

HOUSE BILL NO. 4012

January 26, 2021, Introduced by Rep. Eisen and referred to the Committee on Military, Veterans and Homeland Security.

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, 5b, and 5o (MCL 28.421, 28.425b, and 28.425o), as amended by 2017 PA 95.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

2 (a) "Corrections officer of the department of corrections"
3 means a state correctional officer as that term is defined in
4 section 2 of the correctional officers' training act of 1982, 1982
5 PA 415, MCL 791.502.

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

13 (c) "Firearm" means any weapon which will, is designed to, or
14 may readily be converted to expel a projectile by action of an
15 explosive.

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

20 (e) "Local corrections officer" means that term as defined in
21 section 2 of the local corrections officers training act, 2003 PA
22 125, MCL 791.532.

23 (f) "Misdemeanor" means a violation of a penal law of this
24 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 (g) "Parole or probation officer of the department of
6 corrections" means any individual employed by the department of
7 corrections to supervise felony probationers or parolees or that
8 individual's immediate supervisor.

9 (h) "Peace officer" means, except as otherwise provided in
10 this act, an individual who is employed as a law enforcement
11 officer, as that term is defined under section 2 of the Michigan
12 commission on law enforcement standards act, 1965 PA 203, MCL
13 28.602, by this state or another state, a political subdivision of
14 this state or another state, or the United States, and who is
15 required to carry a firearm in the course of his or her duties as a
16 law enforcement officer.

17 (i) "Pistol" means a loaded or unloaded firearm that is 26
18 inches or less in length, or a loaded or unloaded firearm that by
19 its construction and appearance conceals it as a firearm.

20 (j) "Purchaser" means a person who receives a pistol from
21 another person by purchase or gift.

22 **(k) "Qualified concealed pistol instructor" means an**
23 **individual who meets both of the following criteria:**

24 **(i) Is certified by this state or a state or national firearms**
25 **training organization to teach the pistol safety training courses**
26 **described in section 5j and has taught those courses for 2 years or**
27 **more.**

28 **(ii) Has received county sheriff approved weapons training from**
29 **the county sheriff in the county in which the individual resides.**

1 **(l)** ~~(k)~~—"Reserve peace officer", "auxiliary officer", or
2 "reserve officer" means, except as otherwise provided in this act,
3 an individual authorized on a voluntary or irregular basis by a
4 duly authorized police agency of this state or a political
5 subdivision of this state to act as a law enforcement officer, who
6 is responsible for the preservation of the peace, the prevention
7 and detection of crime, and the enforcement of the general criminal
8 laws of this state, and who is otherwise eligible to possess a
9 firearm under this act.

10 **(m)** ~~(l)~~—"Retired corrections officer of the department of
11 corrections" means an individual who was a corrections officer of
12 the department of corrections and who retired in good standing from
13 his or her employment as a corrections officer of the department of
14 corrections.

15 **(n)** ~~(m)~~—"Retired federal law enforcement officer" means an
16 individual who was an officer or agent employed by a law
17 enforcement agency of the United States government whose primary
18 responsibility was enforcing laws of the United States, who was
19 required to carry a firearm in the course of his or her duties as a
20 law enforcement officer, and who retired in good standing from his
21 or her employment as a federal law enforcement officer.

22 **(o)** ~~(n)~~—"Retired parole or probation officer of the department
23 of corrections" means an individual who was a parole or probation
24 officer of the department of corrections and who retired in good
25 standing from his or her employment as a parole or probation
26 officer of the department of corrections.

27 **(p)** ~~(o)~~—"Retired police officer" or "retired law enforcement
28 officer" means an individual who was a police officer or law
29 enforcement officer who was licensed or certified as described in

1 the Michigan commission on law enforcement standards act, 1965 PA
 2 203, MCL 28.601 to 28.615, and retired in good standing from his or
 3 her employment as a police officer or law enforcement officer. A
 4 police officer or law enforcement officer retired in good standing
 5 if he or she receives a pension or other retirement benefit for his
 6 or her service as a police officer or law enforcement officer or
 7 actively maintained a Michigan commission on law enforcement
 8 standards or equivalent state certification or license from this
 9 state or another state for not less than 10 consecutive years.

