

HOUSE BILL No. 4568

May 2, 2017, Introduced by Reps. Johnson, Glenn and Lucido 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 2, 2a, 5b, 5o, 12, and 15 (MCL 28.422, 28.422a, 28.425b, 28.425o, 28.432, and 28.435), section 2 as amended by 2015 PA 200, section 2a as amended by 2016 PA 301, section 5b as amended by 2015 PA 207, section 5o as amended by 2015 PA 206, section 12 as amended by 2010 PA 209, and section 15 as added by 2000 PA 265.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) Except as otherwise provided in this act, a person
2 shall not purchase ~~, carry, possess, or transport~~ a pistol in this
3 state without first having obtained a license for the pistol as
4 prescribed in this section.

5 ~~—— (2) A person who brings a pistol into this state who is on~~
6 ~~leave from active duty with the armed forces of the United States~~
7 ~~or who has been discharged from active duty with the armed forces~~
8 ~~of the United States shall obtain a license for the pistol within~~
9 ~~30 days after his or her arrival in this state.~~

10 (2) ~~(3)~~ The commissioner or chief of police of a city,
11 township, or village police department that issues licenses to
12 purchase ~~, carry, possess, or transport~~ pistols, or his or her duly
13 authorized deputy, or the sheriff or his or her duly authorized
14 deputy, in the parts of a county not included within a city,
15 township, or village having an organized police department, in
16 discharging the duty to issue licenses shall with due speed and
17 diligence issue licenses to purchase ~~, carry, possess, or transport~~
18 pistols to qualified applicants unless he or she has probable cause
19 to believe that the applicant would be a threat to himself or
20 herself or to other individuals, or would commit an offense with
21 the pistol that would violate a law of this or another state or of
22 the United States. An applicant is qualified if all of the
23 following circumstances exist:

24 (a) The ~~person~~ **INDIVIDUAL** is not subject to an order or
25 disposition for which he or she has received notice and an
26 opportunity for a hearing, and which was entered into the law

enforcement information network under any of the following:

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

(ii) Section 5107 of the estates and protected individuals code, 1998 PA 386, MCL 700.5107, or section 444a of former 1978 PA 642.

(iii) Section 2950 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950.

(iv) Section 2950a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950a.

(v) Section 14 of 1846 RS 84, MCL 552.14.

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

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

(b) The ~~person~~**INDIVIDUAL** is 18 years of age or older or, if the seller is licensed under 18 USC 923, is 21 years of age or older.

(c) The ~~person~~**INDIVIDUAL** is a citizen of the United States or an alien lawfully admitted into the United States and is a legal resident of this state. For the purposes of this section, ~~a person~~**AN INDIVIDUAL** is considered a legal resident of this state if any of the following apply:

(i) The ~~person~~**INDIVIDUAL** has a valid, lawfully obtained Michigan driver license issued under the Michigan vehicle code,

1 1949 PA 300, MCL 257.1 to 257.923, or an official state personal
2 identification card issued under 1972 PA 222, MCL 28.291 to 28.300.

3 (ii) The ~~person~~-**INDIVIDUAL** is lawfully registered to vote in
4 this state.

5 (iii) The ~~person~~-**INDIVIDUAL** is on active duty status with the
6 United States ~~armed forces~~-**ARMED FORCES** and is stationed outside of
7 this state, but the ~~person's~~-**INDIVIDUAL'S** home of record is in this
8 state.

9 (iv) The ~~person~~-**INDIVIDUAL** is on active duty status with the
10 United States ~~armed forces~~-**ARMED FORCES** and is permanently
11 stationed in this state, but the ~~person's~~-**INDIVIDUAL'S** home of
12 record is in another state.

13 (d) A felony charge or a criminal charge listed in section 5b
14 against the ~~person~~-**INDIVIDUAL** is not pending at the time of
15 application.

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

20 (f) The ~~person~~-**INDIVIDUAL** has not been adjudged insane in this
21 state or elsewhere unless he or she has been adjudged restored to
22 sanity by court order.

23 (g) The ~~person~~-**INDIVIDUAL** is not under an order of involuntary
24 commitment in an inpatient or outpatient setting due to mental
25 illness.

26 (h) The ~~person~~-**INDIVIDUAL** has not been adjudged legally
27 incapacitated in this state or elsewhere. This subdivision does not

1 apply to ~~a person~~ **AN INDIVIDUAL** who has had his or her legal
2 capacity restored by order of the court.

3 **(3)** ~~(4) Applications~~ **AN APPLICANT** for licenses ~~A LICENSE~~ under
4 this section shall ~~be signed by the applicant~~ **SIGN THE APPLICATION**
5 under oath ~~upon forms~~ **ON A FORM** provided by the director of the
6 department of state police. ~~Licenses~~ **A LICENSING AUTHORITY SHALL**
7 **ISSUE A LICENSE** to purchase ~~, carry, possess, or transport~~ pistols
8 ~~shall be executed in triplicate upon forms~~ **ON A FORM** provided by
9 the director of the department of state police. ~~and shall be signed~~
10 ~~by the~~ **THE** licensing authority **SHALL SIGN ANY LICENSE ISSUED UNDER**
11 **THIS SECTION.** ~~Three~~ **THE LICENSING AUTHORITY SHALL DELIVER 3** copies
12 of the license ~~shall be delivered to the applicant. by the~~
13 ~~licensing authority.~~ A license is void unless used within 30 days
14 after the date it is issued.

15 **(4)** ~~(5)~~ If an individual purchases or otherwise acquires a
16 pistol, the seller shall fill out the license forms describing the
17 pistol, together with the date of sale or acquisition, and sign his
18 or her name in ink indicating that the pistol was sold to or
19 otherwise acquired by the purchaser. The purchaser shall also sign
20 his or her name in ink indicating the purchase or other acquisition
21 of the pistol from the seller. The seller may retain a copy of the
22 license as a record of the transaction. The purchaser shall receive
23 2 copies of the license. The purchaser shall return 1 copy of the
24 license to the licensing authority within 10 days after the date
25 the pistol is purchased or acquired. The return of the copy to the
26 licensing authority may be made in person or may be made by first-
27 class mail or certified mail sent within the 10-day period to the

1 proper address of the licensing authority. A purchaser who fails to
2 comply with the requirements of this subsection is responsible for
3 a state civil infraction and may be fined not more than \$250.00. If
4 a purchaser is found responsible for a state civil infraction under
5 this subsection, the court shall notify the department of state
6 police of that determination.

7 (5) ~~(6)~~ Within 10 days after receiving the license copy
8 returned under subsection ~~(5)~~, **(4)**, the licensing authority shall
9 electronically enter the information into the pistol entry database
10 as required by the department of state police if it has the ability
11 to electronically enter that information. If the licensing
12 authority does not have that ability, the licensing authority shall
13 provide that information to the department of state police in a
14 manner otherwise required by the department of state police. Any
15 licensing authority that provided pistol descriptions to the
16 department of state police under former section 9 of this act shall
17 continue to provide pistol descriptions to the department of state
18 police under this subsection. Within 48 hours after entering or
19 otherwise providing the information on the license copy returned
20 under subsection ~~(5)~~ **(4)** to the department of state police, the
21 licensing authority shall forward the copy of the license to the
22 department of state police. The purchaser has the right to obtain a
23 copy of the information placed in the pistol entry database under
24 this subsection to verify the accuracy of that information. The
25 licensing authority may charge a fee not to exceed \$1.00 for the
26 cost of providing the copy. The licensee may carry, use, possess,
27 and transport the pistol for 30 days beginning on the date of

1 purchase or acquisition only while he or she is in possession of
2 his or her copy of the license. However, the person is not required
3 to have the license in his or her possession while carrying, using,
4 possessing, or transporting the pistol after this period.

5 **(6)** ~~(7)~~—This section does not apply to the purchase of pistols
6 from wholesalers by dealers regularly engaged in the business of
7 selling pistols at retail, or to the sale, barter, or exchange of
8 pistols kept as relics or curios not made for modern ammunition or
9 permanently deactivated.

