

# HOUSE BILL NO. 4717

April 27, 2021, Introduced by Reps. Eisen, Martin, Outman, Borton, Bezotte, Wozniak, Carra, Yaroeh, LaFave, Beeler, Rendon, Markkanen, Hornberger and Hauck 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 section 5f (MCL 28.425f), as amended by 2015 PA 3.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 5f. (1) An individual who is licensed to carry a  
2 concealed pistol shall have his or her license to carry that pistol  
3 and his or her state-issued driver license or personal  
4 identification card in his or her possession at all times he or she  
5 is carrying a concealed pistol or a portable device that uses  
6 electro-muscular disruption technology.

7           (2) An individual who is licensed to carry a concealed pistol  
8 and who is carrying a concealed pistol or a portable device that  
9 uses electro-muscular disruption technology shall show both of the  
10 following to a peace officer ~~upon~~**on** request by that peace officer:

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

12           (b) His or her state-issued driver license or personal  
13 identification card.

14           (3) An individual licensed under this act to carry a concealed  
15 pistol and who is carrying a concealed pistol or a portable device  
16 that uses electro-muscular disruption technology and who is stopped  
17 by a peace officer shall, ~~immediately~~**on request by that peace**  
18 **officer**, disclose to the peace officer that he or she is carrying a  
19 pistol or a portable device that uses electro-muscular disruption  
20 technology concealed upon his or her person or in his or her  
21 vehicle.

22           (4) An individual who violates subsection (1) or (2) is  
23 responsible for a state civil infraction and shall be fined  
24 \$100.00.

1           (5) An individual who violates subsection (3) is responsible  
2 for a state civil infraction and shall be fined as follows:

3           (a) For a first offense, by a fine of \$500.00 and by the  
4 individual's license to carry a concealed pistol being suspended  
5 for 6 months.

6           (b) For a subsequent offense within 3 years of a prior  
7 offense, by a fine of \$1,000.00 and by the individual's license to  
8 carry a concealed pistol being revoked.

9           (6) If an individual is found responsible for a state civil  
10 infraction under subsection (5), the peace officer shall notify the  
11 department of state police of that civil infraction. The department  
12 of state police shall notify the county clerk who issued the  
13 license, who shall suspend or revoke that license. The county clerk  
14 shall send notice by first-class mail of that suspension or  
15 revocation to the individual's last known address as indicated in  
16 the records of the county clerk. The department of state police  
17 shall immediately enter that suspension or revocation into the law  
18 enforcement information network.

19           (7) A pistol or portable device that uses electro-muscular  
20 disruption technology carried in violation of this section is  
21 subject to immediate seizure by a peace officer. If a peace officer  
22 seizes a pistol or portable device that uses electro-muscular  
23 disruption technology under this subsection, the individual has 45  
24 days in which to display his or her license or documentation to an  
25 authorized employee of the law enforcement entity that employs the  
26 peace officer. If the individual displays his or her license or  
27 documentation to an authorized employee of the law enforcement  
28 entity that employs the peace officer within the 45-day period, the  
29 authorized employee of that law enforcement entity shall return the

1 pistol or portable device that uses electro-muscular disruption  
2 technology to the individual unless the individual is prohibited by  
3 law from possessing a firearm or portable device that uses electro-  
4 muscular disruption technology. If the individual does not display  
5 his or her license or documentation within the 45-day period, the  
6 pistol or portable device that uses electro-muscular disruption  
7 technology is subject to forfeiture as provided in section 5g. A  
8 pistol or portable device that uses electro-muscular disruption  
9 technology is not subject to immediate seizure under this  
10 subsection if both of the following circumstances exist:

11 (a) The individual has his or her state-issued driver license  
12 or personal identification card in his or her possession when the  
13 violation occurs.

14 (b) The peace officer verifies through the law enforcement  
15 information network that the individual is licensed to carry a  
16 concealed pistol.

17 (8) As used in this section, "peace officer" includes a motor  
18 carrier officer appointed under section 6d of 1935 PA 59, MCL  
19 28.6d, and security personnel employed by the state under section  
20 6c of 1935 PA 59, MCL 28.6c.