10 (q) ~~(p)~~ "Seller" means a person who sells or gives a pistol to
 11 another person.

12 (r) ~~(q)~~ "State court judge" means a judge of the district
 13 court, circuit court, probate court, or court of appeals or justice
 14 of the supreme court of this state who is serving either by
 15 election or appointment.

16 (s) ~~(r)~~ "State court retired judge" means a judge or justice
 17 described in subdivision ~~(q)~~ (r) who is retired, or a retired judge
 18 of the ~~recorders~~ **recorder's** court.

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

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

24 (b) The person who registered the firearm as described in
 25 subdivision (a) has maintained registration of the firearm since
 26 January 1, 2013 without lapse.

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

29 (3) A person who satisfies all of the conditions listed under

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

5 Sec. 5b. (1) To obtain a license to carry a concealed pistol,
6 an individual shall apply to the county clerk in the county in
7 which the individual resides. The applicant shall file the
8 application with the county clerk in the county in which the
9 applicant resides during the county clerk's normal business hours.
10 The application must be on a form provided by the director of the
11 department of state police and allow the applicant to designate
12 whether the applicant seeks an emergency license. The applicant
13 shall sign the application under oath. The county clerk or his or
14 her representative shall administer the oath. An application under
15 this subsection is not considered complete until an applicant
16 submits all of the required information and fees and has
17 fingerprints taken under subsection (9). An application under this
18 subsection is considered withdrawn if an applicant does not have
19 fingerprints taken under subsection (9) within 45 days of the date
20 an application is filed under this subsection. A completed
21 application and all receipts issued under this section expire 1
22 year from the date of application. The county clerk shall issue the
23 applicant a receipt for his or her application at the time the
24 application is submitted containing the name of the applicant, the
25 applicant's state-issued driver license or personal identification
26 card number, the date and time the receipt is issued, the amount
27 paid, the name of the county in which the receipt is issued, an
28 impression of the county seal, and the statement, "This receipt was
29 issued for the purpose of applying for a concealed pistol license

1 and for obtaining fingerprints related to that application. This
2 receipt does not authorize an individual to carry a concealed
3 pistol in this state.". The application must contain all of the
4 following:

5 (a) The applicant's legal name, date of birth, the address of
6 his or her primary residence, and his or her state-issued driver
7 license or personal identification card number.

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

10 (c) A statement by the applicant authorizing the department of
11 state police to access any record needed to perform the
12 verification in subsection (6).

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

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

20 (i) Any felony.

21 (ii) A misdemeanor listed under subsection (7)(h) if the
22 applicant was convicted of that misdemeanor in the 8 years
23 immediately preceding the date of the application, or a misdemeanor
24 listed under subsection (7)(i) if the applicant was convicted of
25 that misdemeanor in the 3 years immediately preceding the date of
26 the application.

27 (f) A statement by the applicant whether he or she has been
28 dishonorably discharged from the United States Armed Forces.

29 (g) If an applicant does not have a digitized photograph on

1 file with the secretary of state, a passport-quality photograph of
2 the applicant provided by the applicant at the time of application.

3 (h) A certificate stating that the applicant has completed the
4 training course prescribed by this act.

5 (2) The county clerk shall not require the applicant to submit
6 any additional forms, documents, letters, or other evidence of
7 eligibility for obtaining a license to carry a concealed pistol
8 except as set forth in subsection (1) or as otherwise provided for
9 in this act. The application form must contain a conspicuous
10 warning that the application is executed under oath and that
11 intentionally making a material false statement on the application
12 is a felony punishable by imprisonment for not more than 4 years or
13 a fine of not more than \$2,500.00, or both.

