chemical test authorized under this~~
25 ~~section and the test results indicate that the individual had any~~
26 ~~bodily alcohol content while carrying a concealed pistol, the peace~~
27 ~~officer shall promptly report the violation in writing to the~~

1 ~~concealed weapon licensing board that issued the license to the~~
2 ~~individual to carry a concealed pistol.~~

3 (8) ~~(9)~~ As used in this section:

4 (a) "Alcoholic liquor" means that term as defined in section
5 105 of the Michigan liquor control code of 1998, 1998 PA 58, MCL
6 436.1105.

7 (b) "Controlled substance" means that term as defined in
8 section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

9 (C) "UNDER THE INFLUENCE OF ALCOHOLIC LIQUOR OR A CONTROLLED
10 SUBSTANCE" MEANS THAT THE INDIVIDUAL'S ABILITY TO PROPERLY HANDLE A
11 PISTOL OR TO EXERCISE CLEAR JUDGMENT REGARDING THE USE OF THAT
12 PISTOL WAS SUBSTANTIALLY AND MATERIALLY AFFECTED BY THE CONSUMPTION
13 OF ALCOHOLIC LIQUOR OR A CONTROLLED SUBSTANCE.

14 Sec. 5/. ~~(1) A license to carry a concealed pistol issued on or~~
15 ~~after July 1, 2003 but before July 1, 2006 is valid for 5 years.~~

16 (1) ~~(2) An initial~~ A license to carry a concealed pistol,
17 ~~issued or renewed on or after July 1, 2006, other than a license~~
18 ~~described in subsection (1),~~ **INCLUDING A RENEWAL LICENSE**, is valid
19 until the applicant's date of birth that falls not less than 4
20 years or more than 5 years after the license is issued or renewed,
21 as applicable. **THE COUNTY CLERK SHALL NOTIFY THE LICENSEE THAT HIS**
22 **OR HER LICENSE IS ABOUT TO EXPIRE AND MAY BE RENEWED AS PROVIDED IN**
23 **THIS SECTION. THE NOTIFICATION SHALL BE SENT BY THE COUNTY CLERK TO**
24 **THE LAST KNOWN ADDRESS OF THE LICENSEE AS SHOWN ON THE RECORDS OF**
25 **THE COUNTY CLERK. THE NOTIFICATION SHALL BE SENT IN A SEALED**
26 **ENVELOPE BY FIRST-CLASS MAIL NOT LESS THAN 3 MONTHS OR MORE THAN 6**
27 **MONTHS BEFORE THE EXPIRATION DATE OF THE CURRENT LICENSE.** Except as

1 provided in ~~subsections (8) and (9)~~, **THIS SECTION**, a renewal of a
2 license under section 5b shall ~~, except as provided in this~~
3 ~~section~~, be issued in the same manner as an original license issued
4 under section 5b. **AN APPLICANT IS ELIGIBLE FOR A RENEWAL OF A**
5 **LICENSE UNDER THIS SECTION IF HIS OR HER LICENSE IS NOT EXPIRED, OR**
6 **EXPIRED WITHIN A 1-YEAR PERIOD BEFORE THE DATE OF APPLICATION UNDER**
7 **THIS SECTION. EACH APPLICANT WHO SUBMITS AN APPLICATION FOR A**
8 **RENEWAL LICENSE TO A COUNTY CLERK UNDER THIS SECTION SHALL PAY AN**
9 **APPLICATION AND LICENSING FEE OF \$115.00 BY ANY METHOD OF PAYMENT**
10 **ACCEPTED BY THAT COUNTY FOR PAYMENTS OF OTHER FEES AND PENALTIES.**
11 **NO OTHER CHARGE, FEE, COST, OR ASSESSMENT, INCLUDING ANY LOCAL**
12 **CHARGE, FEE, COST, OR ASSESSMENT, IS REQUIRED OF THE APPLICANT**
13 **EXCEPT AS SPECIFICALLY AUTHORIZED IN THIS ACT. THE APPLICATION AND**
14 **LICENSING FEE SHALL BE PAYABLE TO THE COUNTY. THE COUNTY TREASURER**
15 **SHALL DEPOSIT \$36.00 OF EACH FEE COLLECTED UNDER THIS SUBSECTION IN**
16 **THE CONCEALED PISTOL LICENSING FUND OF THAT COUNTY CREATED IN**
17 **SECTION 5X. THE COUNTY TREASURER SHALL FORWARD THE BALANCE**
18 **REMAINING TO THE STATE TREASURER. THE STATE TREASURER SHALL DEPOSIT**
19 **THE BALANCE OF THE FEE IN THE GENERAL FUND TO THE CREDIT OF THE**
20 **DEPARTMENT OF STATE POLICE.**