10 **(7)** ~~(8)~~—This section does not prevent the transfer of
11 ownership of pistols to an heir or devisee, whether by testamentary
12 bequest or by the laws of intestacy regardless of whether the
13 pistol is registered with this state. An individual who has
14 inherited a pistol shall obtain a license as required in this
15 section within 30 days of taking physical possession of the pistol.
16 The license may be signed by a next of kin of the decedent or the
17 person authorized to dispose of property under the estates and
18 protected individuals code, 1998 PA 386, MCL 700.1101 to 700.8206,
19 including when the next of kin is the individual inheriting the
20 pistol. If the heir or devisee is not qualified for a license under
21 this section, the heir or devisee may direct the next of kin or
22 person authorized to dispose of property under the estates and
23 protected individuals code, 1998 PA 386, MCL 700.1101 to 700.8206,
24 to dispose of the pistol in any manner that is lawful and the heir
25 or devisee considers appropriate. The person authorized to dispose
26 of property under the estates and protected individuals code, 1998
27 PA 386, MCL 700.1101 to 700.8206, is not required to obtain a

1 license under this section if he or she takes temporary lawful
2 possession of the pistol in the process of disposing of the pistol
3 pursuant to the decedent's testamentary bequest or the laws of
4 intestacy. A law enforcement agency may not seize or confiscate a
5 pistol being transferred by testamentary bequest or the laws of
6 intestacy unless the heir or devisee does not qualify for obtaining
7 a license under this section and the next of kin or person
8 authorized to dispose of property under the estates and protected
9 individuals code, 1998 PA 386, MCL 700.1101 to 700.8206, is unable
10 to retain his or her temporary possession of the pistol or find
11 alternative lawful storage. If a law enforcement agency seizes or
12 confiscates a pistol under this subsection, the heir or devisee who
13 is not qualified to obtain a license under this section retains
14 ownership interest in the pistol and, within 30 days of being
15 notified of the seizure or confiscation, may file with a court of
16 competent jurisdiction to direct the law enforcement agency to
17 lawfully transfer or otherwise dispose of the pistol. A pistol
18 seized under this subsection shall not be destroyed, sold, or used
19 while in possession of the seizing entity or its agents until 30
20 days have passed since the heir or devisee has been notified of the
21 seizure and no legal action regarding the lawful possession or
22 ownership of the seized pistol has been filed in any court and is
23 pending. As used in this subsection:

24 (a) "Devisee" means that term as defined in section 1103 of
25 the estates and protected individuals code, 1998 PA 386, MCL
26 700.1103.

27 (b) "Heir" means that term as defined in section 1104 of the

1 estates and protected individuals code, 1998 PA 386, MCL 700.1104.

2 (8) ~~(9)~~—An individual who is not a resident of this state is
3 not required to obtain a license under this section if all of the
4 following conditions apply:

5 (a) The individual is licensed in his or her state of
6 residence to purchase, carry, or transport a pistol.

7 (b) The individual is in possession of the license described
8 in subdivision (a).

9 (c) The individual is the owner of the pistol he or she
10 possesses, carries, or transports.

11 (d) The individual possesses the pistol for a lawful purpose.

12 (e) The individual is in this state for a period of 180 days
13 or less and does not intend to establish residency in this state.

14 (9) ~~(10)~~—An individual who is a nonresident of this state
15 shall present the license described in subsection ~~(9)(a)~~—(8) (A)
16 upon the demand of a police officer. An individual who violates
17 this subsection is guilty of a misdemeanor punishable by
18 imprisonment for not more than 90 days or a fine of not more than
19 \$100.00, or both.

20 (10) ~~(11)~~—The licensing authority may require ~~a person~~—AN
21 INDIVIDUAL claiming active duty status with the United States ~~armed~~
22 ~~forces~~—ARMED FORCES to provide proof of 1 or both of the following:

23 (a) The ~~person's~~—INDIVIDUAL'S home of record.

24 (b) Permanent active duty assignment in this state.

25 (11) ~~(12)~~—This section does not apply to ~~a person~~—AN
26 INDIVIDUAL who is younger than the age required under subsection
27 ~~(3)(b)~~—(2) (B) and who possesses a pistol if all of the following

1 conditions apply:

2 (a) The ~~person~~**INDIVIDUAL** is not otherwise prohibited from
3 possessing that pistol.

4 (b) The ~~person~~**INDIVIDUAL** is at a recognized target range.

5 (c) The ~~person~~**INDIVIDUAL** possesses the pistol for the purpose
6 of target practice or instruction in the safe use of a pistol.

7 (d) The ~~person~~**INDIVIDUAL** is in the physical presence and
8 under the direct supervision of any of the following:

9 (i) The ~~person's~~**INDIVIDUAL'S** parent.

10 (ii) The ~~person's~~**INDIVIDUAL'S** guardian.

11 (iii) An individual who is 21 years of age or older, who is
12 authorized by the ~~person's~~**INDIVIDUAL'S** parent or guardian, and who
13 has successfully completed a pistol safety training course or class
14 that meets the requirements of section 5j(1)(a), (b), or (d), and
15 received a certificate of completion.

16 (e) The owner of the pistol is physically present.

17 **(12)** ~~(13)~~ This section does not apply to a ~~person~~**AN**
18 **INDIVIDUAL** who possesses a pistol if all of the following
19 conditions apply:

20 (a) The ~~person~~**INDIVIDUAL** is not otherwise prohibited from
21 possessing a pistol.

22 (b) The ~~person~~**INDIVIDUAL** is at a recognized target range or
23 shooting facility.

24 (c) The ~~person~~**INDIVIDUAL** possesses the pistol for the purpose
25 of target practice or instruction in the safe use of a pistol.

26 (d) The owner of the pistol is physically present and
27 supervising the use of the pistol.

1 (13) ~~(14)~~ A person who forges any matter on an application for
 2 a license under this section is guilty of a felony, punishable by
 3 imprisonment for not more than 4 years or a fine of not more than
 4 \$2,000.00, or both.

5 (14) ~~(15)~~ A licensing authority shall implement this section
 6 during all of the licensing authority's normal business hours and
 7 shall set hours for implementation that allow an applicant to use
 8 the license within the time period set forth in subsection ~~(4)~~. (3).

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 5l(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 (d) An individual currently employed as a police officer who
 20 is licensed or certified under the Michigan commission on law
 21 enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615.

22 (2) If an individual described in subsection (1) purchases or
 23 otherwise acquires a pistol, the seller shall complete a record in
 24 triplicate on a form provided by the department of state police ~~.~~
 25 ~~The record shall include~~ **THAT INCLUDES** the purchaser's concealed
 26 weapon license number, the number of the purchaser's license or
 27 certificate issued under the Michigan commission on law enforcement

standards act, 1965 PA 203, MCL 28.601 to 28.615, or, if the purchaser is a federally licensed firearms dealer, his or her dealer license number. If the purchaser is not licensed under section 5b or does not have a license or certificate issued under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, and is not a federally licensed firearms dealer, the record ~~shall~~ **MUST** include the dealer license number of the federally licensed firearms dealer who is selling the pistol. The purchaser shall sign the record. The seller may retain 1 copy of the record. The purchaser shall receive 2 copies of the record and forward 1 copy to the police department of the city, village, or township in which the purchaser resides, or, if the purchaser does not reside in a city, village, or township having a police department, to the county sheriff, within 10 days following the purchase or acquisition. The return of the copy to the police department or county sheriff may be made in person or may be made by first-class mail or certified mail sent within the 10-day period to the proper address of the police department or county sheriff. A purchaser who fails to comply with the requirements of this subsection is responsible for a state civil infraction and may be fined not more than \$250.00. If a purchaser is found responsible for a state civil infraction under this subsection, the court shall notify the department of state police. If the purchaser is licensed under section 5b, the court shall notify the licensing authority of that determination.

(3) Within 10 days after receiving the record copy returned under subsection (2), the police department or county sheriff shall

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

25 (4) This section does not apply to a person or entity exempt
26 under section ~~2(7)~~. **2(6)**.

27 (5) An individual who makes a material false statement on a

1 sales record under this section is guilty of a felony punishable by
2 imprisonment for not more than 4 years or a fine of not more than
3 \$2,500.00, or both.

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

6 (7) The Michigan commission on law enforcement standards shall
7 provide license or certificate information, as applicable, to the
8 department of state police to verify the requirements of this
9 section.