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

18 (4) The county clerk shall retain a copy of each application
19 for a license to carry a concealed pistol as an official record.
20 One year after the expiration of a concealed pistol license, the
21 county clerk may destroy the record and a name index of the record
22 ~~shall~~**must** be maintained in the database created in section 5e.

23 (5) Each applicant shall pay a nonrefundable application and
24 licensing fee of \$100.00 by any method of payment accepted by that
25 county for payments of other fees and penalties. Except as provided
26 in subsection (9), no other charge, fee, cost, or assessment,
27 including any local charge, fee, cost, or assessment, is required
28 of the applicant except as specifically authorized in this act. The
29 applicant shall pay the application and licensing fee to the

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

13 (6) The department of state police shall verify the
14 requirements of subsection (7) (d), (e), (f), (h), (i), (j), (k),
15 and (m) through the law enforcement information network and the
16 national instant criminal background check system and shall report
17 to the county clerk all statutory disqualifications, if any, under
18 this act that apply to an applicant.

19 (7) The county clerk shall issue and shall send by first-class
20 mail a license to an applicant to carry a concealed pistol within
21 the period required under this act if the county clerk determines
22 that all of the following circumstances exist:

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

24 (b) The applicant is a citizen of the United States or is an
25 alien lawfully admitted into the United States, is a legal resident
26 of this state, and has resided in this state for not less than the
27 6 months immediately preceding the date of application. The county
28 clerk shall waive the 6-month residency requirement for an
29 emergency license under section 5a(4) if the applicant is a

1 petitioner for a personal protection order issued under section
2 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236,
3 MCL 600.2950 and 600.2950a, or if the county sheriff determines
4 that there is clear and convincing evidence to believe that the
5 safety of the applicant or the safety of a member of the
6 applicant's family or household is endangered by the applicant's
7 inability to immediately obtain a license to carry a concealed
8 pistol. If the applicant holds a valid concealed pistol license
9 issued by another state at the time the applicant's residency in
10 this state is established, the county clerk shall waive the 6-month
11 residency requirement and the applicant may apply for a concealed
12 pistol license at the time the applicant's residency in this state
13 is established. For the purposes of this section, an individual is
14 considered a legal resident of this state if any of the following
15 apply:

16 (i) The individual has a valid, lawfully obtained driver
17 license issued under the Michigan vehicle code, 1949 PA 300, MCL
18 257.1 to 257.923, or official state personal identification card
19 issued under 1972 PA 222, MCL 28.291 to 28.300.

20 (ii) The individual is lawfully registered to vote in this
21 state.

22 (iii) The individual is on active duty status with the United
23 States Armed Forces and is stationed outside of this state, but the
24 individual's home of record is in this state.

25 (iv) The individual is on active duty status with the United
26 States Armed Forces and is permanently stationed in this state, but
27 the individual's home of record is in another state.

28 (c) The applicant has knowledge and has had training in the
29 safe use and handling of a pistol by the successful completion of a

1 pistol safety training course or class that meets the requirements
2 of section 5j.

3 (d) Based solely on the report received from the department of
4 state police under subsection (6), the applicant is not the subject
5 of an order or disposition under any of the following:

6 (i) Section 464a of the mental health code, 1974 PA 258, MCL
7 330.1464a.

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

10 (iii) Sections 2950 and 2950a of the revised judicature act of
11 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.

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

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

18 (e) Based solely on the report received from the department of
19 state police under subsection (6), the applicant is not prohibited
20 from possessing, using, transporting, selling, purchasing,
21 carrying, shipping, receiving, or distributing a firearm under
22 section 224f of the Michigan penal code, 1931 PA 328, MCL 750.224f.

23 (f) Based solely on the report received from the department of
24 state police under subsection (6), the applicant has never been
25 convicted of a felony in this state or elsewhere, and a felony
26 charge against the applicant is not pending in this state or
27 elsewhere at the time he or she applies for a license described in
28 this section.