21 (2) ~~(3)~~—Subject to subsections (8) and (9), an application to
22 renew a license to carry a concealed pistol may be submitted not
23 more than 6 months before the expiration of the current license. **NO**
24 **LATER THAN OCTOBER 1, 2018, THE DEPARTMENT OF STATE POLICE SHALL**
25 **PROVIDE A SYSTEM FOR AN APPLICANT TO SUBMIT HIS OR HER APPLICATION**
26 **TO RENEW A LICENSE TO CARRY A CONCEALED PISTOL ONLINE OR BY FIRST-**
27 **CLASS MAIL AND SHALL ACCEPT THOSE APPLICATIONS ON BEHALF OF THE**

1 COUNTY CLERK AS REQUIRED UNDER THIS ACT AT NO ADDITIONAL CHARGE.
2 EACH APPLICANT WHO SUBMITS A RENEWAL LICENSE ONLINE OR BY FIRST-
3 CLASS MAIL TO THE DEPARTMENT OF STATE POLICE UNDER THIS SECTION
4 SHALL PAY AN APPLICATION AND LICENSING FEE OF \$115.00 BY ANY METHOD
5 OF PAYMENT ACCEPTED BY THE DEPARTMENT OF STATE POLICE. NO OTHER
6 CHARGE, FEE, COST, OR ASSESSMENT IS REQUIRED OF THE APPLICANT
7 EXCEPT AS SPECIFICALLY AUTHORIZED IN THIS ACT. THE APPLICATION AND
8 LICENSING FEE SHALL BE PAYABLE TO THE STATE. THE STATE TREASURER
9 SHALL FORWARD \$36.00 OF EACH FEE COLLECTED UNDER THIS SUBSECTION TO
10 THE COUNTY TREASURER WHO SHALL DEPOSIT THE \$36.00 IN THE CONCEALED
11 PISTOL LICENSING FUND OF THAT COUNTY CREATED IN SECTION 5X. THE
12 STATE TREASURER SHALL DEPOSIT THE BALANCE OF THE FEE IN THE GENERAL
13 FUND TO THE CREDIT OF THE DEPARTMENT OF STATE POLICE. THE
14 DEPARTMENT OF STATE POLICE SHALL NOTIFY THE COUNTY CLERK OF THE
15 COUNTY IN WHICH THE APPLICANT RESIDES OF A PROPERLY SUBMITTED
16 ONLINE APPLICATION OR APPLICATION BY FIRST-CLASS MAIL RECEIVED BY
17 THE DEPARTMENT. IF THE COUNTY CLERK ISSUES A RENEWAL LICENSE UNDER
18 THIS SECTION, THE COUNTY CLERK SHALL SEND THE LICENSE TO THE
19 LICENSEE BY FIRST-CLASS MAIL IN A SEALED ENVELOPE. If the concealed
20 ~~weapon licensing board approves~~ COUNTY CLERK ISSUES the renewal,
21 the effective date of the renewal license is the date of expiration
22 of the current license or the date of ~~approval~~ ISSUE of the
23 renewal, whichever is later, and the date of expiration is the
24 applicant's date of birth which is not less than 4 years or more
25 than 5 years from the effective date of the license.

26 (3) ~~(4) The concealed weapon licensing board~~ DEPARTMENT OF
27 STATE POLICE SHALL COMPLETE THE VERIFICATION REQUIRED UNDER SECTION

1 5B(6) AND THE COUNTY CLERK shall issue ~~or deny issuance of a~~
2 renewal license OR A NOTICE OF STATUTORY DISQUALIFICATION within ~~60~~
3 30 days after the DATE THE RENEWAL application ~~for renewal is~~
4 ~~properly submitted.~~ WAS RECEIVED. The county clerk shall issue the
5 applicant a receipt for his or her renewal application at the time
6 the application is submitted TO THE COUNTY CLERK. BEGINNING ON THE
7 DATE THE DEPARTMENT OF STATE POLICE ESTABLISHES A SYSTEM UNDER
8 SUBSECTION (2), THE DEPARTMENT OF STATE POLICE SHALL PROVIDE AN
9 APPLICANT A DIGITAL RECEIPT, OR A RECEIPT BY FIRST-CLASS MAIL IF
10 REQUESTED, FOR HIS OR HER RENEWAL APPLICATION SUBMITTED ONLINE AT
11 THE TIME THE APPLICATION IS RECEIVED BY THE DEPARTMENT OF STATE
12 POLICE. BEGINNING ON THE DATE THE DEPARTMENT OF STATE POLICE
13 ESTABLISHES A SYSTEM UNDER SUBSECTION (2), THE DEPARTMENT OF STATE
14 POLICE SHALL MAIL AN APPLICANT A RECEIPT BY FIRST-CLASS MAIL FOR
15 HIS OR HER RENEWAL APPLICATION SUBMITTED BY FIRST-CLASS MAIL AT THE
16 TIME THE APPLICATION IS RECEIVED BY THE DEPARTMENT OF STATE POLICE.
17 The receipt ISSUED UNDER THIS SUBSECTION shall contain all of the
18 following:

19 (a) The name of the applicant.

20 (b) The date and time the receipt is issued.

21 (c) The amount paid.

