

# HOUSE BILL NO. 4718

April 27, 2021, Introduced by Reps. Eisen, Outman, Martin, Borton, Bezotte, Wozniak, Carra, Bellino, 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 sections 5b and 5l (MCL 28.425b and 28.425l), as amended by 2017 PA 95.

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

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 14 this subsection is considered withdrawn if an applicant does not  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

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

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

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

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

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

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

21 (i) Any felony.

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

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

1 (g) If an applicant does not have a digitized photograph on  
2 file with the secretary of state, a passport-quality photograph of  
3 the applicant provided by the applicant at the time of application.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (c) The applicant has knowledge and has had training in the

1 safe use and handling of a pistol by the successful completion of a  
2 pistol safety training course or class that meets the requirements  
3 of section 5j.

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

7 (i) Section 464a of the mental health code, 1974 PA 258, MCL  
8 330.1464a.

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

11 (iii) Sections 2950 and 2950a of the revised judicature act of  
12 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.

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

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

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

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

1 (g) The applicant has not been dishonorably discharged from  
2 the United States Armed Forces.

3 (h) Based solely on the report received from the department of  
4 state police under subsection (6), the applicant has not been  
5 convicted of a misdemeanor violation of any of the following in the  
6 8 years immediately preceding the date of application 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 617a (failing to stop when involved in a personal  
11 injury accident), section 625 as punishable under subsection (9) (b)  
12 of that section (operating while intoxicated, second offense),  
13 section 625m as punishable under subsection (4) of that section  
14 (operating a commercial vehicle with alcohol content, second  
15 offense), section 626 (reckless driving), or a violation of section  
16 904(1) (operating while license suspended or revoked, second or  
17 subsequent offense) of the Michigan vehicle code, 1949 PA 300, MCL  
18 257.617a, 257.625, 257.625m, 257.626, and 257.904.

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

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

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

29 (v) Section 80176 as punishable under section 80177(1) (b)



1 (operating vessel under the influence of intoxicating liquor or a  
2 controlled substance, second offense), section 81134 as punishable  
3 under subsection (8)(b) of that section (operating ORV under the  
4 influence of intoxicating liquor or a controlled substance, second  
5 or subsequent offense), or section 82127 as punishable under  
6 section 82128(1)(b) (operating snowmobile under the influence of  
7 intoxicating liquor or a controlled substance, second offense) of  
8 the natural resources and environmental protection act, 1994 PA  
9 451, MCL 324.80176, 324.80177, 324.81134, 324.82127, and 324.82128.

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

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

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

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

1 making a false statement on an application to purchase a pistol, or  
 2 using false identification to purchase a pistol), section 233  
 3 (intentionally aiming a firearm without malice), section 234  
 4 (intentionally discharging a firearm aimed without malice), section  
 5 234d (possessing a firearm on prohibited premises), section 234e  
 6 (brandishing a firearm in public), section 234f (possession of a  
 7 firearm by an individual less than 18 years of age), section 235  
 8 (intentionally discharging a firearm aimed without malice causing  
 9 injury), section 235a (parent of a minor who possessed a firearm in  
 10 a weapon free school zone), section 236 (setting a spring gun or  
 11 other device), section 237 (possessing a firearm while under the  
 12 influence of intoxicating liquor or a controlled substance),  
 13 section 237a (weapon free school zone violation), section 335a  
 14 (indecent exposure), section 411h (stalking), or section 520e  
 15 (fourth degree criminal sexual conduct) of the Michigan penal code,  
 16 1931 PA 328, MCL 750.81, 750.81a, 750.115, 750.136b, 750.145n,  
 17 750.157b, 750.215, 750.223, 750.224d, ~~750.226a~~, 750.227c, 750.229,  
 18 750.232a, 750.233, 750.234, 750.234d, 750.234e, 750.234f, 750.235,  
 19 750.235a, 750.236, 750.237, 750.237a, 750.335a, 750.411h, and  
 20 750.520e.

21 ~~(x) Former section 228 of the Michigan penal code, 1931 PA~~  
 22 ~~328.~~

23 (x) ~~(xi)~~ Section 1 (reckless, careless, or negligent use of a  
 24 firearm resulting in injury or death), section 2 (careless,  
 25 reckless, or negligent use of a firearm resulting in property  
 26 damage), or section 3a (reckless discharge of a firearm) of 1952 PA  
 27 45, MCL 752.861, 752.862, and 752.863a.

28 (xi) ~~(xii)~~ A violation of a law of the United States, another  
 29 state, or a local unit of government of this state or another state

1 substantially corresponding to a violation described in  
2 subparagraphs (i) to ~~(xi)~~-(x).

