

HOUSE BILL NO. 6227

June 15, 2022, Introduced by Rep. Bezotte and referred to the Committee on Judiciary.

A bill to amend 1927 PA 372, entitled

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

and parts of acts inconsistent with this act,"
by amending section 5b (MCL 28.425b), 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 county clerk in the county in
3 which the individual resides. The applicant shall file the
4 application with the county clerk in the county in which the
5 applicant resides during the county clerk's normal business hours.
6 The application must be on a form provided by the director of the
7 department of state police and allow the applicant to designate
8 whether the applicant seeks an emergency license. The applicant
9 shall sign the application under oath. The county clerk or his or
10 her representative shall administer the oath. An application under
11 this subsection is not considered complete until an applicant
12 submits all of the required information and fees and has
13 fingerprints taken under subsection (9). An application under this
14 subsection is considered withdrawn if an applicant does not have
15 fingerprints taken under subsection (9) within 45 days ~~of~~**after** 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~~**after** the date of application. The county clerk shall
19 issue the applicant a receipt for ~~his or her~~**an** application at the
20 time the application is submitted containing the name of the
21 applicant, the applicant's state-issued driver license or personal
22 identification card number, the date and time the receipt is
23 issued, the amount paid, the name of the county in which the
24 receipt is issued, an impression of the county seal, and the
25 statement, "This receipt was issued for the purpose of applying for
26 a concealed pistol license and for obtaining fingerprints related

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

4 (a) The applicant's legal name, date of birth, the address of
5 ~~his or her~~ **the applicant's** primary residence, and ~~his or her~~ **the**
6 **applicant's** state-issued driver license or personal identification
7 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 **the applicant** has a history of mental illness that would disqualify
15 ~~him or her~~ **the applicant** under subsection (7)(j) to (l) from
16 receiving a license to carry a concealed pistol.

17 (e) A statement by the applicant regarding whether ~~he or she~~
18 **the applicant** has ever been convicted in this state or elsewhere
19 for any of the 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~~ **the**
28 **applicant** has been dishonorably discharged from the United States
29 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~~**must** 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~~ **the applicant** applies for a license
29 described in 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~~ **the applicant** 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~~-3 (reckless discharge of a firearm) of 1952
 27 PA 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~~ **the applicant** 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, **unless the applicant has had those disabilities removed**
24 **by a court under section 2908 of the revised judicature act of**
25 **1961, 1961 PA 236, MCL 600.2908.**

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

1 the applicant has had those disabilities removed by a court under
2 section 2908 of the revised judicature act of 1961, 1961 PA 236,
3 MCL 600.2908.

4 (l) The applicant has filed a statement under subsection (1)(d)
5 that the applicant does not have a diagnosis of mental illness that
6 includes an assessment that the ~~individual~~**applicant** presents a
7 danger to ~~himself or herself~~**the applicant** or to another **individual**
8 at the time the application is made, regardless of whether ~~he or~~
9 ~~she~~**the applicant** is receiving treatment for that illness.

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

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

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

26 (9) An individual, after submitting an application and paying
27 the fee prescribed under subsection (5), shall request that
28 classifiable fingerprints be taken by a county clerk, the
29 department of state police, a county sheriff, a local police

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

- 1 (a) The name of the individual.
2 (b) The date and time the receipt is issued.
3 (c) The amount paid.
4 (d) The name of the entity providing the fingerprint services.
5 (e) The individual's state-issued driver license or personal
6 identification card number.

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

18 (10) The fingerprints must be taken, under subsection (9), in
19 a manner prescribed by the department of state police. The county
20 clerk, county sheriff, local police agency, or other entity shall
21 immediately forward the fingerprints taken by that entity to the
22 department of state police for comparison with fingerprints already
23 on file with the department of state police. The department of
24 state police shall immediately forward the fingerprints to the
25 Federal Bureau of Investigation. Within 5 business days after
26 completing the verification under subsection (6), the department
27 shall send the county clerk a list of an individual's statutory
28 disqualifications under this act. Except as provided in section
29 5a(4), the county clerk shall not issue a concealed pistol license

1 until ~~he or she~~ **the county clerk** receives the report of statutory
2 disqualifications prescribed in this subsection. If an individual's
3 fingerprints are not classifiable, the department of state police
4 shall, at no charge, take the individual's fingerprints again or
5 provide for the comparisons under this subsection to be conducted
6 through alternative means. The county clerk shall not issue a
7 notice of statutory disqualification because an individual's
8 fingerprints are not classifiable by the Federal Bureau of
9 Investigation.