22 (D) THE APPLICANT'S STATE-ISSUED DRIVER LICENSE OR PERSONAL
23 IDENTIFICATION CARD NUMBER.

24 (E) ~~(d) A THE~~ statement, ~~that the receipt is for a license~~
25 ~~renewal.~~"THIS RECEIPT WAS ISSUED FOR THE PURPOSE OF RENEWAL OF A
26 CONCEALED PISTOL LICENSE. AS PROVIDED IN SECTION 5/ OF 1927 PA 372,
27 MCL 28.425/, THIS RECEIPT SHALL SERVE AS A CONCEALED PISTOL LICENSE

1 FOR THE INDIVIDUAL NAMED IN THE RECEIPT WHEN CARRIED WITH THE
2 EXPIRED LICENSE AND IS VALID UNTIL A LICENSE OR NOTICE OF STATUTORY
3 DISQUALIFICATION IS ISSUED BY THE COUNTY CLERK. THIS RECEIPT DOES
4 NOT EXEMPT THE INDIVIDUAL NAMED IN THE RECEIPT FROM COMPLYING WITH
5 ALL APPLICABLE LAWS FOR THE PURCHASE OF FIREARMS."

6 ~~—— (e) A statement of whether the applicant qualifies for an~~
7 ~~extension under subsection (5).~~

8 (f) The name of the county in which the receipt is issued, **IF**
9 **APPLICABLE**.

10 (g) An impression of the county seal, **IF APPLICABLE**.

11 (4) UNTIL OCTOBER 1, 2018, A MEMBER OF THE UNITED STATES ARMED
12 FORCES, THE UNITED STATES ARMED FORCES RESERVE, OR THE MICHIGAN
13 NATIONAL GUARD WHO IS ON ORDERS TO A DUTY STATION OUTSIDE OF THIS
14 STATE MAY SUBMIT HIS OR HER APPLICATION TO RENEW A LICENSE TO CARRY
15 A CONCEALED PISTOL BY FIRST-CLASS MAIL, CONTAINING THE REQUIRED
16 FEE, A NOTARIZED APPLICATION, THE LICENSEE'S ADDRESS OF RECORD
17 WITHIN THE STATE, THE LICENSEE'S ORDERS TO REPORT TO A DUTY STATION
18 OUTSIDE OF THIS STATE, AND IF THE LICENSEE DESIRES TO HAVE HIS OR
19 HER APPLICATION RECEIPT, RENEWAL LICENSE, OR ANY OTHER NOTICES
20 MAILED TO HIS OR HER ADDRESS OF ASSIGNMENT OR DEPLOYMENT, A LETTER
21 REQUESTING THAT ACTION INCLUDING THE ADDRESS OF ASSIGNMENT OR
22 DEPLOYMENT. IF THE CONCEALED WEAPON LICENSING BOARD APPROVES OR A
23 COUNTY CLERK ISSUES A RENEWAL LICENSE UNDER THIS SECTION, THE
24 COUNTY CLERK SHALL SEND THE LICENSE TO THE LICENSEE BY FIRST-CLASS
25 MAIL IN A SEALED ENVELOPE. IF THE LICENSEE IS A MEMBER OF THE
26 UNITED STATES ARMED FORCES, THE UNITED STATES ARMED FORCES RESERVE,
27 OR THE MICHIGAN NATIONAL GUARD WHO IS ON ORDERS TO A DUTY STATION

1 OUTSIDE OF THIS STATE AND REQUESTS THAT HIS OR HER LICENSE BE SENT
2 TO THE ADDRESS OF ASSIGNMENT OR DEPLOYMENT, THE COUNTY CLERK SHALL
3 MAIL THE LICENSE TO THE LICENSEE AT THE ADDRESS OF ASSIGNMENT OR
4 DEPLOYMENT PROVIDED IN THE RENEWAL APPLICATION. UNTIL OCTOBER 1,
5 2018, IF A RENEWAL APPLICATION IS SUBMITTED BY A MEMBER OF THE
6 UNITED STATES ARMED FORCES, THE UNITED STATES ARMED FORCES RESERVE,
7 OR THE MICHIGAN NATIONAL GUARD WHO IS ON ORDERS TO A DUTY STATION
8 OUTSIDE OF THIS STATE, THE COUNTY CLERK SHALL MAIL A RECEIPT TO THE
9 LICENSEE BY FIRST-CLASS MAIL.