10 (8) As used in this section:

11 (a) "Federally licensed firearms dealer" means a person
12 licensed to sell firearms under 18 USC 923.

13 (b) "Person" means an individual, partnership, corporation,
14 association, or other legal entity.

15 Sec. 5b. (1) ~~Until November 30, 2015, to obtain a license to~~
16 ~~carry a concealed pistol, an individual shall apply to the~~
17 ~~concealed weapon licensing board in the county in which that~~
18 ~~individual resides. Beginning December 1, 2015, to~~ **TO** obtain a
19 license to carry a concealed pistol, an individual shall apply to
20 the county clerk in the county in which the individual resides. The
21 applicant shall file the application with the county clerk in the
22 county in which the applicant resides during the county clerk's
23 normal business hours. The application ~~shall~~ **MUST** be on a form
24 provided by the director of the department of state police ~~. Until~~
25 ~~November 30, 2015, the application shall allow the applicant to~~
26 ~~designate whether the applicant seeks a temporary license.~~
27 ~~Beginning December 1, 2015, the application shall~~ **AND** allow the

1 applicant to designate whether the applicant seeks an emergency
 2 license. The **APPLICANT SHALL SIGN THE** application ~~shall be signed~~
 3 under oath. ~~by the applicant. The oath shall be administered by the~~
 4 county clerk or his or her representative **SHALL ADMINISTER THE**
 5 **OATH.** ~~Beginning December 1, 2015, not~~ **NOT** more than 1 application
 6 may be submitted under this subsection in any calendar year.
 7 ~~Beginning December 1, 2015, an~~ **AN** application under this subsection
 8 is not considered complete until an applicant submits all of the
 9 required information and fees and has fingerprints taken under
 10 subsection (9). ~~Beginning December 1, 2015, an~~ **AN** application under
 11 this subsection is considered withdrawn if an applicant does not
 12 have fingerprints taken under subsection (9) within 45 days of the
 13 date an application is filed under this subsection. ~~Beginning~~
 14 ~~December 1, 2015, a~~ **A** completed application under this section
 15 expires 1 year from the date of application. ~~Beginning December 1,~~
 16 ~~2015, the~~ **THE** county clerk shall issue the applicant a receipt for
 17 his or her application at the time the application is submitted
 18 containing the name of the applicant, the applicant's state-issued
 19 driver license or personal identification card number, the date and
 20 time the receipt is issued, the amount paid, the name of the county
 21 in which the receipt is issued, an impression of the county seal,
 22 and the statement, "This receipt was issued for the purpose of
 23 applying for a concealed pistol license and for obtaining
 24 fingerprints related to that application. This receipt does not
 25 authorize an individual to carry a concealed pistol in this
 26 state.". The application ~~shall~~ **MUST** contain all of the following:
 27 (a) The applicant's legal name, date of birth, the address of

1 his or her primary residence, and ~~, beginning December 1, 2015, his~~
2 or her state-issued driver license or personal identification card
3 number. ~~Until November 30, 2015, if the applicant resides in a~~
4 ~~city, village, or township that has a police department, the name~~
5 ~~of the police department.~~

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

8 (c) ~~Until November 30, 2015, a statement by the applicant~~
9 ~~authorizing the concealed weapon licensing board to access any~~
10 ~~record, including any medical record, pertaining to the applicant's~~
11 ~~qualifications for a license to carry a concealed pistol under this~~
12 ~~act. The applicant may request that information received by the~~
13 ~~concealed weapon licensing board under this subdivision be reviewed~~
14 ~~in a closed session. If the applicant requests that the session be~~
15 ~~closed, the concealed weapon licensing board shall close the~~
16 ~~session only for purposes of this subdivision. The applicant and~~
17 ~~his or her representative have the right to be present in the~~
18 ~~closed session. Beginning December 1, 2015, a~~ **A** statement by the
19 applicant authorizing the department of state police to access any
20 record needed to perform the verification in subsection (6).

21 (d) A statement by the applicant regarding whether he or she
22 has a history of mental illness that would disqualify him or her
23 under subsection (7)(j) to (l) from receiving a license to carry a
24 concealed pistol.

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

1 (i) Any felony.

2 (ii) A misdemeanor listed under subsection (7) (h) if the
3 applicant was convicted of that misdemeanor in the 8 years
4 immediately preceding the date of the application, or a misdemeanor
5 listed under subsection (7) (i) if the applicant was convicted of
6 that misdemeanor in the 3 years immediately preceding the date of
7 the application.

8 (f) A statement by the applicant whether he or she has been
9 dishonorably discharged from the United States ~~armed forces~~. **ARMED**
10 **FORCES**.

11 ~~— (g) Until November 30, 2015, if the applicant seeks a~~
12 ~~temporary license, the facts supporting the issuance of that~~
13 ~~temporary license.~~

14 ~~— (h) Until November 30, 2015, the names, residential addresses,~~
15 ~~and telephone numbers of 2 individuals who are references for the~~
16 ~~applicant.~~

17 **(G)** ~~(i) Until November 30, 2015, a passport-quality photograph~~
18 ~~of the applicant provided by the applicant at the time of~~
19 ~~application. Beginning December 1, 2015, if **IF** an applicant does~~
20 ~~not have a digitized photograph on file with the secretary of~~
21 ~~state, a passport-quality photograph of the applicant provided by~~
22 ~~the applicant at the time of application.~~

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

25 (2) The county clerk shall not require the applicant to submit
26 any additional forms, documents, letters, or other evidence of
27 eligibility for obtaining a license to carry a concealed pistol

1 except as set forth in subsection (1) or as otherwise provided for
2 in this act. The application form ~~shall~~ **MUST** contain a conspicuous
3 warning that the application is executed under oath and that
4 intentionally making a material false statement on the application
5 is a felony punishable by imprisonment for not more than 4 years or
6 a fine of not more than \$2,500.00, or both.

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

11 (4) The county clerk shall retain a copy of each application
12 for a license to carry a concealed pistol as an official record.
13 One year after the expiration of a concealed pistol license, the
14 county clerk may destroy the record and maintain only a name index
15 of the record.

16 (5) ~~Until November 30, 2015, each applicant shall pay a~~
17 ~~nonrefundable application and licensing fee of \$105.00 by any~~
18 ~~method of payment accepted by that county for payments of other~~
19 ~~fees and penalties. Beginning December 1, 2015, each~~ **EACH** applicant
20 shall pay an application and licensing fee of \$100.00 by any method
21 of payment accepted by that county for payments of other fees and
22 penalties. Except as provided in subsection (9), no other charge,
23 fee, cost, or assessment, including any local charge, fee, cost, or
24 assessment, is required of the applicant except as specifically
25 authorized in this act. The **APPLICANT SHALL PAY THE** application and
26 licensing fee ~~shall be payable to the county. Until November 30,~~
27 ~~2015, the county treasurer shall deposit \$15.00 of each application~~

1 ~~and licensing fee collected under this section in the general fund~~
2 ~~of the county and credit that deposit to the credit of the county~~
3 ~~sheriff and deposit \$26.00 of each fee collected under this section~~
4 ~~in the concealed pistol licensing fund of that county created in~~
5 ~~section 5x. Beginning December 1, 2015, the~~ **THE** county treasurer
6 shall deposit \$26.00 of each application and licensing fee
7 collected under this section in the concealed pistol licensing fund
8 of that county created in section 5x. The county treasurer shall
9 forward the balance remaining to the state treasurer. The state
10 treasurer shall deposit the balance of the fee in the general fund
11 to the credit of the department of state police. The department of
12 state police shall use the money received under this act to process
13 the fingerprints and to reimburse the Federal Bureau of
14 Investigation for the costs associated with processing fingerprints
15 submitted under this act. The balance of the money received under
16 this act ~~shall~~ **MUST** be credited to the department of state police.

