

# HOUSE BILL NO. 4358

April 11, 2023, Introduced by Reps. Steckloff, Breen, Morgan, Dievendorf, Coffia, Conlin, Byrnes, Hood, Paiz, McFall, Wegela, Tsernoglou, Brabec, Rheingans and Weiss and referred to the Committee on Labor.

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~~ **the individual's** license to  
3 carry that pistol and ~~his or her~~ **the individual's** state-issued  
4 driver license or personal identification card in ~~his or her~~ **the**  
5 **individual's** possession at all times ~~he or she~~ **the individual** is  
6 carrying a concealed pistol or a portable device that uses electro-  
7 muscular disruption technology.

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

12           (a) ~~His or her~~ **The individual's** license to carry a concealed  
13 pistol.

14           (b) ~~His or her~~ **The individual's** state-issued driver license or  
15 personal identification card.

16           (3) An individual licensed under this act to carry a concealed  
17 pistol and who is carrying a concealed pistol or a portable device  
18 that uses electro-muscular disruption technology and who is stopped  
19 by a peace officer **or who encounters, in an official capacity, a**  
20 **firefighter or emergency medical services personnel** shall  
21 immediately disclose to the peace officer, **firefighter, or**  
22 **emergency medical services personnel** that ~~he or she~~ **the individual**  
23 is carrying a pistol or a portable device that uses electro-  
24 muscular disruption technology concealed upon ~~his or her~~ **the**  
25 **individual's** person or in ~~his or her~~ **the individual's** vehicle.

1 (4) An individual who violates subsection (1) or (2) is  
2 responsible for a state civil infraction and shall be fined  
3 \$100.00.

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

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

9 (b) For a subsequent offense within 3 years ~~of~~**after** a prior  
10 offense, by a fine of \$1,000.00 and by the individual's license to  
11 carry a concealed pistol being revoked.

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

23 (7) A pistol or portable device that uses electro-muscular  
24 disruption technology carried in violation of this section is  
25 subject to immediate seizure by a peace officer. If a peace officer  
26 seizes a pistol or portable device that uses electro-muscular  
27 disruption technology under this subsection, the individual has 45  
28 days in which to display ~~his or her~~**the individual's** license or  
29 documentation to an authorized employee of the law enforcement

1 entity that employs the peace officer. If the individual displays  
2 ~~his or her~~ **the individual's** license or documentation to an  
3 authorized employee of the law enforcement entity that employs the  
4 peace officer within the 45-day period, the authorized employee of  
5 that law enforcement entity shall return the pistol or portable  
6 device that uses electro-muscular disruption technology to the  
7 individual unless the individual is prohibited by law from  
8 possessing a firearm or portable device that uses electro-muscular  
9 disruption technology. If the individual does not display ~~his or~~  
10 ~~her~~ **the individual's** license or documentation within the 45-day  
11 period, the pistol or portable device that uses electro-muscular  
12 disruption technology is subject to forfeiture as provided in  
13 section 5g. A pistol or portable device that uses electro-muscular  
14 disruption technology is not subject to immediate seizure under  
15 this subsection if both of the following circumstances exist:

16 (a) The individual has ~~his or her~~ **the individual's** state-  
17 issued driver license or personal identification card in ~~his or her~~  
18 **the individual's** possession when the violation occurs.

19 (b) The peace officer verifies through the law enforcement  
20 information network that the individual is licensed to carry a  
21 concealed pistol.

22 (8) As used in this section: ~~"peace~~

23 (a) **"Emergency medical services personnel"** means that term as  
24 defined in section 20904 of the public health code, 1978 PA 368,  
25 MCL 333.20904.

26 (b) **"Firefighter"** means that term as defined in section 1 of  
27 the fire prevention code, 1941 PA 207, MCL 29.1.

28 (c) **"Peace officer"** includes a motor carrier officer appointed  
29 under section 6d of 1935 PA 59, MCL 28.6d, and security personnel

**1** employed by the state under section 6c of 1935 PA 59, MCL 28.6c.