10 (5) ~~If the concealed weapon licensing board fails to deny or~~
11 ~~issue a renewal license to the person within 60 days as required~~
12 ~~under subsection (4),~~ **AN INDIVIDUAL APPLIES FOR A RENEWAL LICENSE**
13 **BEFORE THE EXPIRATION OF HIS OR HER LICENSE,** the expiration date of
14 the current license is extended ~~by 180 days or until the renewal~~
15 **license OR NOTICE OF STATUTORY DISQUALIFICATION** is issued. ~~7~~
16 ~~whichever occurs first. This subsection does not apply unless the~~
17 ~~person pays the renewal fee at the time the renewal application is~~
18 ~~submitted and the person has submitted a receipt from a police~~
19 ~~agency that confirms that a background check has been requested by~~
20 ~~the applicant.~~ **THE COUNTY CLERK SHALL NOTIFY THE DEPARTMENT OF STATE**
21 **POLICE IN A MANNER PRESCRIBED BY THE DEPARTMENT OF STATE POLICE**
22 **AFTER HE OR SHE RECEIVES AN APPLICATION FOR RENEWAL. THE DEPARTMENT**
23 **OF STATE POLICE SHALL IMMEDIATELY ENTER INTO THE LAW ENFORCEMENT**
24 **INFORMATION NETWORK THE DATE THAT APPLICATION FOR RENEWAL WAS**
25 **SUBMITTED AND THAT THE RENEWAL APPLICATION IS PENDING.**

26 (6) A person carrying a concealed pistol after the expiration
27 date of his or her license ~~pursuant to~~ **UNDER** an extension under

1 subsection (5) shall keep the receipt issued by the county clerk
2 under subsection ~~(4)~~—(3) and his or her expired license in his or
3 her possession at all times that he or she is carrying the pistol.
4 For the purposes of this act, the receipt is considered to be part
5 of the license to carry a concealed pistol until a renewal license
6 **OR NOTICE OF STATUTORY DISQUALIFICATION** is issued. ~~or denied.~~
7 ~~Failing to have the receipt and expired license in possession while~~
8 ~~carrying a concealed pistol or failing to display the receipt to a~~
9 ~~peace officer upon request is a violation of this act.~~

10 (7) The educational requirements under section 5b(7)(c) are
11 waived for an applicant who is a retired police officer or retired
12 law enforcement officer.

13 (8) The educational requirements under section 5b(7)(c) for an
14 applicant who is applying for a renewal of a license under this act
15 are waived except that the applicant shall certify that he or she
16 has completed at least 3 hours' review of the training described
17 under section 5b(7)(c) and has had at least 1 hour of firing range
18 time in the 6 months immediately preceding the subsequent
19 application. **THE EDUCATIONAL AND FIRING RANGE REQUIREMENTS OF THIS**
20 **SUBSECTION ARE MET IF THE APPLICANT CERTIFIES ON THE RENEWAL**
21 **APPLICATION FORM THAT HE OR SHE HAS COMPLIED WITH THE REQUIREMENTS**
22 **OF THIS SUBSECTION. AN APPLICANT IS NOT REQUIRED TO VERIFY THE**
23 **STATEMENTS MADE UNDER THIS SUBSECTION AND IS NOT REQUIRED TO OBTAIN**
24 **A CERTIFICATE OR UNDERGO TRAINING OTHER THAN AS REQUIRED BY THIS**
25 **SUBSECTION.**

26 (9) ~~Beginning January 1, 2007, an~~ **AN** applicant who is applying
27 for a renewal of a license issued under section 5b is not required

1 to have fingerprints taken again under section 5b(9) if all of the
2 following conditions have been met:

3 (a) There has been established a system for the department of
4 state police to save and maintain in its automated fingerprint
5 identification system (AFIS) database all fingerprints that are
6 submitted to the department of state police under section 5b.

7 (b) The applicant's fingerprints have been submitted to and
8 maintained by the department of state police as described in
9 subdivision (a) for ongoing comparison with the automated
10 fingerprint identification system (AFIS) database.

11 **(10) SUBSECTIONS (1) TO (3) AND (5) TO (9), AS AMENDED BY THE**
12 **AMENDATORY ACT THAT ADDED THIS SUBSECTION, APPLY BEGINNING OCTOBER**
13 **1, 2015.**

14 **(11) SUBSECTION (4), AS ADDED BY THE AMENDATORY ACT THAT ADDED**
15 **THIS SUBSECTION, APPLIES BEGINNING APRIL 1, 2015.**

16 Sec. 5o. (1) Subject to subsection (5), an individual licensed
17 under this act to carry a concealed pistol, or who is exempt from
18 licensure under section 12a(1)(h), shall not carry a concealed
19 pistol on the premises of any of the following:

20 (a) A school or school property except that a parent or legal
21 guardian of a student of the school is not precluded from carrying
22 a concealed pistol while in a vehicle on school property, if he or
23 she is dropping the student off at the school or picking up the
24 student from the school. As used in this section, "school" and
25 "school property" mean those terms as defined in section 237a of
26 the Michigan penal code, 1931 PA 328, MCL 750.237a.

27 (b) A public or private child care center or day care center,

1 public or private child caring institution, or public or private
2 child placing agency.

3 (c) A sports arena or stadium.