17 (6) ~~Until November 30, 2015, the county sheriff on behalf of~~
18 ~~the concealed weapon licensing board shall verify the requirements~~
19 ~~of subsection (7) (d), (e), (f), (h), (i), (j), (k), (l), and (m)~~
20 ~~through the law enforcement information network and report his or~~
21 ~~her finding to the concealed weapon licensing board. Beginning~~
22 ~~December 1, 2015, the~~ **THE** department of state police shall verify
23 the requirements of subsection (7) (d), (e), (f), (h), (i), (j),
24 (k), and (m) through the law enforcement information network and
25 the national instant criminal background check system and shall
26 report to the county clerk all statutory disqualifications, if any,
27 under this act that apply to an applicant. ~~Until November 30, 2015,~~

~~if the applicant resides in a city, village, or township that has a police department, the concealed weapon licensing board shall contact that city, village, or township police department to determine only whether that city, village, or township police department has any information relevant to the investigation of whether the applicant is eligible under this act to receive a license to carry a concealed pistol. Until November 30, 2015, the concealed weapon licensing board may require a person claiming active duty status with the United States armed forces under this section to provide proof of 1 or both of the following:~~

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

~~—— (b) Permanent active duty assignment in this state.~~

~~(7) Until November 30, 2015, the concealed weapon licensing board and, beginning December 1, 2015, the~~ **THE** ~~county clerk shall issue and shall send by first-class mail a license to an applicant to carry a concealed pistol within the period required under this act if the concealed weapon licensing board or county clerk determines that all of the following circumstances exist:~~

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

~~(b) The applicant is a citizen of the United States or is an alien lawfully admitted into the United States, is a legal resident of this state, and has resided in this state for not less than the 6 months immediately preceding the date of application. Until November 30, 2015, the concealed weapon licensing board may waive the 6-month residency requirement for a temporary license under section 5a(8) if the concealed weapon licensing board determines that there is probable cause to believe that the safety of the~~

1 ~~applicant or the safety of a member of the applicant's family is~~
2 ~~endangered by the applicant's inability to immediately obtain a~~
3 ~~license to carry a concealed pistol. Until November 30, 2015, if~~
4 ~~the applicant holds a valid concealed pistol license issued by~~
5 ~~another state at the time the applicant's residency in this state~~
6 ~~is established, the concealed weapon licensing board may waive the~~
7 ~~6-month waiting period and the applicant may apply for a concealed~~
8 ~~pistol license at the time the applicant's residency in this state~~
9 ~~is established. Until November 30, 2015, the concealed weapon~~
10 ~~licensing board shall immediately issue a temporary license to that~~
11 ~~applicant. Until November 30, 2015, the temporary license is valid~~
12 ~~until the concealed weapon licensing board decides whether to grant~~
13 ~~or deny the application. Beginning December 1, 2015, the~~ **THE** county
14 clerk shall waive the 6-month residency requirement for an
15 emergency license under section 5a(4) if the applicant is a
16 petitioner for a personal protection order issued under section
17 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236,
18 MCL 600.2950 and 600.2950a, or if the county sheriff determines
19 that there is clear and convincing evidence to believe that the
20 safety of the applicant or the safety of a member of the
21 applicant's family or household is endangered by the applicant's
22 inability to immediately obtain a license to carry a concealed
23 pistol. ~~Beginning December 1, 2015, if~~ **IF** the applicant holds a
24 valid concealed pistol license issued by another state at the time
25 the applicant's residency in this state is established, the county
26 clerk shall waive the 6-month ~~waiting period~~ **RESIDENCY REQUIREMENT**
27 and the applicant may apply for a concealed pistol license at the

1 time the applicant's residency in this state is established. For
2 the purposes of this section, ~~a person~~ **AN INDIVIDUAL** is considered
3 a legal resident of this state if any of the following apply:

4 (i) The ~~person~~ **INDIVIDUAL** has a valid, lawfully obtained
5 driver license issued under the Michigan vehicle code, 1949 PA 300,
6 MCL 257.1 to 257.923, or official state personal identification
7 card issued under 1972 PA 222, MCL 28.291 to 28.300.

8 (ii) The ~~person~~ **INDIVIDUAL** is lawfully registered to vote in
9 this state.

10 (iii) The ~~person~~ **INDIVIDUAL** is on active duty status with the
11 United States ~~armed forces~~ **ARMED FORCES** and is stationed outside of
12 this state, but the ~~person's~~ **INDIVIDUAL'S** home of record is in this
13 state.

14 (iv) The ~~person~~ **INDIVIDUAL** is on active duty status with the
15 United States ~~armed forces~~ **ARMED FORCES** and is permanently
16 stationed in this state, but the ~~person's~~ **INDIVIDUAL'S** home of
17 record is in another state.

18 (c) The applicant has knowledge and has had training in the
19 safe use and handling of a pistol by the successful completion of a
20 pistol safety training course or class that meets the requirements
21 of section 5j.

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

24 (i) Section 464a of the mental health code, 1974 PA 258, MCL
25 330.1464a.

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

1 (iii) Sections 2950 and 2950a of the revised judicature act of
2 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.

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

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

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

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

17 (g) The applicant has not been dishonorably discharged from
18 the United States ~~armed forces~~. **ARMED FORCES**.

19 (h) The applicant has not been convicted of a misdemeanor
20 violation of any of the following in the 8 years immediately
21 preceding the date of application and a charge for a misdemeanor
22 violation of any of the following is not pending against the
23 applicant in this state or elsewhere at the time he or she applies
24 for a license described in this section:

25 (i) Section 617a (failing to stop when involved in a personal
26 injury accident), section 625 as punishable under subsection (9) (b)
27 of that section (operating while intoxicated, second offense),

1 section 625m as punishable under subsection (4) of that section
2 (operating a commercial vehicle with alcohol content, second
3 offense), section 626 (reckless driving), or a violation of section
4 904(1) (operating while license suspended or revoked, second or
5 subsequent offense) of the Michigan vehicle code, 1949 PA 300, MCL
6 257.617a, 257.625, 257.625m, 257.626, and 257.904.

7 (ii) Section 185(7) of the aeronautics code of the state of
8 Michigan, 1945 PA 327, MCL 259.185 (operating aircraft while under
9 the influence of intoxicating liquor or a controlled substance with
10 prior conviction).

11 (iii) Section 29 of the weights and measures act, 1964 PA 283,
12 MCL 290.629 (hindering or obstructing certain persons performing
13 official weights and measures duties).

14 (iv) Section 10 of the motor fuels quality act, 1984 PA 44,
15 MCL 290.650 (hindering, obstructing, assaulting, or committing
16 bodily injury upon director or authorized representative).

17 (v) Section 80176 as punishable under section 80177(1)(b)
18 (operating vessel under the influence of intoxicating liquor or a
19 controlled substance, second offense), section 81134 as punishable
20 under subsection (8)(b) of that section (operating ORV under the
21 influence of intoxicating liquor or a controlled substance, second
22 or subsequent offense), or section 82127 as punishable under
23 section 82128(1)(b) (operating snowmobile under the influence of
24 intoxicating liquor or a controlled substance, second offense) of
25 the natural resources and environmental protection act, 1994 PA
26 451, MCL 324.80176, 324.80177, 324.81134, 324.82127, and 324.82128.

27 (vi) Section 7403 of the public health code, 1978 PA 368, MCL

1 333.7403 (possession of controlled substance, controlled substance
2 analogue, or prescription form).

3 (vii) Section 353 of the railroad code of 1993, 1993 PA 354,
4 MCL 462.353, punishable under subsection (4) of that section
5 (operating locomotive under the influence of intoxicating liquor or
6 a controlled substance, or while visibly impaired, second offense).

7 (viii) Section 7 of 1978 PA 33, MCL 722.677 (displaying
8 sexually explicit matter to minors).