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

11 (i) Section 625 (operating under the influence), section 625a  
12 (refusal of commercial vehicle operator to submit to a chemical  
13 test), section 625k (ignition interlock device reporting  
14 violation), section 625l (circumventing an ignition interlock  
15 device), or section 625m punishable under subsection (3) of that  
16 section (operating a commercial vehicle with alcohol content) of  
17 the Michigan vehicle code, 1949 PA 300, MCL 257.625, 257.625a,  
18 257.625k, 257.625l, and 257.625m.

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

22 (iii) Section 81134 (operating ORV under the influence or  
23 operating ORV while visibly impaired), or section 82127 (operating  
24 a snowmobile under the influence) of the natural resources and  
25 environmental protection act, 1994 PA 451, MCL 324.81134 and  
26 324.82127.

27 (iv) Part 74 of the public health code, 1978 PA 368, MCL  
28 333.7401 to 333.7461 (controlled substance violation).

29 (v) Section 353 of the railroad code of 1993, 1993 PA 354, MCL

1 462.353, punishable under subsection (3) of that section (operating  
2 locomotive under the influence).

3 (vi) Section 167 (disorderly person), section 174  
4 (embezzlement), section 218 (false pretenses with intent to  
5 defraud), section 356 (larceny), section 356d (second degree retail  
6 fraud), section 359 (larceny from a vacant building or structure),  
7 section 362 (larceny by conversion), section 362a (larceny -  
8 defrauding lessor), section 377a (malicious destruction of  
9 property), section 380 (malicious destruction of real property),  
10 section 535 (receiving or concealing stolen property), or section  
11 540e (malicious use of telecommunications service or device) of the  
12 Michigan penal code, 1931 PA 328, MCL 750.167, 750.174, 750.218,  
13 750.356, 750.356d, 750.359, 750.362, 750.362a, 750.377a, 750.380,  
14 750.535, and 750.540e.

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

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

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

28 (l) The applicant has filed a statement under subsection (1)(d)  
29 that the applicant does not have a diagnosis of mental illness that

1 includes an assessment that the individual presents a danger to  
2 himself or herself or to another at the time the application is  
3 made, regardless of whether he or she is receiving treatment for  
4 that illness.

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

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

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

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

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

- 25 (a) The name of the individual.
- 26 (b) The date and time the receipt is issued.
- 27 (c) The amount paid.
- 28 (d) The name of the entity providing the fingerprint services.
- 29 (e) The individual's state-issued driver license or personal

1 identification card number.

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

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

1 alternative means. The county clerk shall not issue a notice of  
2 statutory disqualification because an individual's fingerprints are  
3 not classifiable by the Federal Bureau of Investigation.

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

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

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



1 described in section 5o and obtain a replacement license after  
2 paying the fee required under subsection (15). If the county clerk  
3 issues a notice of statutory disqualification, the county clerk  
4 shall within 5 business days do all of the following:

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

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

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

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

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

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

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

28 (15) If an individual licensed under this act to carry a  
29 concealed pistol moves to a different county within this state, his

1 or her license remains valid until it expires or is otherwise  
2 suspended or revoked under this act. An individual may notify a  
3 county clerk that he or she has moved to a different address within  
4 this state for the purpose of receiving the notice under section  
5 5l(1). A license to carry a concealed pistol that is lost, stolen,  
6 defaced, or replaced for any other reason may be replaced by the  
7 issuing county clerk for a replacement fee of \$10.00. A county  
8 clerk shall deposit a replacement fee under this subsection in the  
9 concealed pistol licensing fund of that county created in section  
10 5x.

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

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

1 licensing fund of that county created in section 5x.

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

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

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

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

29 (22) As used in this section:

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

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

6 (ii) For an individual who is employed or contracted by an  
7 entity described under section 50(1) to provide security services,  
8 a letter from that entity stating that the employee is required by  
9 his or her employer or the terms of a contract to carry a concealed  
10 firearm on the premises of the employing or contracting entity and  
11 his or her employee identification.

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

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

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

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

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

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

27           (b) "Convicted" means a final conviction, the payment of a  
28 fine, a plea of guilty or nolo contendere if accepted by the court,  
29 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. 5/. (1) A license to carry a concealed pistol, including a  
25 renewal license, is valid until the applicant's date of birth that  
26 falls not less than 4 years or more than 5 years after the license  
27 is issued or renewed, as applicable. The county clerk **that issued**  
28 **the license** shall notify the licensee that his or her license is  
29 about to expire and may be renewed as provided in this section. The