4 (d) A bar or tavern licensed under the Michigan liquor control
5 code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, where the
6 primary source of income of the business is the sale of alcoholic
7 liquor by the glass and consumed on the premises. This subdivision
8 does not apply to an owner or employee of the business. The
9 Michigan liquor control commission shall develop and make available
10 to holders of licenses under the Michigan liquor control code of
11 1998, 1998 PA 58, MCL 436.1101 to 436.2303, an appropriate sign
12 stating that "This establishment prohibits patrons from carrying
13 concealed weapons". The owner or operator of an establishment
14 licensed under the Michigan liquor control code of 1998, 1998 PA
15 58, MCL 436.1101 to 436.2303, may, but is not required to, post the
16 sign developed under this subdivision.

17 (e) Any property or facility owned or operated by a church,
18 synagogue, mosque, temple, or other place of worship, unless the
19 presiding official or officials of the church, synagogue, mosque,
20 temple, or other place of worship permit the carrying of concealed
21 pistol on that property or facility.

22 (f) An entertainment facility with a seating capacity of 2,500
23 or more individuals that the individual knows or should know has a
24 seating capacity of 2,500 or more individuals or that has a sign
25 above each public entrance stating in letters not less than 1-inch
26 high a seating capacity of 2,500 or more individuals.

27 (g) A hospital.

1 (h) A dormitory or classroom of a community college, college,
2 or university.

3 (2) Subject to subsection (5), an individual shall not carry a
4 portable device that uses electro-muscular disruption technology on
5 any of the premises described in subsection (1).

6 (3) An individual licensed under this act to carry a concealed
7 pistol, or who is exempt from licensure under section 12a(1)(h),
8 shall not carry a concealed pistol in violation of R 432.1212 or a
9 successor rule of the Michigan administrative code promulgated
10 under the Michigan gaming control and revenue act, 1996 IL 1, MCL
11 432.201 to 432.226.

12 (4) As used in subsection (1), "premises" does not include
13 parking areas of the places identified under subsection (1).

14 (5) Subsections (1) and (2) do not apply to any of the
15 following:

16 (a) An individual licensed under this act who is a retired
17 police officer or retired law enforcement officer. ~~The concealed~~
18 ~~weapon licensing board may require a letter from the law~~
19 ~~enforcement agency stating that the retired police officer or law~~
20 ~~enforcement officer retired in good standing.~~

21 (b) An individual who is licensed under this act and who is
22 employed or contracted by an entity described under subsection (1)
23 to provide security services and is required by his or her employer
24 or the terms of a contract to carry a concealed firearm on the
25 premises of the employing or contracting entity.

26 (c) An individual who is licensed as a private investigator or
27 private detective under the professional investigator licensure

1 act, 1965 PA 285, MCL 338.821 to 338.851.

2 (d) An individual who is licensed under this act and who is a
3 corrections officer of a county sheriff's department.

4 (e) An individual who is licensed under this act and who is a
5 motor carrier officer or capitol security officer of the department
6 of state police.

7 (f) An individual who is licensed under this act and who is a
8 member of a sheriff's posse.

9 (g) An individual who is licensed under this act and who is an
10 auxiliary officer or reserve officer of a police or sheriff's
11 department.

12 (h) An individual who is licensed under this act and who is a
13 parole or probation officer of the department of corrections.

14 (i) A state court judge or state court retired judge who is
15 licensed under this act. ~~The concealed weapon licensing board may
16 require a state court retired judge to obtain and carry a letter
17 from the judicial tenure commission stating that the state court
18 retired judge is in good standing as authorized under section 30 of
19 article VI of the state constitution of 1963, and rules promulgated
20 under that section, in order to qualify under this subdivision.~~

21 (j) An individual who is licensed under this act and who is a
22 court officer.

23 (6) An individual who violates this section is responsible for
24 a state civil infraction or guilty of a crime as follows:

25 (a) Except as provided in subdivisions (b) and (c), the
26 individual is responsible for a state civil infraction and may be
27 fined not more than \$500.00. The court shall order the individual's

1 license to carry a concealed pistol suspended for 6 months.

2 (b) For a second violation, the individual is guilty of a
3 misdemeanor punishable by a fine of not more than \$1,000.00. The
4 court shall order the individual's license to carry a concealed
5 pistol revoked.

6 (c) For a third or subsequent violation, the individual is
7 guilty of a felony punishable by imprisonment for not more than 4
8 years or a fine of not more than \$5,000.00, or both. The court
9 shall order the individual's license to carry a concealed pistol
10 revoked.

11 **SEC. 5X. (1) EACH COUNTY SHALL ESTABLISH A CONCEALED PISTOL**
12 **LICENSING FUND FOR THE DEPOSIT OF FEES COLLECTED FOR THE COUNTY**
13 **CLERK UNDER THIS ACT. THE COUNTY TREASURER SHALL DIRECT INVESTMENT**
14 **OF THE CONCEALED PISTOL LICENSING FUND AND SHALL CREDIT TO THE FUND**
15 **INTEREST AND EARNINGS FROM FUND INVESTMENTS.**