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

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

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

1 licensee that ~~he or she~~ **the licensee** shall surrender the concealed
2 pistol license indicating that the individual is exempt from the
3 prohibitions against carrying a concealed pistol on premises
4 described in section 5o. The licensee shall, within 30 days after
5 receiving notice from the county clerk, surrender the license
6 indicating that the individual is exempt from the prohibitions
7 against carrying a concealed pistol on premises described in
8 section 5o and obtain a replacement license after paying the fee
9 required under subsection (15). If the county clerk issues a notice
10 of statutory disqualification, the county clerk shall within 5
11 business days do all of the following:

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

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

16 (ii) The source of the record for each statutory
17 disqualification identified.

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

20 (b) Inform the individual in writing of ~~his or her~~ **the**
21 **individual's** right to appeal the denial or notice of statutory
22 disqualification to the circuit court as provided in section 5d.

23 (c) Inform the individual that ~~he or she~~ **the individual** should
24 contact the source of the record for any statutory disqualification
25 to correct any errors in the record resulting in the statutory
26 disqualification.

27 (14) If a license or notice of statutory disqualification is
28 not issued under subsection (13) within 45 days after the date the
29 individual has classifiable fingerprints taken under subsection

1 (9), the receipt issued under subsection (9) serves as a concealed
2 pistol license for purposes of this act when carried with a state-
3 issued driver license or personal identification card and is valid
4 until a license or notice of statutory disqualification is issued
5 by the county clerk.

6 (15) If an individual licensed under this act to carry a
7 concealed pistol moves to a different county within this state, ~~his~~
8 ~~or her~~ **the individual's** license remains valid until it expires or
9 is otherwise suspended or revoked under this act. An individual may
10 notify a county clerk that ~~he or she~~ **the individual** has moved to a
11 different address within this state for the purpose of receiving
12 the notice under section 51(1). A license to carry a concealed
13 pistol that is lost, stolen, defaced, or replaced for any other
14 reason may be replaced by the issuing county clerk for a
15 replacement fee of \$10.00. A county clerk shall deposit a
16 replacement fee under this subsection in the concealed pistol
17 licensing fund of that county created in section 5x.

18 (16) If a license issued under this act is suspended or
19 revoked, the license is forfeited and the individual shall return
20 the license to the county clerk forthwith by mail or in person. The
21 county clerk shall retain a suspended or revoked license as an
22 official record 1 year after the expiration of the license, unless
23 the license is reinstated or a new license is issued. The county
24 clerk shall notify the department of state police if a license is
25 suspended or revoked. The department of state police shall enter
26 that suspension or revocation into the law enforcement information
27 network. An individual who fails to return a license as required
28 under this subsection after ~~he or she~~ **the individual** was notified
29 that ~~his or her~~ **the individual's** license was suspended or revoked

1 is guilty of a misdemeanor punishable by imprisonment for not more
2 than 93 days or a fine of not more than \$500.00, or both.

3 (17) An applicant or an individual licensed under this act to
4 carry a concealed pistol may be furnished a copy of ~~his or her~~ **the**
5 **individual's** application under this section upon request and the
6 payment of a reasonable fee not to exceed \$1.00. The county clerk
7 shall deposit any fee collected under this subsection in the
8 concealed pistol licensing fund of that county created in section
9 5x.

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

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

23 (20) A county clerk, county sheriff, county prosecuting
24 attorney, police department, or the department of state police is
25 not liable for civil damages as a result of issuing a license under
26 this act to an individual who later commits a crime or a negligent
27 act.