1 notification must be sent by the county clerk to the last known  
2 address of the licensee as shown on the records of the county  
3 clerk. The notification must be sent in a sealed envelope by first-  
4 class mail not less than 3 months or more than 6 months before the  
5 expiration date of the current license. Except as provided in this  
6 section, a renewal of a license under section 5b must be issued in  
7 the same manner as an original license issued under section 5b. An  
8 applicant is eligible for a renewal of a license under this section  
9 if his or her license is not expired, or expired within a 1-year  
10 period before the date of application under this section. Each  
11 applicant who submits an application for a renewal license to a  
12 county clerk under this section shall pay an application and  
13 licensing fee of \$115.00 by any method of payment accepted by that  
14 county for payments of other fees and penalties. No other charge,  
15 fee, cost, or assessment, including any local charge, fee, cost, or  
16 assessment, is required of the applicant except as specifically  
17 authorized in this act. The applicant shall pay the application and  
18 licensing fee to the county. The county treasurer shall deposit  
19 \$36.00 of each fee collected under this subsection in the concealed  
20 pistol licensing fund of that county created in section 5x. The  
21 county treasurer shall forward the balance remaining to the state  
22 treasurer. The state treasurer shall deposit the balance of the fee  
23 in the general fund to the credit of the department of state  
24 police.

25 (2) Subject to subsections (9) and (10), an application to  
26 renew a license to carry a concealed pistol may be submitted not  
27 more than 6 months before the expiration of the current license. ~~No~~  
28 ~~later than December 1, 2018, the~~ **The** department of state police  
29 shall provide a system for an applicant to submit his or her

1 application to renew a license to carry a concealed pistol online  
2 or by first-class mail and shall accept those applications on  
3 behalf of the county clerk as required under this act at no  
4 additional charge. Each applicant who submits a renewal license  
5 online or by first-class mail to the department of state police  
6 under this section shall pay an application and licensing fee of  
7 \$115.00 by any method of payment accepted by the department of  
8 state police. No other charge, fee, cost, or assessment is required  
9 of the applicant except as specifically authorized in this act. The  
10 applicant shall pay the application and licensing fee to the state.  
11 The state treasurer shall forward \$36.00 of each fee collected  
12 under this subsection to the county treasurer who shall deposit the  
13 \$36.00 in the concealed pistol licensing fund of that county  
14 created in section 5x. The state treasurer shall deposit the  
15 balance of the fee in the general fund to the credit of the  
16 department of state police. The department of state police shall  
17 notify the **appropriate** county clerk ~~of the county in which the~~  
18 ~~applicant resides~~ of a properly submitted online application or  
19 application by first-class mail received by the department. If the  
20 county clerk issues a renewal license under this section, the  
21 county clerk shall send the license to the licensee by first-class  
22 mail in a sealed envelope. If the county clerk issues the renewal,  
23 the effective date of the renewal license is the date of expiration  
24 of the current license or the date of approval or issue of the  
25 renewal, whichever is later, and the date of expiration is the  
26 applicant's date of birth which is not less than 4 years or more  
27 than 5 years from the effective date of the license.

28 (3) The department of state police shall complete the  
29 verification required under section 5b(6) and the county clerk



1 shall issue a renewal license or a notice of statutory  
2 disqualification within 30 days after the date the renewal  
3 application was received. Beginning on the date the department of  
4 state police establishes a system under subsection (2), the  
5 department of state police shall provide an applicant a digital  
6 receipt, or a receipt by first-class mail if requested, for his or  
7 her renewal application submitted online at the time the  
8 application is received by the department of state police.

9 Beginning on the date the department of state police establishes a  
10 system under subsection (2), the department of state police shall  
11 mail an applicant a receipt by first-class mail for his or her  
12 renewal application submitted by first-class mail at the time the  
13 application is received by the department of state police. The  
14 receipt issued under this subsection to an individual applying for  
15 a renewal license whose current license is not expired at the time  
16 of application must contain all of the following:

17 (a) The name of the applicant.

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

19 (c) The amount paid.

20 (d) The applicant's state-issued driver license or personal  
21 identification card number.

22 (e) The statement "This receipt was issued for the purpose of  
23 renewal of a concealed pistol license. As provided in section 51 of  
24 1927 PA 372, MCL 28.4251, this receipt shall serve as a concealed  
25 pistol license for the individual named in the receipt when carried  
26 with the expired license and is valid until a license or notice of  
27 statutory disqualification is issued by the county clerk. This  
28 receipt does not exempt the individual named in the receipt from  
29 complying with all applicable laws for the purchase of firearms."

1 (f) The name of the county in which the receipt is issued, if  
2 applicable.

3 (g) An impression of the county seal, if applicable.

4 (4) The receipt issued under subsection (3) to an individual  
5 applying for a renewal license whose license is expired must  
6 contain all of the following:

7 (a) The name of the applicant.

