

HOUSE BILL No. 6337

September 18, 2002, Introduced by Rep. Hummel and referred to the Committee on Civil Law and the Judiciary.

A bill to amend 1927 PA 372, entitled

"An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms 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, 5f, 5j, 5l, 5o, and 12a (MCL 28.425b, 28.425f, 28.425j, 28.425l, 28.425o, and 28.432a), sections 5b, 5f, 5j, 5l, and 5o as added and section 12a as amended by 2000 PA 381.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5b. (1) To obtain a license to carry a concealed
2 pistol, an individual shall apply to the concealed weapon

1 licensing board in the county in which that individual resides.
2 ~~for a license to carry a concealed pistol.~~ The application
3 shall be filed with the county clerk ~~as clerk of the concealed~~
4 ~~weapon licensing board~~ during the county clerk's normal business
5 hours. The application shall be on a form provided by the direc-
6 tor of the department of state police and shall allow the appli-
7 cant to designate whether the applicant seeks a temporary
8 license. The application shall be signed under oath by the
9 applicant. The oath shall be administered by the county clerk or
10 his or her representative. The application shall contain all of
11 the following information:

12 (a) The applicant's legal name, date of birth, and the
13 address of his or her primary residence. If the applicant
14 resides in a city, village, or township that has a police depart-
15 ment, the ~~information provided under this subdivision shall~~
16 ~~include a statement that the city, village, or township has a~~
17 NAME OF THE police department.

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

21 (c) A statement by the applicant ~~providing authority to~~
22 AUTHORIZING the concealed weapon licensing board to access any
23 record, INCLUDING ANY MEDICAL RECORD, pertaining to the
24 APPLICANT'S qualifications ~~of an applicant~~ for a license to
25 carry a concealed pistol under this act. THE APPLICANT MAY
26 REQUEST THAT INFORMATION RECEIVED BY THE CONCEALED WEAPON
27 LICENSING BOARD UNDER THIS SUBDIVISION BE REVIEWED IN A CLOSED

1 SESSION. IF THE APPLICANT REQUESTS THAT THE SESSION BE CLOSED,
2 THE CONCEALED WEAPON LICENSING BOARD SHALL CLOSE THE SESSION ONLY
3 FOR PURPOSES OF THIS SUBDIVISION. THE APPLICANT AND HIS OR HER
4 REPRESENTATIVE HAVE THE RIGHT TO BE PRESENT IN THE CLOSED
5 SESSION. INFORMATION RECEIVED BY THE CONCEALED WEAPON LICENSING
6 BOARD UNDER THIS SUBDIVISION IS CONFIDENTIAL, IS NOT SUBJECT TO
7 DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL
8 15.231 TO 15.246, AND SHALL NOT BE DISCLOSED TO ANY PERSON EXCEPT
9 FOR PURPOSES OF THIS ACT OR FOR LAW ENFORCEMENT PURPOSES.

10 (d) A statement by the applicant regarding whether he or she
11 has a history of mental illness that would disqualify him or her
12 under subsection (7)(j) to (l) from receiving a license to carry
13 a concealed pistol, and ~~granting authority to~~ AUTHORIZING the
14 concealed weapon licensing board to access the mental health
15 records of the applicant relating to his or her mental health
16 history. The applicant may request that information received by
17 the concealed weapon licensing board under this subdivision be
18 reviewed in a closed session. If the applicant requests that the
19 session be closed, the concealed weapon licensing board shall
20 close the session only for purposes of this subdivision. The
21 applicant and his or her representative have the right to be
22 present in the closed session. Information received by the con-
23 cealed weapon licensing board under this subdivision is
24 confidential, IS NOT SUBJECT TO DISCLOSURE UNDER THE FREEDOM OF
25 INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246, and shall not
26 be disclosed to any person except for purposes of this act OR FOR
27 LAW ENFORCEMENT PURPOSES.

1 (e) A statement by the applicant regarding whether he or she
2 has ever been convicted in this state or elsewhere for any felony
3 or misdemeanor.

4 (f) A statement by the applicant whether he or she ~~is~~ HAS
5 BEEN dishonorably discharged from the United States armed
6 forces.

7 (g) If the applicant seeks a temporary license, the facts
8 supporting the issuance of that temporary license.

9 ~~A statement setting forth the~~ THE names, residential
10 addresses, and telephone numbers of 2 individuals who are refer-
11 ences for the applicant.

12 (i) A passport-quality photograph of the applicant provided
13 by the applicant AT THE TIME OF APPLICATION.