16 (2) MONEY CREDITED TO THE COUNTY CONCEALED PISTOL LICENSING
17 FUND SHALL BE EXPENDED IN COMPLIANCE WITH THE UNIFORM BUDGETING AND
18 ACCOUNTING ACT, 1968 PA 2, MCL 141.421 TO 141.440A, SUBJECT TO AN
19 APPROPRIATION. EXPENDITURES FROM THE COUNTY CONCEALED PISTOL
20 LICENSING FUND SHALL BE USED BY THE COUNTY CLERK ONLY FOR THE COST
21 OF ADMINISTERING THIS ACT. ALLOWABLE EXPENDITURES INCLUDE, BUT ARE
22 NOT LIMITED TO, ANY OF THE FOLLOWING COSTS OF THE COUNTY CLERK:

23 (A) STAFFING REQUIREMENTS DIRECTLY ATTRIBUTABLE TO PERFORMING
24 FUNCTIONS REQUIRED UNDER THIS ACT.

25 (B) TECHNOLOGY UPGRADES, INCLUDING TECHNOLOGY TO TAKE
26 FINGERPRINTS BY ELECTRONIC MEANS.

27 (C) OFFICE SUPPLIES.

1 (D) DOCUMENT STORAGE AND RETRIEVAL SYSTEMS AND SYSTEM
2 UPGRADES.

3 Sec. 8. (1) ~~The concealed weapon licensing board that COUNTY~~
4 **CLERK WHO** issued a license to an individual to carry a concealed
5 pistol ~~may~~ **SHALL SUSPEND**, revoke, ~~that~~ **OR REINSTATE A** license **AS**
6 **REQUIRED UNDER THIS ACT** if ~~the board determines that the individual~~
7 ~~committed any violation of this act other than a violation of~~
8 ~~section 5f(4). If the board determines that the individual has been~~
9 ~~found responsible for 3 or more state civil infraction violations~~
10 ~~of this act during the license period, the board shall conduct a~~
11 ~~hearing and may suspend the individual's license for not more than~~
12 ~~1 year.~~ **ORDERED BY A COURT OR IF THE COUNTY CLERK IS NOTIFIED OF A**
13 **CHANGE IN THE LICENSEE'S ELIGIBILITY TO CARRY A CONCEALED PISTOL**
14 **UNDER THIS ACT.**

15 (2) Except as provided in subsections (3) ~~, OR (4), and (5),~~ a
16 license shall not be **SUSPENDED OR** revoked under this section except
17 upon written complaint and an opportunity ~~for a hearing before the~~
18 ~~board. The board shall give the individual at least 10 days' notice~~
19 ~~of a hearing under this section. The notice shall be by personal~~
20 ~~service or by certified mail delivered to the individual's last~~
21 ~~known address.~~ **TO REQUEST THE COUNTY CLERK TO CONDUCT A REVIEW OF**
22 **THAT SUSPENSION OR REVOCATION.**

23 (3) ~~If the concealed weapon licensing board is notified by a~~
24 ~~law enforcement agency or prosecuting official that an individual~~
25 ~~licensed to carry a concealed pistol is charged with a felony or~~
26 ~~misdemeanor as defined in this act, the concealed weapon licensing~~
27 ~~board~~ **COURT** shall immediately **ORDER THE COUNTY CLERK WHO ISSUED THE**

1 LICENSE TO CARRY A CONCEALED PISTOL TO suspend the individual's
2 license until there is a final disposition of the charge for that
3 offense. ~~and THE COURT SHALL NOTIFY THE COUNTY CLERK OF EACH~~
4 STATUTORY PROVISION WITH WHICH THE INDIVIDUAL HAS BEEN CHARGED. THE
5 COUNTY CLERK SHALL send notice BY FIRST-CLASS MAIL IN A SEALED
6 ENVELOPE of that suspension to the individual's last known address
7 as indicated in the records of the ~~concealed weapon licensing~~
8 ~~board.~~ COUNTY CLERK. The notice shall ~~inform the individual that he~~
9 ~~or she is entitled to a prompt hearing on the suspension, and the~~
10 ~~concealed weapon licensing board shall conduct a prompt hearing if~~
11 ~~requested in writing by the individual. The~~ INCLUDE THE STATUTORY
12 REASON FOR THE SUSPENSION, THE SOURCE OF THE RECORD SUPPORTING THAT
13 SUSPENSION, THE LENGTH OF THE SUSPENSION, AND WHOM TO CONTACT FOR
14 REINSTATING THE LICENSE ON EXPIRATION OF THE SUSPENSION, CORRECTING
15 ERRORS IN THE RECORD, OR APPEALING THE SUSPENSION. THE requirements
16 of subsection (2) do not apply to this subsection. IF A COURT
17 ORDERED A LICENSE SUSPENDED UNDER THIS SUBSECTION AND THE
18 INDIVIDUAL IS ACQUITTED OF THE CHARGE OR THE CHARGE IS DISMISSED,
19 THE COURT SHALL NOTIFY THE COUNTY CLERK WHO SHALL AUTOMATICALLY
20 REINSTATE THE LICENSE IF THE LICENSE IS NOT EXPIRED AND THE
21 INDIVIDUAL IS OTHERWISE QUALIFIED TO RECEIVE A LICENSE TO CARRY A
22 CONCEALED PISTOL, AS VERIFIED BY THE DEPARTMENT OF STATE POLICE. A
23 COUNTY CLERK SHALL NOT CHARGE A FEE FOR THE REINSTATEMENT OF A
24 LICENSE UNDER THIS SUBSECTION.