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

9 (c) The amount paid.

10 (d) The applicant's state-issued driver license or personal  
11 identification card number.

12 (e) The statement "This receipt was issued for the purpose of  
13 renewal of a concealed pistol license. As provided in section 51 of  
14 1927 PA 372, MCL 28.4251, if a license or notice of statutory  
15 disqualification is not issued within 30 days after the date this  
16 receipt was issued, this receipt shall serve as a concealed pistol  
17 license for the individual named in the receipt when carried with  
18 an official state-issued driver license or personal identification  
19 card. The receipt is valid as a license until a license or a notice  
20 of statutory disqualification is issued by the county clerk. This  
21 receipt does not exempt the individual named in the receipt from  
22 complying with all applicable laws for the purchase of firearms."

23 ~~(5) Until November 30, 2018, a member of the United States~~  
24 ~~Armed Forces, the United States Armed Forces Reserve, or the~~  
25 ~~Michigan National Guard who is on orders to a duty station outside~~  
26 ~~of this state may submit his or her application to renew a license~~  
27 ~~to carry a concealed pistol by first-class mail, containing the~~  
28 ~~required fee, a notarized application, the licensee's address of~~  
29 ~~record within the state, the licensee's orders to report to a duty~~

~~1 station outside of this state, and if the licensee desires to have  
 2 his or her application receipt, renewal license, or any other  
 3 notices mailed to his or her address of assignment or deployment, a  
 4 letter requesting that action including the address of assignment  
 5 or deployment. If the county clerk issues a renewal license under  
 6 this section, the county clerk shall send the license to the  
 7 licensee by first-class mail in a sealed envelope. If the licensee  
 8 is a member of the United States Armed Forces, the United States  
 9 Armed Forces Reserve, or the Michigan National Guard who is on  
 10 orders to a duty station outside of this state and requests that  
 11 his or her license be sent to the address of assignment or  
 12 deployment, the county clerk shall mail the license to the licensee  
 13 at the address of assignment or deployment provided in the renewal  
 14 application. Until November 30, 2018, if a renewal application is  
 15 submitted by a member of the United States Armed Forces, the United  
 16 States Armed Forces Reserve, or the Michigan National Guard who is  
 17 on orders to a duty station outside of this state, the county clerk  
 18 shall mail a receipt to the licensee by first-class mail.~~

19       (5) ~~(6)~~—If an individual applies for a renewal license before  
 20 the expiration of his or her license, the expiration date of the  
 21 current license is extended until the renewal license or notice of  
 22 statutory disqualification is issued. The county clerk shall notify  
 23 the department of state police in a manner prescribed by the  
 24 department of state police after he or she receives an application  
 25 for renewal. The department of state police shall immediately enter  
 26 into the law enforcement information network the date that  
 27 application for renewal was submitted and that the renewal  
 28 application is pending.

29       (6) ~~(7)~~—A person carrying a concealed pistol after the

1 expiration date of his or her license under an extension under  
 2 subsection ~~(6)~~ **(5)** shall keep the receipt issued by the county  
 3 clerk under subsection (3) and his or her expired license in his or  
 4 her possession at all times that he or she is carrying the pistol.  
 5 For the purposes of this act, the receipt is considered to be part  
 6 of the license to carry a concealed pistol until a renewal license  
 7 is issued or denied or a notice of statutory disqualification is  
 8 issued.

9 **(7)** ~~(8)~~—The educational requirements under section 5b(7)(c)  
 10 are waived for an applicant who is a retired police officer or  
 11 retired law enforcement officer.

12 **(8)** ~~(9)~~—The educational requirements under section 5b(7)(c)  
 13 for an applicant who is applying for a renewal of a license under  
 14 this act are waived except that the applicant shall certify that he  
 15 or she has completed at least 3 hours' review of the training  
 16 described under section 5b(7)(c) and has had at least 1 hour of  
 17 firing range time in the 6 months immediately preceding the  
 18 subsequent application. The educational and firing range  
 19 requirements of this subsection are met if the applicant certifies  
 20 on the renewal application form that he or she has complied with  
 21 the requirements of this subsection. An applicant is not required  
 22 to verify the statements made under this subsection and is not  
 23 required to obtain a certificate or undergo training other than as  
 24 required by this subsection.

25 **(9)** ~~(10)~~—An applicant who is applying for a renewal of a  
 26 license issued under section 5b is not required to have  
 27 fingerprints taken again under section 5b(9) if all of the  
 28 following conditions have been met:

29 (a) There has been established a system for the department of

1 state police to save and maintain in its automated fingerprint  
2 identification system (AFIS) database all fingerprints that are  
3 submitted to the department of state police under section 5b.

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