9 (ix) Section 81 (assault or domestic assault), section 81a(1)
10 or (2) (aggravated assault or aggravated domestic assault), section
11 115 (breaking and entering or entering without breaking), section
12 136b(7) (fourth degree child abuse), section 145n (vulnerable adult
13 abuse), section 157b(3)(b) (solicitation to commit a felony),
14 section 215 (impersonating peace officer or medical examiner),
15 section 223 (illegal sale of a firearm or ammunition), section 224d
16 (illegal use or sale of a self-defense spray), section 226a (sale
17 or possession of a switchblade), ~~section 227c (improper~~
18 ~~transportation of a loaded firearm)~~, section 229 (accepting a
19 pistol in pawn), section 232 (failure to register the purchase of a
20 firearm or a firearm component), section 232a (improperly obtaining
21 a pistol, making a false statement on an application to purchase a
22 pistol, or using false identification to purchase a pistol),
23 section 233 (intentionally aiming a firearm without malice),
24 section 234 (intentionally discharging a firearm aimed without
25 malice), section 234d (possessing a firearm on prohibited
26 premises), section 234e (brandishing a firearm in public), section
27 234f (possession of a firearm by an individual less than 18 years

1 of age), section 235 (intentionally discharging a firearm aimed
2 without malice causing injury), section 235a (parent of a minor who
3 possessed a firearm in a weapon free school zone), section 236
4 (setting a spring gun or other device), section 237 (possessing a
5 firearm while under the influence of intoxicating liquor or a
6 controlled substance), section 237a (weapon free school zone
7 violation), section 335a (indecent exposure), section 411h
8 (stalking), or section 520e (fourth degree criminal sexual conduct)
9 of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a,
10 750.115, 750.136b, 750.145n, 750.157b, 750.215, 750.223, 750.224d,
11 750.226a, ~~750.227e~~, 750.229, 750.232, 750.232a, 750.233, 750.234,
12 750.234d, 750.234e, 750.234f, 750.235, 750.235a, 750.236, 750.237,
13 750.237a, 750.335a, 750.411h, and 750.520e.

14 (x) Former section 228 of the Michigan penal code, 1931 PA
15 328.

16 (xi) Section 1 (reckless, careless, or negligent use of a
17 firearm resulting in injury or death), section 2 (careless,
18 reckless, or negligent use of a firearm resulting in property
19 damage), or section 3a (reckless discharge of a firearm) of 1952 PA
20 45, MCL 752.861, 752.862, and 752.863a.

21 (xii) A violation of a law of the United States, another
22 state, or a local unit of government of this state or another state
23 substantially corresponding to a violation described in
24 subparagraphs (i) to (xi).

25 (i) The applicant has not been convicted of a misdemeanor
26 violation of any of the following in the 3 years immediately
27 preceding the date of application unless the misdemeanor violation

1 is listed under subdivision (h) and a charge for a misdemeanor
2 violation of any of the following is not pending against the
3 applicant in this state or elsewhere at the time he or she applies
4 for a license described in this section:

5 (i) Section 625 (operating under the influence), section 625a
6 (refusal of commercial vehicle operator to submit to a chemical
7 test), section 625k (ignition interlock device reporting
8 violation), section 625l (circumventing an ignition interlock
9 device), or section 625m punishable under subsection (3) of that
10 section (operating a commercial vehicle with alcohol content) of
11 the Michigan vehicle code, 1949 PA 300, MCL 257.625, 257.625a,
12 257.625k, 257.625l, and 257.625m.

13 (ii) Section 185 of the aeronautics code of the state of
14 Michigan, 1945 PA 327, MCL 259.185 (operating aircraft under the
15 influence).

16 (iii) Section 81134 (operating ORV under the influence or
17 operating ORV while visibly impaired), or section 82127 (operating
18 a snowmobile under the influence) of the natural resources and
19 environmental protection act, 1994 PA 451, MCL 324.81134 and
20 324.82127.

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

23 (v) Section 353 of the railroad code of 1993, 1993 PA 354, MCL
24 462.353, punishable under subsection (3) of that section (operating
25 locomotive under the influence).

26 (vi) Section 167 (disorderly person), section 174
27 (embezzlement), section 218 (false pretenses with intent to

1 defraud), section 356 (larceny), section 356d (second degree retail
2 fraud), section 359 (larceny from a vacant building or structure),
3 section 362 (larceny by conversion), section 362a (larceny -
4 defrauding lessor), section 377a (malicious destruction of
5 property), section 380 (malicious destruction of real property),
6 section 535 (receiving or concealing stolen property), or section
7 540e (malicious use of telecommunications service or device) of the
8 Michigan penal code, 1931 PA 328, MCL 750.167, 750.174, 750.218,
9 750.356, 750.356d, 750.359, 750.362, 750.362a, 750.377a, 750.380,
10 750.535, and 750.540e.

11 (vii) A violation of a law of the United States, another
12 state, or a local unit of government of this state or another state
13 substantially corresponding to a violation described in
14 subparagraphs (i) to (vi).

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

18 (k) The applicant is not currently and has never been subject
19 to an order of involuntary commitment in an inpatient or outpatient
20 setting due to mental illness.

21 (l) The applicant has filed a statement under subsection
22 (1)(d) that the applicant does not have a diagnosis of mental
23 illness that includes an assessment that the individual presents a
24 danger to himself or herself or to another at the time the
25 application is made, regardless of whether he or she is receiving
26 treatment for that illness.

27 (m) The applicant is not under a court order of legal

1 incapacity in this state or elsewhere.

2 (n) The applicant has a valid state-issued driver license or
3 personal identification card.

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

16 (9) An individual, after submitting an application and paying
17 the fee prescribed under subsection (5), shall request that
18 classifiable fingerprints be taken by the county clerk, department
19 of state police, county sheriff, a local police agency, or other
20 entity, if the county clerk, department of state police, county
21 sheriff, local police agency, or other entity provides
22 fingerprinting capability for the purposes of this act. ~~Beginning~~
23 ~~December 1, 2015, an~~**AN** individual who has had classifiable
24 fingerprints taken under section 5a(4) does not need additional
25 fingerprints taken under this subsection. If the individual
26 requests that classifiable fingerprints be taken by the county
27 clerk, department of state police, county sheriff, a local police

1 agency, or other entity, the individual shall also pay a fee of
2 \$15.00 by any method of payment accepted for payments of other fees
3 and penalties. A county clerk shall deposit any fee it accepts
4 under this subsection in the concealed pistol licensing fund of
5 that county created in section 5x. The county clerk, department of
6 state police, county sheriff, local police agency, or other entity
7 shall take the fingerprints within 5 business days after the
8 request. County clerks, the department of state police, county
9 sheriffs, local police agencies, and other entities shall provide
10 reasonable access to fingerprinting services during normal business
11 hours as is necessary to comply with the requirements of this act
12 if the county clerk, department of state police, county sheriff,
13 local police agency, or other entity provides fingerprinting
14 capability for the purposes of this act. ~~Beginning December 1,~~
15 ~~2015, the~~ **THE** entity providing fingerprinting services shall issue
16 the applicant a receipt at the time his or her fingerprints are
17 taken. ~~Beginning December 1, 2015, the~~ **THE** county clerk, department
18 of state police, county sheriff, local police agency, or other
19 entity shall not provide a receipt under this subsection unless the
20 individual requesting the fingerprints provides an application
21 receipt received under subsection (1). ~~Beginning December 1, 2015,~~
22 ~~a~~ **A** receipt under this subsection ~~shall~~ **MUST** contain all of the
23 following:

- 24 (a) The name of the applicant.
- 25 (b) The date and time the receipt is issued.
- 26 (c) The amount paid.
- 27 (d) The name of the entity providing the fingerprint services.

1 (e) The applicant's state-issued driver license or personal
2 identification card number.

3 (f) The statement "This receipt was issued for the purpose of
4 applying for a concealed pistol license. As provided in section 5b
5 of 1927 PA 372, MCL 28.425b, if a license or notice of statutory
6 disqualification is not issued within 45 days after the date this
7 receipt was issued, this receipt shall serve as a concealed pistol
8 license for the individual named in the receipt when carried with
9 an official state-issued driver license or personal identification
10 card. The receipt is valid as a license until a license or notice
11 of statutory disqualification is issued by the county clerk. This
12 receipt does not exempt the individual named in the receipt from
13 complying with all applicable laws for the purchase of firearms.".