25 (4) The ~~concealed weapon licensing board that~~ DEPARTMENT OF
26 STATE POLICE SHALL NOTIFY THE COUNTY CLERK WHO issued a license to
27 an individual to carry a concealed pistol ~~shall revoke that license~~

1 if the ~~board~~ DEPARTMENT OF STATE POLICE determines that the
2 ~~individual is not eligible~~ THERE HAS BEEN A CHANGE IN THE
3 INDIVIDUAL'S ELIGIBILITY under this act to receive a license to
4 carry a concealed pistol. The ~~concealed weapon licensing board~~
5 COUNTY CLERK shall SUSPEND, REVOKE, OR REINSTATE THE LICENSE AS
6 REQUIRED UNDER THIS ACT AND immediately send notice of ~~the fact of~~
7 ~~and the reason for the~~ SUSPENSION, revocation, OR REINSTATEMENT
8 under this subsection by first-class mail IN A SEALED ENVELOPE to
9 the individual's last known address as indicated on the records of
10 the ~~concealed weapon licensing board~~. The COUNTY CLERK. THE NOTICE
11 SHALL INCLUDE THE STATUTORY REASON FOR THE SUSPENSION, REVOCATION,
12 OR REINSTATEMENT, THE SOURCE OF THE RECORD SUPPORTING THE
13 SUSPENSION, REVOCATION, OR REINSTATEMENT, THE LENGTH OF THE
14 SUSPENSION OR REVOCATION, AND WHOM TO CONTACT FOR CORRECTING ERRORS
15 IN THE RECORD, APPEALING THE SUSPENSION OR REVOCATION, AND
16 REAPPLYING FOR THAT INDIVIDUAL'S LICENSE. THE DEPARTMENT OF STATE
17 POLICE SHALL IMMEDIATELY ENTER THAT SUSPENSION, REVOCATION, OR
18 REINSTATEMENT INTO THE LAW ENFORCEMENT INFORMATION NETWORK. THE
19 requirements of subsection (2) do not apply to this subsection.
20 ~~—— (5) If the concealed weapon licensing board determines by~~
21 ~~clear and convincing evidence based on specific articulable facts~~
22 ~~that the applicant poses a danger to the applicant or to any other~~
23 ~~person, the concealed weapon licensing board shall immediately~~
24 ~~suspend the individual's license pending a revocation hearing under~~
25 ~~this section. The concealed weapon licensing board shall send~~
26 ~~notice of the suspension to the individual's last known address as~~
27 ~~indicated in the records of the concealed weapon licensing board.~~

1 ~~The notice shall inform the individual that he or she is entitled~~
2 ~~to a prompt hearing on the suspension, and the concealed weapon~~
3 ~~licensing board shall conduct a prompt hearing if requested in~~
4 ~~writing by the individual. The requirements of subsection (2) do~~
5 ~~not apply to this subsection.~~

6 (5) IF A SUSPENSION IS IMPOSED UNDER THIS SECTION, THE
7 SUSPENSION SHALL BE FOR A PERIOD STATED IN YEARS, MONTHS, OR DAYS,
8 OR UNTIL THE FINAL DISPOSITION OF THE CHARGE, AND SHALL STATE THE
9 DATE THE SUSPENSION WILL END, IF APPLICABLE. THE LICENSEE SHALL
10 PROMPTLY SURRENDER HIS OR HER LICENSE TO THE COUNTY CLERK AFTER
11 BEING NOTIFIED THAT HIS OR HER LICENSE HAS BEEN REVOKED OR
12 SUSPENDED. AN INDIVIDUAL WHO FAILS TO SURRENDER A LICENSE AS
13 REQUIRED UNDER THIS SUBSECTION AFTER HE OR SHE WAS NOTIFIED THAT
14 HIS OR HER LICENSE WAS SUSPENDED OR REVOKED IS GUILTY OF A
15 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR
16 A FINE OF NOT MORE THAN \$500.00, OR BOTH.

17 (6) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (3) AND (7),
18 IF A LICENSE IS SUSPENDED UNDER THIS SECTION AND THAT LICENSE WAS
19 SURRENDERED BY THE LICENSEE, UPON EXPIRATION OF THE SUSPENSION
20 PERIOD, THE APPLICANT MAY APPLY FOR A RENEWAL LICENSE IN THE SAME
21 MANNER AS PROVIDED UNDER SECTION 5/. THE COUNTY CLERK OR DEPARTMENT
22 OF STATE POLICE, AS APPLICABLE, SHALL ISSUE THE APPLICANT A RECEIPT
23 FOR HIS OR HER APPLICATION AT THE TIME THE APPLICATION IS
24 SUBMITTED. THE RECEIPT SHALL CONTAIN ALL OF THE FOLLOWING:

- 25 (A) THE NAME OF THE APPLICANT.
26 (B) THE DATE AND TIME THE RECEIPT IS ISSUED.
27 (C) THE AMOUNT PAID.