29 (g) The applicant has not been dishonorably discharged from

1 the United States Armed Forces.

2 (h) Based solely on the report received from the department of
3 state police under subsection (6), the applicant has not been
4 convicted of a misdemeanor violation of any of the following in the
5 8 years immediately preceding the date of application and a charge
6 for a misdemeanor violation of any of the following is not pending
7 against the applicant in this state or elsewhere at the time he or
8 she applies for a license described in this section:

9 (i) Section 617a (failing to stop when involved in a personal
10 injury accident), section 625 as punishable under subsection (9)(b)
11 of that section (operating while intoxicated, second offense),
12 section 625m as punishable under subsection (4) of that section
13 (operating a commercial vehicle with alcohol content, second
14 offense), section 626 (reckless driving), or a violation of section
15 904(1) (operating while license suspended or revoked, second or
16 subsequent offense) of the Michigan vehicle code, 1949 PA 300, MCL
17 257.617a, 257.625, 257.625m, 257.626, and 257.904.

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

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

25 (iv) Section 10 of the motor fuels quality act, 1984 PA 44, MCL
26 290.650 (hindering, obstructing, assaulting, or committing bodily
27 injury upon director or authorized representative).

28 (v) Section 80176 as punishable under section 80177(1)(b)
29 (operating vessel under the influence of intoxicating liquor or a

1 controlled substance, second offense), section 81134 as punishable
2 under subsection (8) (b) of that section (operating ORV under the
3 influence of intoxicating liquor or a controlled substance, second
4 or subsequent offense), or section 82127 as punishable under
5 section 82128(1) (b) (operating snowmobile under the influence of
6 intoxicating liquor or a controlled substance, second offense) of
7 the natural resources and environmental protection act, 1994 PA
8 451, MCL 324.80176, 324.80177, 324.81134, 324.82127, and 324.82128.

9 (vi) Section 7403 of the public health code, 1978 PA 368, MCL
10 333.7403 (possession of controlled substance, controlled substance
11 analogue, or prescription form).

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

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

18 (ix) Section 81 (assault or domestic assault), section 81a(1)
19 or (2) (aggravated assault or aggravated domestic assault), section
20 115 (breaking and entering or entering without breaking), section
21 136b(7) (fourth degree child abuse), section 145n (vulnerable adult
22 abuse), section 157b(3) (b) (solicitation to commit a felony),
23 section 215 (impersonating peace officer or medical examiner),
24 section 223 (illegal sale of a firearm or ammunition), section 224d
25 (illegal use or sale of a self-defense spray), ~~section 226a (sale~~
26 ~~or possession of a switchblade),~~ section 227c (improper
27 transportation of a loaded firearm), section 229 (accepting a
28 pistol in pawn), section 232a (improperly obtaining a pistol,
29 making a false statement on an application to purchase a pistol, or

1 using false identification to purchase a pistol), section 233
 2 (intentionally aiming a firearm without malice), section 234
 3 (intentionally discharging a firearm aimed without malice), section
 4 234d (possessing a firearm on prohibited premises), section 234e
 5 (brandishing a firearm in public), section 234f (possession of a
 6 firearm by an individual less than 18 years of age), section 235
 7 (intentionally discharging a firearm aimed without malice causing
 8 injury), section 235a (parent of a minor who possessed a firearm in
 9 a weapon free school zone), section 236 (setting a spring gun or
 10 other device), section 237 (possessing a firearm while under the
 11 influence of intoxicating liquor or a controlled substance),
 12 section 237a (weapon free school zone violation), section 335a
 13 (indecent exposure), section 411h (stalking), or section 520e
 14 (fourth degree criminal sexual conduct) of the Michigan penal code,
 15 1931 PA 328, MCL 750.81, 750.81a, 750.115, 750.136b, 750.145n,
 16 750.157b, 750.215, 750.223, 750.224d, ~~750.226a~~, 750.227c, 750.229,
 17 750.232a, 750.233, 750.234, 750.234d, 750.234e, 750.234f, 750.235,
 18 750.235a, 750.236, 750.237, 750.237a, 750.335a, 750.411h, and
 19 750.520e.