14 (10) The fingerprints ~~shall~~ **MUST** be taken, under subsection
15 (9), in a manner prescribed by the department of state police. The
16 ~~fingerprints taken by a county clerk, county sheriff, local police~~
17 ~~agency, or other entity shall be immediately forwarded~~ **FORWARD THE**
18 **FINGERPRINTS TAKEN BY THAT ENTITY** to the department of state police
19 for comparison with fingerprints already on file with the
20 department of state police. The department of state police shall
21 immediately forward the fingerprints to the Federal Bureau of
22 Investigation. ~~Until November 30, 2015, within 10 days after~~
23 ~~receiving a report of the fingerprints from the Federal Bureau of~~
24 ~~Investigation, the department of state police shall provide a copy~~
25 ~~to the submitting sheriff's department or local police agency as~~
26 ~~appropriate and the clerk of the appropriate concealed weapon~~
27 ~~licensing board. Beginning December 1, 2015, within~~ **WITHIN 5**

1 business days of completing the verification under subsection (6),
2 the department shall send the county clerk a list of an applicant's
3 statutory disqualifications under this act. ~~Until November 30,~~
4 ~~2015, and except as provided in subsection (14), the concealed~~
5 ~~weapon licensing board shall not issue a concealed pistol license~~
6 ~~until it receives the fingerprint comparison report prescribed in~~
7 ~~this subsection. Beginning December 1, 2015, and except~~ **EXCEPT** ~~as~~
8 ~~provided in section 5a(4), the county clerk shall not issue a~~
9 ~~concealed pistol license until he or she receives the report of~~
10 ~~statutory disqualifications prescribed in this subsection.~~
11 ~~Beginning December 1, 2015, if~~ **IF** ~~an individual's fingerprints are~~
12 ~~not classifiable, the department of state police shall, at no~~
13 ~~charge, take the individual's fingerprints again or provide for the~~
14 ~~comparisons under this subsection to be conducted through~~
15 ~~alternative means. Until November 30, 2015, the concealed weapon~~
16 ~~licensing board may deny a license if an individual's fingerprints~~
17 ~~are not classifiable by the Federal Bureau of Investigation.~~
18 ~~Beginning December 1, 2015, the~~ **THE** ~~county clerk shall not issue a~~
19 ~~notice of statutory disqualification because an individual's~~
20 ~~fingerprints are not classifiable by the Federal Bureau of~~
21 ~~Investigation.~~

22 (11) ~~Until November 30, 2015, the concealed weapon licensing~~
23 ~~board shall deny a license to an applicant to carry a concealed~~
24 ~~pistol if the applicant is not qualified under subsection (7) to~~
25 ~~receive that license. Beginning December 1, 2015, the~~ **THE** ~~county~~
26 ~~clerk shall send by first-class mail a notice of statutory~~
27 ~~disqualification for a license under this act to an applicant if~~

1 the applicant is not qualified under subsection (7) to receive that
2 license.

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

6 (13) ~~Until November 30, 2015, and subject to subsections (10)~~
7 ~~and (14), the concealed weapon licensing board shall issue or deny~~
8 ~~issuance of a license within 45 days after the concealed weapon~~
9 ~~licensing board receives the fingerprint comparison report provided~~
10 ~~under subsection (10). Beginning December 1, 2015, and subject~~
11 **SUBJECT** to subsection (10), the department of state police shall
12 complete the verification required under subsection (6) and the
13 county clerk shall issue a license or a notice of statutory
14 disqualification within 45 days after the date the applicant has
15 classifiable fingerprints taken under subsection (9). ~~Beginning~~
16 ~~December 1, 2015, the~~ **THE** county clerk shall include an indication
17 on the license if an individual is exempt from the prohibitions
18 against carrying a concealed pistol on premises described in
19 section 5o if the applicant provides acceptable proof that he or
20 she qualifies for that exemption. ~~Until November 30, 2015, if the~~
21 ~~concealed weapon licensing board denies issuance of a license to~~
22 ~~carry a concealed pistol, or beginning December 1, 2015, if~~ **IF** the
23 county clerk issues a notice of statutory disqualification, the
24 ~~concealed weapon licensing board or the county clerk, as~~
25 ~~appropriate,~~ shall within 5 business days do all of the following:
26 (a) Inform the applicant in writing of the reasons for the
27 denial or disqualification. Information under this subdivision

1 ~~shall~~ **MUST** include all of the following:

2 ~~(i) Until November 30, 2015, a statement of the specific and~~
3 ~~articulable facts supporting the denial. Beginning December 1,~~
4 ~~2015, a~~ **A** statement of each statutory disqualification identified.

5 ~~(ii) Until November 30, 2015, copies of any writings,~~
6 ~~photographs, records, or other documentary evidence upon which the~~
7 ~~denial is based. Beginning December 1, 2015, the~~ **THE** source of the
8 record for each statutory disqualification identified.

9 ~~(iii) Beginning December 1, 2015, the~~ **THE** contact information
10 for the source of the record for each statutory disqualification
11 identified.

12 (b) Inform the applicant in writing of his or her right to
13 appeal the denial or notice of statutory disqualification to the
14 circuit court as provided in section 5d.

15 (c) ~~Beginning December 1, 2015, inform~~ **INFORM** the applicant
16 that he or she should contact the source of the record for any
17 statutory disqualification to correct any errors in the record
18 resulting in the statutory disqualification.

19 ~~(14) Until November 30, 2015, if the fingerprint comparison~~
20 ~~report is not received by the concealed weapon licensing board~~
21 ~~within 60 days after the fingerprint report is forwarded to the~~
22 ~~department of state police by the Federal Bureau of Investigation,~~
23 ~~the concealed weapon licensing board shall issue a temporary~~
24 ~~license to carry a concealed pistol to the applicant if the~~
25 ~~applicant is otherwise qualified for a license. Until November 30,~~
26 ~~2015, a temporary license issued under this section is valid for~~
27 ~~180 days or until the concealed weapon licensing board receives the~~

~~fingerprint comparison report provided under subsection (10) and~~
~~issues or denies issuance of a license to carry a concealed pistol~~
~~as otherwise provided under this act. Until November 30, 2015, upon~~
~~issuance or the denial of issuance of the license to carry a~~
~~concealed pistol to an applicant who received a temporary license~~
~~under this section, the applicant shall immediately surrender the~~
~~temporary license to the concealed weapon licensing board that~~
~~issued that temporary license. Beginning December 1, 2015, if~~ **IF** ~~a~~
license or notice of statutory disqualification is not issued under
subsection (13) within 45 days after the date the applicant has
classifiable fingerprints taken under subsection (9), the receipt
issued under subsection (9) ~~shall serve~~ **SERVES** as a concealed
pistol license for purposes of this act when carried with a state-
issued driver license or personal identification card and is valid
until a license or notice of statutory disqualification is issued
by the county clerk.

(15) If an individual licensed under this act to carry a
concealed pistol moves to a different county within this state, his
or her license remains valid until it expires or is otherwise
suspended or revoked under this act. ~~Beginning December 1, 2015, an~~
AN individual may notify a county clerk that he or she has moved to
a different address within this state for the purpose of receiving
the notice under section 51(1). A license to carry a concealed
pistol that is lost, stolen, or defaced may be replaced by the
issuing county clerk for a replacement fee of \$10.00. A county
clerk shall deposit a replacement fee under this subsection in the
concealed pistol licensing fund of that county created in section

1 5x.

2 (16) If a license issued under this act is suspended or
3 revoked, the license is forfeited and the individual shall return
4 the license to the county clerk forthwith by mail or in person.
5 ~~Beginning December 1, 2015, the~~ **THE** county clerk shall retain a
6 suspended or revoked license as an official record 1 year after the
7 expiration of the license, unless the license is reinstated or a
8 new license is issued. ~~Beginning December 1, 2015, the~~ **THE** county
9 clerk shall notify the department of state police if a license is
10 suspended or revoked. ~~Beginning December 1, 2015, the~~ **THE**
11 department of state police shall enter that suspension or
12 revocation into the law enforcement information network. An
13 individual who fails to return a license as required under this
14 subsection after he or she was notified that his or her license was
15 suspended or revoked is guilty of a misdemeanor punishable by
16 imprisonment for not more than 93 days or a fine of not more than
17 \$500.00, or both.

18 (17) An applicant or an individual licensed under this act to
19 carry a concealed pistol may be furnished a copy of his or her
20 application under this section upon request and the payment of a
21 reasonable fee not to exceed \$1.00. The county clerk shall deposit
22 any fee collected under this subsection in the concealed pistol
23 licensing fund of that county created in section 5x.

24 (18) This section does not prohibit the county clerk from
25 making public and distributing to the public at no cost lists of
26 individuals who are certified as qualified instructors as
27 prescribed under section 5j.