1 (D) THE APPLICANT'S STATE-ISSUED DRIVER LICENSE OR PERSONAL
2 IDENTIFICATION CARD NUMBER.

3 (E) THE STATEMENT, "THIS RECEIPT WAS ISSUED FOR THE PURPOSE OF
4 APPLYING FOR A RENEWAL OF A CONCEALED PISTOL LICENSE FOLLOWING A
5 PERIOD OF SUSPENSION OR REVOCATION. THIS RECEIPT DOES NOT AUTHORIZE
6 AN INDIVIDUAL TO CARRY A CONCEALED PISTOL IN THIS STATE."

7 (F) THE NAME OF THE COUNTY IN WHICH THE RECEIPT IS ISSUED, IF
8 APPLICABLE.

9 (G) AN IMPRESSION OF THE COUNTY SEAL, IF APPLICABLE.

10 (7) IF A LICENSE IS SUSPENDED BECAUSE OF AN ORDER UNDER
11 SECTION 5B(7)(D) (iii) AND THAT LICENSE WAS SURRENDERED BY THE
12 LICENSEE, UPON EXPIRATION OF THE ORDER AND NOTIFICATION TO THE
13 COUNTY CLERK, THE COUNTY CLERK SHALL AUTOMATICALLY REINSTATE THE
14 LICENSE IF THE LICENSE IS NOT EXPIRED AND THE DEPARTMENT OF STATE
15 POLICE HAS COMPLETED THE VERIFICATION REQUIRED UNDER SECTION 5B(6).
16 THE COUNTY CLERK SHALL NOT CHARGE A FEE FOR THE REINSTATEMENT OF A
17 LICENSE UNDER THIS SUBSECTION.

18 (8) ~~(6)~~ If the ~~concealed weapon licensing board~~ COURT orders a
19 ~~license suspended or revoked~~ COUNTY CLERK TO SUSPEND, REVOKE, OR
20 REINSTATE A LICENSE under this section or amends a suspension, ~~or~~
21 revocation, OR REINSTATEMENT order, the ~~concealed weapon licensing~~
22 ~~board~~ COUNTY CLERK shall immediately notify a law enforcement
23 ~~agency having jurisdiction in the county in which the concealed~~
24 ~~weapon licensing board is located to~~ THE DEPARTMENT OF STATE POLICE
25 IN A MANNER PRESCRIBED BY THE DEPARTMENT OF STATE POLICE. THE
26 DEPARTMENT OF STATE POLICE SHALL enter the order or amended order
27 into the law enforcement information network. ~~A law enforcement~~

1 ~~agency that receives notice of an order or amended order under this~~
2 ~~subsection from a concealed weapon licensing board shall~~
3 ~~immediately enter the order or amended order into the law~~
4 ~~enforcement information network as requested by that concealed~~
5 ~~weapon licensing board.~~

6 (9) ~~(7)~~—A suspension or revocation order or amended order
7 issued under this section is immediately effective. However, an
8 individual is not criminally liable for violating the order or
9 amended order unless he or she has received notice of the order or
10 amended order.

11 (10) ~~(8)~~—If an individual is carrying a pistol in violation of
12 a suspension or revocation order or amended order issued under this
13 section but has not previously received notice of the order or
14 amended order, the individual shall be informed of the order or
15 amended order and be given an opportunity to properly store the
16 pistol or otherwise comply with the order or amended order before
17 an arrest is made for carrying the pistol in violation of this act.

18 (11) ~~(9)~~—If a law enforcement agency or officer notifies an
19 individual of a suspension or revocation order or amended order
20 issued under this section who has not previously received notice of
21 the order or amended order, the law enforcement agency or officer
22 shall enter a statement into the law enforcement information
23 network that the individual has received notice of the order or
24 amended order under this section.

25 ~~—(10) The clerk of the concealed weapon licensing board is~~
26 ~~authorized to administer an oath to any individual testifying~~
27 ~~before the board at a hearing under this section.~~

1 Enacting section 1. Sections 5m and 6a of 1927 PA 372, MCL
2 28.425m and 28.426a, are repealed.

3 Enacting section 2. Sections 1, 2a, 4, 5, 5a, 5c, 5d, 5e, 5f,
4 5j, 5k, 5o, and 8 of 1927 PA 372, MCL 28.421, 28.422a, 28.424,
5 28.425, 28.425a, 28.425c, 28.425d, 28.425e, 28.425f, 28.425j,
6 28.425k, 28.425o, and 28.428, as amended by this amendatory act,
7 take effect October 1, 2015.

8 Enacting section 3. Section 5x of 1927 PA 372, as added by
9 this amendatory act, takes effect April 1, 2015.