20 ~~(x) Former section 228 of the Michigan penal code, 1931 PA~~
 21 ~~328.~~

22 (x) ~~(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 (xi) ~~(xii)~~ A violation of a law of the United States, another
 28 state, or a local unit of government of this state or another state
 29 substantially corresponding to a violation described in

1 subparagraphs (i) to ~~(xi)~~-(x) .

2 (i) Based solely on the report received from the department of
3 state police under subsection (6), the applicant has not been
4 convicted of a misdemeanor violation of any of the following in the
5 3 years immediately preceding the date of application unless the
6 misdemeanor violation is listed under subdivision (h) and a charge
7 for a misdemeanor violation of any of the following is not pending
8 against the applicant in this state or elsewhere at the time he or
9 she applies for a license described in this section:

10 (i) Section 625 (operating under the influence), section 625a
11 (refusal of commercial vehicle operator to submit to a chemical
12 test), section 625k (ignition interlock device reporting
13 violation), section 625l (circumventing an ignition interlock
14 device), or section 625m punishable under subsection (3) of that
15 section (operating a commercial vehicle with alcohol content) of
16 the Michigan vehicle code, 1949 PA 300, MCL 257.625, 257.625a,
17 257.625k, 257.625l, and 257.625m.

18 (ii) Section 185 of the aeronautics code of the state of
19 Michigan, 1945 PA 327, MCL 259.185 (operating aircraft under the
20 influence).

21 (iii) Section 81134 (operating ORV under the influence or
22 operating ORV while visibly impaired), or section 82127 (operating
23 a snowmobile under the influence) of the natural resources and
24 environmental protection act, 1994 PA 451, MCL 324.81134 and
25 324.82127.

26 (iv) Part 74 of the public health code, 1978 PA 368, MCL
27 333.7401 to 333.7461 (controlled substance violation).

28 (v) Section 353 of the railroad code of 1993, 1993 PA 354, MCL
29 462.353, punishable under subsection (3) of that section (operating

1 locomotive under the influence).

2 (vi) Section 167 (disorderly person), section 174
3 (embezzlement), section 218 (false pretenses with intent to
4 defraud), section 356 (larceny), section 356d (second degree retail
5 fraud), section 359 (larceny from a vacant building or structure),
6 section 362 (larceny by conversion), section 362a (larceny -
7 defrauding lessor), section 377a (malicious destruction of
8 property), section 380 (malicious destruction of real property),
9 section 535 (receiving or concealing stolen property), or section
10 540e (malicious use of telecommunications service or device) of the
11 Michigan penal code, 1931 PA 328, MCL 750.167, 750.174, 750.218,
12 750.356, 750.356d, 750.359, 750.362, 750.362a, 750.377a, 750.380,
13 750.535, and 750.540e.

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

18 (j) Based solely on the report received from the department of
19 state police under subsection (6), the applicant has not been found
20 guilty but mentally ill of any crime and has not offered a plea of
21 not guilty of, or been acquitted of, any crime by reason of
22 insanity.

23 (k) Based solely on the report received from the department of
24 state police under subsection (6), the applicant is not currently
25 and has never been subject to an order of involuntary commitment in
26 an inpatient or outpatient setting due to mental illness.

27 (l) The applicant has filed a statement under subsection (1)(d)
28 that the applicant does not have a diagnosis of mental illness that
29 includes an assessment that the individual presents a danger to

1 himself or herself or to another at the time the application is
2 made, regardless of whether he or she is receiving treatment for
3 that illness.

4 (m) Based solely on the report received from the department of
5 state police under subsection (6), the applicant is not under a
6 court order of legal incapacity in this state or elsewhere.