1 (19) ~~Beginning December 1, 2015, a~~ **A** county clerk issuing an
2 initial license or renewal license under this act shall mail the
3 license to the licensee by first-class mail in a sealed envelope.
4 ~~Beginning December 1, 2015, upon~~ **UPON** payment of the fee under
5 subsection (15), a county clerk shall issue a replacement license
6 in person at the time of application for a replacement license
7 unless the applicant requests that it be delivered by first-class
8 mail.

9 (20) A county clerk, county sheriff, county prosecuting
10 attorney, police department, or the department of state police is
11 not liable for civil damages as a result of the issuance of a
12 license under this act to an individual who later commits a crime
13 or a negligent act.

14 (21) ~~Beginning December 1, 2015, an~~ **AN** individual licensed
15 under this act to carry a concealed pistol may voluntarily
16 surrender that license without explanation. ~~Beginning December 1,~~
17 ~~2015, a~~ **A** county clerk shall retain a surrendered license as an
18 official record for 1 year after the license is surrendered.
19 ~~Beginning December 1, 2015, if~~ **IF** an individual voluntarily
20 surrenders a license under this subsection, the county clerk shall
21 notify the department of state police. ~~Beginning December 1, 2015,~~
22 ~~the~~ **THE** department of state police shall enter into the law
23 enforcement information network that the license was voluntarily
24 surrendered and the date the license was voluntarily surrendered.

25 (22) As used in this section:

26 (a) "Acceptable proof" means any of the following:

27 (i) For a retired police officer or retired law enforcement

1 officer, the officer's retired identification or a letter from a
2 law enforcement agency stating that the retired police officer or
3 law enforcement officer retired in good standing.

4 (ii) For an individual who is employed or contracted by an
5 entity described under section 5o(1) to provide security services,
6 a letter from that entity stating that the employee is required by
7 his or her employer or the terms of a contract to carry a concealed
8 firearm on the premises of the employing or contracting entity and
9 his or her employee identification.

10 (iii) For an individual who is licensed as a private
11 investigator or private detective under the professional
12 investigator licensure act, 1965 PA 285, MCL 338.821 to 338.851,
13 his or her license.

14 (iv) For an individual who is a corrections officer of a
15 county sheriff's department, his or her employee identification and
16 a letter stating that the individual has received county sheriff
17 approved weapons training.

18 (v) For an individual who is a retired corrections officer of
19 a county sheriff's department, a letter from the county sheriff's
20 office stating that the retired corrections officer retired in good
21 standing and that the individual has received county sheriff
22 approved weapons training.

23 (vi) For an individual who is a motor carrier officer or
24 capitol security officer of the department of state police, his or
25 her employee identification.

26 (vii) For an individual who is a member of a sheriff's posse,
27 his or her identification.

1 (viii) For an individual who is an auxiliary officer or
2 reserve officer of a police or sheriff's department, his or her
3 employee identification.

4 (ix) For an individual who is a parole, probation, or
5 corrections officer, or absconder recovery unit member, of the
6 department of corrections, his or her employee identification and
7 proof that the individual obtained a Michigan department of
8 corrections weapons permit.

9 (x) For an individual who is a retired parole, probation, or
10 corrections officer, or retired absconder recovery unit member, of
11 the department of corrections, a letter from the department of
12 corrections stating that the retired parole, probation, or
13 corrections officer, or retired absconder recovery unit member,
14 retired in good standing and proof that the individual obtained a
15 Michigan department of corrections weapons permit.

16 (xi) For a state court judge or state court retired judge, a
17 letter from the judicial tenure commission stating that the state
18 court judge or state court retired judge is in good standing.

19 (xii) For an individual who is a court officer, his or her
20 employee identification.

21 (xiii) For a retired federal law enforcement officer, the
22 identification required under the law enforcement officers safety
23 act or a letter from a law enforcement agency stating that the
24 retired federal law enforcement officer retired in good standing.

25 (b) "Convicted" means a final conviction, the payment of a
26 fine, a plea of guilty or nolo contendere if accepted by the court,
27 or a finding of guilt for a criminal law violation or a juvenile

1 adjudication or disposition by the juvenile division of probate
2 court or family division of circuit court for a violation that if
3 committed by an adult would be a crime.

4 (c) "Felony" means, except as otherwise provided in this
5 subdivision, that term as defined in section 1 of chapter I of the
6 code of criminal procedure, 1927 PA 175, MCL 761.1, or a violation
7 of a law of the United States or another state that is designated
8 as a felony or that is punishable by death or by imprisonment for
9 more than 1 year. Felony does not include a violation of a penal
10 law of this state that is expressly designated as a misdemeanor.

11 (d) "Mental illness" means a substantial disorder of thought
12 or mood that significantly impairs judgment, behavior, capacity to
13 recognize reality, or ability to cope with the ordinary demands of
14 life, and includes, but is not limited to, clinical depression.

15 (e) "Misdemeanor" means a violation of a penal law of this
16 state or violation of a local ordinance substantially corresponding
17 to a violation of a penal law of this state that is not a felony or
18 a violation of an order, rule, or regulation of a state agency that
19 is punishable by imprisonment or a fine that is not a civil fine,
20 or both.

21 (f) "Treatment" means care or any therapeutic service,
22 including, but not limited to, the administration of a drug, and
23 any other service for the treatment of a mental illness.

24 Sec. 5o. (1) Subject to subsection (5), an individual licensed
25 under this act to carry a concealed pistol, or who is exempt from
26 licensure under section ~~12a(1)(h)~~, **12A(H)**, shall not carry a
27 concealed pistol on the premises of any of the following:

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

8 ~~—— (b) A public or private child care center or day care center,~~
9 ~~public or private child caring institution, or public or private~~
10 ~~child placing agency.~~

11 ~~—— (c) A sports arena or stadium.~~

12 **(B)** ~~(d)~~ A bar or tavern licensed under the Michigan liquor
13 control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, where
14 the primary source of income of the business is the sale of
15 alcoholic liquor by the glass and consumed on the premises. This
16 subdivision does not apply to an owner or employee of the business.
17 The Michigan liquor control commission shall develop and make
18 available to holders of licenses under the Michigan liquor control
19 code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, an appropriate
20 sign stating that "This establishment prohibits patrons from
21 carrying concealed weapons". The owner or operator of an
22 establishment licensed under the Michigan liquor control code of
23 1998, 1998 PA 58, MCL 436.1101 to 436.2303, may post the sign
24 developed under this subdivision.

25 ~~—— (e) Any property or facility owned or operated by a church,~~
26 ~~synagogue, mosque, temple, or other place of worship, unless the~~
27 ~~presiding official or officials of the church, synagogue, mosque,~~

~~temple, or other place of worship permit the carrying of concealed
pistol on that property or facility.~~

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

~~—— (g) A hospital.~~

(C) ~~(h)~~ A dormitory or classroom of a community college,
college, or university.

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

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

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

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

(a) An individual licensed under this act who is a retired
police officer, retired law enforcement officer, or retired federal
law enforcement officer.

(b) An individual who is licensed under this act and who is

1 employed or contracted by an entity described under subsection (1)
2 to provide security services and is required by his or her employer
3 or the terms of a contract to carry a concealed firearm on the
4 premises of the employing or contracting entity.

5 (c) An individual who is licensed as a private investigator or
6 private detective under the professional investigator licensure
7 act, 1965 PA 285, MCL 338.821 to 338.851.

8 (d) An individual who is licensed under this act and who is a
9 corrections officer of a county sheriff's department or who is
10 licensed under this act and is a retired corrections officer of a
11 county sheriff's department, if that individual has received county
12 sheriff approved weapons training.

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

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

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

21 (h) An individual who is licensed under this act and who is
22 any of the following:

23 (i) A parole, probation, or corrections officer, or absconder
24 recovery unit member, of the department of corrections, if that
25 individual has obtained a Michigan department of corrections
26 weapons permit.

27 (ii) A retired parole, probation, or corrections officer, or

1 retired absconder recovery unit member, of the department of
2 corrections, if that individual has obtained a Michigan department
3 of corrections weapons permit.

4 (i) A state court judge or state court retired judge who is
5 licensed under this act.

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

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

10 (a) Except as provided in subdivisions (b) and (c), the
11 individual is responsible for a state civil infraction and may be
12 fined not more than \$500.00. The court shall order the individual's
13 license to carry a concealed pistol suspended for 6 months.