28 (21) An individual licensed under this act to carry a
29 concealed pistol may voluntarily surrender that license without

1 explanation. A county clerk shall retain a surrendered license as
 2 an official record for 1 year after the license is surrendered. If
 3 an individual voluntarily surrenders a license under this
 4 subsection, the county clerk shall notify the department of state
 5 police. The department of state police shall enter into the law
 6 enforcement information network that the license was voluntarily
 7 surrendered and the date the license was voluntarily surrendered.

8 (22) As used in this section:

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

10 (i) For a retired police officer or retired law enforcement
 11 officer, the officer's retired identification or a letter from a
 12 law enforcement agency stating that the retired police officer or
 13 law enforcement officer retired in good standing.

14 (ii) For an individual who is employed or contracted by an
 15 entity described under section 50(1) to provide security services,
 16 a letter from that entity stating that the ~~employee~~ **individual** is
 17 required by ~~his or her~~ **the individual's** employer or the terms of a
 18 contract to carry a concealed firearm on the premises of the
 19 employing or contracting entity and ~~his or her~~ **the individual's**
 20 employee identification.

21 (iii) For an individual who is licensed as a private
 22 investigator or private detective under the professional
 23 investigator licensure act, 1965 PA 285, MCL 338.821 to 338.851,
 24 ~~his or her~~ **the individual's** license.

25 (iv) For an individual who is a corrections officer of a county
 26 sheriff's department, ~~his or her~~ **the individual's** employee
 27 identification and a letter stating that the individual has
 28 received county sheriff approved weapons training.

29 (v) For an individual who is a retired corrections officer of

1 a county sheriff's department, a letter from the county sheriff's
2 office stating that the retired corrections officer retired in good
3 standing and that the individual has received county sheriff
4 approved weapons training.

5 (vi) For an individual who is a motor carrier officer or
6 capitol security officer of the department of state police, ~~his or~~
7 ~~her~~ **the individual's** employee identification.

8 (vii) For an individual who is a member of a sheriff's posse,
9 ~~his or her~~ **the individual's** identification.

10 (viii) For an individual who is an auxiliary officer or reserve
11 officer of a police or sheriff's department, ~~his or her~~ **the**
12 **individual's** employee identification.

13 (ix) For an individual who is a parole, probation, or
14 corrections officer, or absconder recovery unit member, of the
15 department of corrections, ~~his or her~~ **the individual's** employee
16 identification and proof that the individual obtained a Michigan
17 department of corrections weapons permit.

18 (x) For an individual who is a retired parole, probation, or
19 corrections officer, or retired absconder recovery unit member, of
20 the department of corrections, a letter from the department of
21 corrections stating that the retired parole, probation, or
22 corrections officer, or retired absconder recovery unit member,
23 retired in good standing and proof that the individual obtained a
24 Michigan department of corrections weapons permit.

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

28 (xii) For an individual who is a court officer, ~~his or her~~ **the**
29 **individual's** employee identification.

1 (xiii) For a retired federal law enforcement officer, the
2 identification required under the ~~law enforcement officers safety~~
3 ~~act~~ **18 USC 926c** or a letter from a law enforcement agency stating
4 that the retired federal law enforcement officer retired in good
5 standing.

6 (xiv) For an individual who is a peace officer, ~~his or her~~ **the**
7 **individual's** employee identification.

8 (b) "Convicted" means a final conviction, the payment of a
9 fine, a plea of guilty or nolo contendere if accepted by the court,
10 or a finding of guilt for a criminal law violation or a juvenile
11 adjudication or disposition by the juvenile division of probate
12 court or family division of circuit court for a violation that if
13 committed by an adult would be a crime.

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

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

25 (e) "Misdemeanor" means a violation of a penal law of this
26 state or violation of a local ordinance substantially corresponding
27 to a violation of a penal law of this state that is not a felony or
28 a violation of an order, rule, or regulation of a state agency that
29 is punishable by imprisonment or a fine that is not a civil fine,

1 or both.

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

5 Enacting section 1. This amendatory act does not take effect
6 unless Senate Bill No. ____ or House Bill No. 6226 (request no.
7 03381'21) of the 101st Legislature is enacted into law.