7 (n) 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 must 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 department of state police, the
18 courts, and other government entities as necessary and exclusively
19 to determine eligibility to be licensed under this act.

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

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

- 24 (a) The name of the individual.
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.
28 (e) The individual's state-issued driver license or personal
29 identification card number.

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

12 (10) The fingerprints must be taken, under subsection (9), in
13 a manner prescribed by the department of state police. The county
14 clerk, county sheriff, local police agency, or other entity shall
15 immediately forward the fingerprints taken by that entity to the
16 department of state police for comparison with fingerprints already
17 on file with the department of state police. The department of
18 state police shall immediately forward the fingerprints to the
19 Federal Bureau of Investigation. Within 5 business days after
20 completing the verification under subsection (6), the department
21 shall send the county clerk a list of an individual's statutory
22 disqualifications under this act. Except as provided in section
23 5a(4), the county clerk shall not issue a concealed pistol license
24 until he or she receives the report of statutory disqualifications
25 prescribed in this subsection. If an individual's fingerprints are
26 not classifiable, the department of state police shall, at no
27 charge, take the individual's fingerprints again or provide for the
28 comparisons under this subsection to be conducted through
29 alternative means. The county clerk shall not issue a notice of

1 statutory disqualification because an individual's fingerprints are
2 not classifiable by the Federal Bureau of Investigation.

3 (11) The county clerk shall send by first-class mail a notice
4 of statutory disqualification for a license under this act to an
5 individual if the individual is not qualified under subsection (7)
6 to receive that license.

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

10 (13) Subject to subsection (10), the department of state
11 police shall complete the verification required under subsection
12 (6) and the county clerk shall issue a license or a notice of
13 statutory disqualification within 45 days after the date the
14 individual has classifiable fingerprints taken under subsection
15 (9). The county clerk shall include an indication on the license if
16 an individual is exempt from the prohibitions against carrying a
17 concealed pistol on premises described in section 50 if the
18 applicant provides acceptable proof that he or she qualifies for
19 that exemption. If the county clerk receives notice from a county
20 sheriff or chief law enforcement officer that a licensee is no
21 longer a member of a sheriff's posse, an auxiliary officer, or a
22 reserve officer, the county clerk shall notify the licensee that he
23 or she shall surrender the concealed pistol license indicating that
24 the individual is exempt from the prohibitions against carrying a
25 concealed pistol on premises described in section 50. The licensee
26 shall, within 30 days after receiving notice from the county clerk,
27 surrender the license indicating that the individual is exempt from
28 the prohibitions against carrying a concealed pistol on premises
29 described in section 50 and obtain a replacement license after

1 paying the fee required under subsection (15). If the county clerk
2 issues a notice of statutory disqualification, the county clerk
3 shall within 5 business days do all of the following:

4 (a) Inform the individual in writing of the reasons for the
5 denial or disqualification. Information under this subdivision
6 ~~shall~~**must** include all of the following:

7 (i) A statement of each statutory disqualification identified.

8 (ii) The source of the record for each statutory
9 disqualification identified.

10 (iii) The contact information for the source of the record for
11 each statutory disqualification identified.

12 (b) Inform the individual 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) Inform the individual that he or she should contact the
16 source of the record for any statutory disqualification to correct
17 any errors in the record resulting in the statutory
18 disqualification.

19 (14) If a license or notice of statutory disqualification is
20 not issued under subsection (13) within 45 days after the date the
21 individual has classifiable fingerprints taken under subsection
22 (9), the receipt issued under subsection (9) serves as a concealed
23 pistol license for purposes of this act when carried with a state-
24 issued driver license or personal identification card and is valid
25 until a license or notice of statutory disqualification is issued
26 by the county clerk.