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

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

23 Sec. 12. (1) Section 2 does not apply to any of the following:

24 (a) A police or correctional agency of the United States or of
25 this state or any subdivision of this state.

26 (b) The United States ~~army, air force, navy, or marine~~
27 ~~corps.~~ **ARMY, AIR FORCE, NAVY, OR MARINE CORPS.**

1 (c) An organization authorized by law to purchase or receive
2 weapons from the United States or from this state.

3 (d) The ~~national guard, armed forces reserves,~~ **NATIONAL GUARD,**
4 **UNITED STATES ARMED FORCES RESERVES,** or other duly authorized
5 military organization.

6 (e) A member of an entity or organization described in
7 subdivisions (a) through (d) for a pistol while engaged in the
8 course of his or her duties with that entity or while going to or
9 returning from those duties.

10 (f) A United States citizen holding a license to carry a
11 pistol concealed upon his or her person issued by another state.

12 (g) The regular and ordinary possession and transportation of
13 a pistol as merchandise by an authorized agent of a person licensed
14 to manufacture firearms or a licensed dealer.

15 (h) Purchasing, owning, carrying, possessing, using, or
16 transporting an antique firearm. As used in this subdivision,
17 "antique firearm" means that term as defined in section ~~231a-237A~~
18 of the Michigan penal code, 1931 PA 328, MCL ~~750.231a-750.237A~~.

19 (i) An individual carrying, possessing, using, or transporting
20 a pistol belonging to another individual, if the other individual's
21 possession of the pistol is authorized by law and the individual
22 carrying, possessing, using, or transporting the pistol has
23 obtained a license under section 5b to carry a concealed pistol or
24 is exempt from licensure as provided in section 12a.

25 (2) The amendatory act that added subsection (1)(h) shall be
26 known and may be cited as the "Janet Kukuk act".

27 Sec. 15. (1) Except as provided in subsection (2), a federally

1 licensed firearms dealer shall not sell a firearm in this state
2 unless the sale includes 1 of the following:

3 (a) A commercially available trigger lock or other device
4 designed to disable the firearm and prevent the discharge of the
5 firearm.

6 (b) A commercially available gun case or storage container
7 that can be secured to prevent unauthorized access to the firearm.

8 (2) This section does not apply to any of the following:

9 (a) The sale of a firearm to a police officer or a police
10 agency.

11 (b) The sale of a firearm to a person who presents to the
12 federally licensed firearms dealer 1 of the following:

13 (i) A trigger lock or other device designed to disable the
14 firearm and prevent the discharge of the firearm together with a
15 copy of the purchase receipt for the federally licensed firearms
16 dealer to keep. A separate trigger lock or device and a separate
17 purchase receipt ~~shall be~~ **IS** required for each firearm purchased.

18 (ii) A gun case or storage container that can be secured to
19 prevent unauthorized access to the firearm together with a copy of
20 the purchase receipt for the federally licensed firearms dealer to
21 keep. A separate gun case or storage container and a separate
22 purchase receipt ~~shall be~~ **IS** required for each firearm purchased.

23 (c) The sale of an antique firearm. As used in this
24 subdivision, "antique firearm" means that term as defined in
25 section ~~231a-237A~~ of the Michigan penal code, 1931 PA 328, MCL
26 ~~750.231a-750.237A~~.

27 (d) The sale or transfer of a firearm if the seller is not a

1 federally licensed firearms dealer.

2 (3) A federally licensed firearms dealer shall not sell a
3 firearm in this state unless the firearm is accompanied with, free
4 of charge, a brochure or pamphlet that includes safety information
5 on the use and storage of the firearm in a home environment.

6 (4) Upon the sale of a firearm, a federally licensed firearms
7 dealer shall sign a statement and require the purchaser to sign a
8 statement stating that the sale is in compliance with subsections
9 (1), (2), and (3).

10 (5) A federally licensed firearms dealer shall retain a copy
11 of the signed statements prescribed in subsection (4) and, if
12 applicable, a copy of the receipt prescribed in subsection (2)(b),
13 for at least 6 years.

14 (6) A federally licensed firearms dealer in this state shall
15 post in a conspicuous manner at the entrances, exits, and all
16 points of sale on the premises where firearms are sold a notice
17 that says the following: "You may be criminally and civilly liable
18 for any harm caused by a person less than 18 years of age who
19 lawfully gains unsupervised access to your firearm if unlawfully
20 stored.".

21 (7) A federally licensed firearms dealer is not liable for
22 damages arising from the use or misuse of a firearm if the sale
23 complies with this section, any other applicable law of this state,
24 and applicable federal law.

25 (8) This section does not create a civil action or liability
26 for damages arising from the use or misuse of a firearm or
27 ammunition for a person, other than a federally licensed firearms

1 dealer, who produces a firearm or ammunition.

2 (9) Subject to subsections (10) to (12), a political
3 subdivision shall not bring a civil action against any person who
4 produces a firearm or ammunition. The authority to bring a civil
5 action under this section is reserved exclusively to the state and
6 can be brought only by the attorney general. The court shall award
7 costs and reasonable attorney fees to each defendant named in a
8 civil action filed in violation of this subsection.

9 (10) Subject to subsection (11), subsection (9) does not
10 prohibit a civil action by a political subdivision based on 1 or
11 more of the following, which the court shall narrowly construe:

12 (a) A breach of contract, other contract issue, or an action
13 based on a provision of the uniform commercial code, 1962 PA 174,
14 MCL 440.1101 to ~~440.11102~~, **440.9994**, in which the political
15 subdivision is the purchaser and owner of the firearm or
16 ammunition.

17 (b) Expressed or implied warranties arising from the purchase
18 of a firearm or ammunition by the political subdivision or the use
19 of a firearm or ammunition by an employee or agent of the political
20 subdivision.

21 (c) A product liability, personal injury, or wrongful death
22 action when an employee or agent or property of the political
23 subdivision has been injured or damaged as a result of a defect in
24 the design or manufacture of the firearm or ammunition purchased
25 and owned by the political subdivision.

26 (11) Subsection (10) does not allow an action based on any of
27 the following:

1 (a) A firearm's or ammunition's inherent potential to cause
2 injury, damage, or death.

3 (b) Failure to warn the purchaser, transferee, or user of the
4 firearm's or ammunition's inherent potential to cause injury,
5 damage, or death.

6 (c) Failure to sell with or incorporate into the product a
7 device or mechanism to prevent a firearm or ammunition from being
8 discharged by an unauthorized person unless specifically provided
9 for by contract.

10 (12) Subsections (9) through (11) do not create a civil
11 action.

12 (13) Subsections (9) through (11) are intended only to clarify
13 the current status of the law in this state, are remedial in
14 nature, and, therefore, apply to a civil action pending on the
15 effective date of this act.

16 (14) Beginning September 1, 2000, a person who violates this
17 section is guilty of a crime as follows:

18 (a) Except as provided in subdivision (b) or (c), the person
19 is guilty of a misdemeanor punishable by imprisonment for not more
20 than 93 days or a fine of not more than \$500.00, or both.

21 (b) For a second conviction, the person is guilty of a
22 misdemeanor punishable by imprisonment for not more than 1 year or
23 a fine of not more than \$1,000.00, or both.

24 (c) For a third or subsequent conviction, the person is guilty
25 of a felony punishable by imprisonment for not more than 2 years or
26 a fine of not more than \$5,000.00, or both.

27 (15) As used in this section:

1 (a) "Federally licensed firearms dealer" means a person
2 licensed under ~~section 923 of title 18 of the United States Code,~~
3 ~~18 U.S.C. USC~~ 923.

4 (b) "Firearm or ammunition" includes a component of a firearm
5 or ammunition.

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

8 (d) "Political subdivision" means a county, city, village,
9 township, charter township, school district, community college, or
10 public university or college.

11 (e) "Produce" means to manufacture, construct, design,
12 formulate, develop standards for, prepare, process, assemble,
13 inspect, test, list, certify, give a warning or instructions
14 regarding, market, sell, advertise, package, label, distribute, or
15 transfer.

16 Enacting section 1. This amendatory act does not take effect
17 unless Senate Bill No. ____ or House Bill No. 4565 (request no.
18 01503'17) of the 99th Legislature is enacted into law.