14 (J) A CERTIFICATE OR OTHER PROOF THAT THE APPLICANT HAS COM-
15 PLETED THE TRAINING COURSE PRESCRIBED BY THIS ACT.

16 (2) The application form shall contain a conspicuous warning
17 that the application is executed under oath and that intention-
18 ally making a material false statement on the application is a
19 felony punishable by imprisonment for not more than 4 years or a
20 fine of not more than \$2,500.00, or both.

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

25 (4) The concealed weapon licensing board shall retain a copy
26 of each application for a license to carry a concealed pistol as
27 an official record. ONE YEAR AFTER THE EXPIRATION OF A CONCEALED

1 PISTOL LICENSE, THE COUNTY CLERK MAY DESTROY THE RECORD AND
2 MAINTAIN ONLY A NAME INDEX OF THE RECORD.

3 (5) Each applicant shall pay a fee of ~~-\$55.00-~~ \$85.00 by any
4 method of payment accepted by that county for payments of other
5 fees and penalties. ~~, plus an additional assessment of \$5.00 for~~
6 ~~deposit in the concealed weapon enforcement fund under section 5v~~
7 ~~at the time of filing an application under this section.~~ A unit
8 of local government, an agency of a unit of local government, or
9 an agency or department of this state shall not charge an addi-
10 tional fee, assessment, or other amount in connection with a
11 license under this section. ~~, other than the fingerprint fee~~
12 ~~provided for in this act.~~ The fee and assessment shall be pay-
13 able to the county. The county treasurer shall deposit ~~-\$10.00~~
14 \$25.00 of each fee collected under this section in the general
15 fund of the county ~~to the credit of the county clerk~~ AND
16 CREDIT \$16.00 OF THAT DEPOSIT TO THE CREDIT OF THE COUNTY CLERK
17 AND \$15.00 OF THAT DEPOSIT TO THE CREDIT OF THE COUNTY SHERIFF
18 and forward the balance to the state treasurer. The state trea-
19 surer shall deposit the balance of the fee in the general fund to
20 the credit of the department of state police. ~~The state trea-~~
21 ~~surer shall deposit the assessment in the concealed weapon~~
22 ~~enforcement fund created in section 5v.~~ Each county shall report
23 to the senate and house fiscal agencies by October 1 of each year
24 its costs per applicant to implement this section.

25 (6) The county sheriff on behalf of the concealed weapon
26 licensing board shall verify the requirements of subsection
27 (7)(d), (e), (f), (h), (i), (j), (k), (l), and (m) through the

1 law enforcement information network and report his or her finding
2 to the concealed weapon licensing board. If the applicant
3 resides in a city, village, or township that has a police depart-
4 ment, the concealed weapon licensing board shall contact that
5 city, village, or township police department to determine only
6 whether that city, village, or township police department has any
7 information relevant to the investigation of whether the appli-
8 cant is eligible under this act to receive a license to carry a
9 concealed pistol.

10 (7) The concealed weapon licensing board shall issue a
11 license to an applicant to carry a concealed pistol within the
12 period required under this act after the applicant properly sub-
13 mits an application under subsection (1) and the concealed weapon
14 licensing board determines that all of the following circum-
15 stances exist:

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

17 (b) The applicant is a citizen of the United States or is a
18 resident legal alien as defined in section 11 of title 18 of the
19 United States Code, is a resident of this state, and has resided
20 in this state for at least 6 months. The concealed weapon
21 licensing board may waive the 6-month residency requirement for a
22 temporary license under section 5a(8) if the concealed weapon
23 licensing board determines there is probable cause to believe the
24 safety of the applicant or the safety of a member of the
25 applicant's family is endangered by the applicant's inability to
26 immediately obtain a license to carry a concealed pistol.

1 (c) The applicant has knowledge and has had training in the
2 safe use and handling of a pistol by the successful completion of
3 a pistol safety training course or class that meets the require-
4 ments of section 5j, and that is available to the general public
5 and presented by a law enforcement agency, junior or community
6 college, college, or public or private institution or organiza-
7 tion or firearms training school.

8 (d) The applicant is not the subject of an order or disposi-
9 tion under any of the following:

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

12 (ii) Former section 444a of the revised probate code, 1978
13 PA 642, MCL 700.444a, or section 5107 of the estates and pro-
14 tected individuals code, 1998 PA 386, MCL 700.5107.