27 (15) If an individual licensed under this act to carry a
28 concealed pistol moves to a different county within this state, his
29 or her license remains valid until it expires or is otherwise

1 suspended or revoked under this act. An individual may notify a
2 county clerk that he or she has moved to a different address within
3 this state for the purpose of receiving the notice under section
4 5l(1). A license to carry a concealed pistol that is lost, stolen,
5 defaced, or replaced for any other reason may be replaced by the
6 issuing county clerk for a replacement fee of \$10.00. A county
7 clerk shall deposit a replacement fee under this subsection in the
8 concealed pistol licensing fund of that county created in section
9 5x.

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

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

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

5 (19) A county clerk issuing an initial license or renewal
6 license under this act shall mail the license to the licensee by
7 first-class mail in a sealed envelope. Upon payment of the fee
8 under subsection (15), a county clerk shall issue a replacement
9 license in person at the time of application for a replacement
10 license. A county clerk may also deliver a replacement license by
11 first-class mail if the individual submits to the clerk a written
12 request and a copy of the individual's state-issued driver license
13 or personal identification card.

14 (20) A county clerk, county sheriff, county prosecuting
15 attorney, police department, or the department of state police is
16 not liable for civil damages as a result of issuing a license under
17 this act to an individual who later commits a crime or a negligent
18 act.

19 (21) An individual licensed under this act to carry a
20 concealed pistol may voluntarily surrender that license without
21 explanation. A county clerk shall retain a surrendered license as
22 an official record for 1 year after the license is surrendered. If
23 an individual voluntarily surrenders a license under this
24 subsection, the county clerk shall notify the department of state
25 police. The department of state police shall enter into the law
26 enforcement information network that the license was voluntarily
27 surrendered and the date the license was voluntarily surrendered.

28 (22) As used in this section:

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

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

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

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

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

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

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

29 (viii) For an individual who is an auxiliary officer or reserve

1 officer of a police or sheriff's department, his or her employee
2 identification.

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

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

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

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

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

24 (xiv) For an individual who is a peace officer, his or her
25 employee identification.

26 (xv) **For a qualified concealed pistol instructor, a letter from**
27 **the county sheriff in the county in which the individual resides**
28 **stating that individual has received county sheriff approved**
29 **weapons training.**

1 (b) "Convicted" means a final conviction, the payment of a
2 fine, a plea of guilty or nolo contendere if accepted by the court,
3 or a finding of guilt for a criminal law violation or a juvenile
4 adjudication or disposition by the juvenile division of probate
5 court or family division of circuit court for a violation that if
6 committed by an adult would be a crime.

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

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

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

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

27 Sec. 5o. (1) Subject to subsection (5), an individual licensed
28 under this act to carry a concealed pistol, or who is exempt from
29 licensure under section 12a(h), shall not carry a concealed pistol

1 on the premises of any of the following:

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

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

12 (c) A sports arena or stadium.

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

26 (e) Any property or facility owned or operated by a church,
27 synagogue, mosque, temple, or other place of worship, unless the
28 presiding official or officials of the church, synagogue, mosque,
29 temple, or other place of worship permit the carrying of concealed

1 pistol on that property or facility.

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

7 (g) A hospital.

8 (h) A dormitory or classroom of a community college, college,
9 or university.

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

13 (3) An individual licensed under this act to carry a concealed
14 pistol, or who is exempt from licensure under section 12a(h), shall
15 not carry a concealed pistol in violation of R 432.1212 of the
16 Michigan Administrative Code promulgated under the Michigan gaming
17 control and revenue act, 1996 IL 1, MCL 432.201 to 432.226.

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

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

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

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

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

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

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

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

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

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

19 (i) A parole, probation, or corrections officer, or absconder
20 recovery unit member, of the department of corrections, if that
21 individual has obtained a Michigan department of corrections
22 weapons permit.

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

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

29 (j) An individual who is licensed under this act and who is a

1 court officer.

2 (k) An individual who is licensed under this act and who is a
3 peace officer.

4 **(l) An individual who is licensed under this act and who is a**
5 **qualified concealed pistol instructor.**

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

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

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

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