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

17 (iv) Section 6b of chapter V of the code of criminal proce-
18 dure, 1927 PA 175, MCL 765.6b, if the order has a condition
19 imposed pursuant to section 6b(3) of chapter V of the code of
20 criminal procedure, 1927 PA 175, MCL 765.6b.

21 (v) Section 16b of chapter IX of the code of criminal proce-
22 dure, 1927 PA 175, MCL 769.16b.

23 (e) The applicant is not prohibited from possessing, using,
24 transporting, selling, purchasing, carrying, shipping, receiving,
25 or distributing a firearm under section 224f of the Michigan
26 penal code, 1931 PA 328, MCL 750.224f.

1 (f) The applicant has never been convicted of a felony in
2 this state or elsewhere, and a felony charge against the
3 applicant is not pending in this state or elsewhere at the time
4 he or she applies for a license described in this section.

5 (g) The applicant ~~is~~ HAS not BEEN dishonorably discharged
6 from the United States armed forces.

7 (h) The applicant has not been convicted of a misdemeanor
8 violation of any of the following in the 8 years immediately pre-
9 ceding the date of application:

10 (i) Section 625(1) of the Michigan vehicle code, 1949
11 PA 300, MCL 257.625, punishable as provided in subsection (8)(b)
12 of that section (drunk driving, second offense).

13 (ii) Section 626 of the Michigan vehicle code, 1949 PA 300,
14 MCL 257.626 (reckless driving).

15 (iii) Section 904(1) of the Michigan vehicle code, 1949 PA
16 300, MCL 257.904 (driving while license suspended or revoked),
17 punishable as a second or subsequent offense.

18 (iv) Section 29 of 1964 PA 283, MCL 290.629 (hindering or
19 obstructing weights and measures enforcement officer).

20 (v) Section 10 of the motor fuels quality act, 1984 PA 44,
21 MCL 290.650 (hindering, obstructing, assaulting, or committing
22 bodily injury upon director or authorized representative).

23 (vi) Section 7403 of the public health code, 1978 PA 368,
24 MCL 333.7403.

25 (vii) Section 7 of 1978 PA 33, MCL 722.677 (displaying sexu-
26 ally explicit materials to minors).

1 (viii) Section 81 of the Michigan penal code, 1931 PA 328,
2 MCL 750.81 (assault or domestic assault).

3 (ix) Section 81a(1) or (2) of the Michigan penal code, 1931
4 PA 328, MCL 750.81a (aggravated assault or aggravated domestic
5 assault).

6 (x) Section ~~136b(5)~~ 136B(6) of the Michigan penal code,
7 1931 PA 328, MCL 750.136b (fourth degree child abuse).

8 (xi) Section 145a of the Michigan penal code, 1931 PA 328,
9 MCL 750.145a (accosting, enticing, or soliciting a child for
10 immoral purposes).

11 (xii) Section 145n of the Michigan penal code, 1931 PA 328,
12 MCL 750.145n (vulnerable adult abuse).

13 (xiii) Section 157b(3)(b) of the Michigan penal code, 1931
14 PA 328, MCL 750.157b (solicitation to commit a felony).

15 (xiv) Section 215 of the Michigan penal code, 1931 PA 328,
16 MCL 750.215 (impersonating sheriff, conservation officer, coro-
17 ner, constable, or police officer).

18 (xv) Section 223 of the Michigan penal code, 1931 PA 328,
19 MCL 750.223 (illegal sale of a firearm or ammunition).

20 (xvi) Section 224d of the Michigan penal code, 1931 PA 328,
21 MCL 750.224d (illegal sale of a self-defense spray).

22 (xvii) Section 226a of the Michigan penal code, 1931 PA 328,
23 MCL 750.226a (sale or possession of a switchblade).

24 (xviii) Section 227c of the Michigan penal code, 1931 PA
25 328, MCL 750.227c (improper transportation of a firearm).

26 (xix) Section 228 of the Michigan penal code, 1931 PA 328,
27 MCL 750.228 (failure to have a pistol inspected).

1 (xx) Section 229 of the Michigan penal code, 1931 PA 328,
2 MCL 750.229 (accepting a pistol in pawn).

3 (xxi) Section 232 of the Michigan penal code, 1931 PA 328,
4 MCL 750.232 (failure to register the purchase of a firearm or a
5 firearm component).

6 (xxii) Section 232a of the Michigan penal code, 1931 PA 328,
7 MCL 750.232a (improperly obtaining a pistol, making a false
8 statement on an application to purchase a pistol, or using false
9 identification to purchase a pistol).

10 (xxiii) Section 233 of the Michigan penal code, 1931 PA 328,
11 MCL 750.233 (intentionally aiming a firearm without malice).

12 (xxiv) Section 234 of the Michigan penal code, 1931 PA 328,
13 MCL 750.234 (intentionally discharging a firearm aimed without
14 malice).

15 (xxv) Section 234d of the Michigan penal code, 1931 PA 328,
16 MCL 750.234d (possessing a firearm on prohibited premises).

17 (xxvi) Section 234e of the Michigan penal code, 1931 PA 328,
18 MCL 750.234e (brandishing a firearm in public).

19 (xxvii) Section 234f of the Michigan penal code, 1931 PA
20 328, MCL 750.234f (possession of a firearm by an individual less
21 than 18 years of age).

22 (xxviii) Section 235 of the Michigan penal code, 1931 PA
23 328, MCL 750.235 (intentionally discharging a firearm aimed with-
24 out malice causing injury).

25 (xxix) Section 235a of the Michigan penal code, 1931 PA 328,
26 MCL 750.235a (parent of a minor who possessed a firearm in a
27 weapon free school zone).

1 (xxx) Section 236 of the Michigan penal code, 1931 PA 328,
2 MCL 750.236 (setting a spring gun or other device).

3 (xxxi) Section 237 of the Michigan penal code, 1931 PA 328,
4 MCL 750.237 (possessing a firearm while under the influence of
5 intoxicating liquor or a drug).

6 (xxxii) Section 237a of the Michigan penal code, 1931 PA
7 328, MCL 750.237a (weapon free school zone violation).

8 (xxxiii) Section 411h of the Michigan penal code, 1931 PA
9 328, MCL 750.411h (stalking).

10 (xxxiv) Section 1 of 1952 PA 45, MCL 752.861 (reckless,
11 careless, or negligent use of a firearm resulting in injury or
12 death).

13 (xxxv) Section 2 of 1952 PA 45, MCL 752.862 (careless, reck-
14 less, or negligent use of a firearm resulting in property
15 damage).

16 (xxxvi) Section 3a of 1952 PA 45, MCL 752.863a (reckless
17 discharge of a firearm).

18 (xxxvii) A violation of a law of the United States, another
19 state, or a local unit of government of this state or another
20 state substantially corresponding to a violation described in
21 subparagraphs (i) to (xxvi).

22 ~~-(i) The applicant has not been convicted of any other mis-~~
23 ~~demeanor in this state or elsewhere, in the 3 years immediately~~
24 ~~preceding the date of application.~~

25 (I) ~~-(j)~~ The applicant has not been found guilty but men-
26 tally ill of any crime and has not offered a plea of not guilty
27 of, or been acquitted of, any crime by reason of insanity.

1 (J) ~~(k)~~ The applicant has never been subject to an order
2 of involuntary commitment in an inpatient or outpatient setting
3 due to mental illness.

4 (K) ~~(l)~~ The applicant does not have a diagnosed mental
5 illness at the time the application is made regardless of whether
6 he or she is receiving treatment for that illness.

7 (l) ~~(m)~~ The applicant is not under a court order of legal
8 incapacity in this state or elsewhere.

9 ~~(n) The applicant has knowledge and has had training in the
10 safe use and handling of a pistol by the successful completion of
11 a pistol safety training course or class that meets the require=
12 ments of section 5j, and that is available to the general public
13 and presented by a law enforcement agency, junior or community
14 college, college, or public or private institution or organiza=
15 tion or firearms training school.~~

16 (M) ~~(o)~~ Issuing a license to the applicant to carry a con=
17 cealed pistol in this state is not detrimental to the safety of
18 the applicant or to any other individual. A determination under
19 this subdivision shall be based on clear and convincing evidence
20 of civil infractions, crimes, personal protection orders or
21 injunctions, or police reports or other clear and convincing evi=
22 dence of the actions of, or statements of, the applicant that
23 bear directly on the applicant's ability to carry a concealed
24 pistol.

25 (8) Upon entry of a court order or conviction of 1 of the
26 enumerated prohibitions for using, transporting, selling,
27 purchasing, carrying, shipping, receiving or distributing a

1 firearm in this section the department of state police shall
2 immediately enter the order or conviction into the law enforce-
3 ment information network. For purposes of this act, information
4 of the court order or conviction shall not be removed from the
5 law enforcement information network, but may be moved to a sepa-
6 rate file intended for the use of the county concealed weapon
7 licensing boards, the courts, and other government entities as
8 necessary and exclusively to determine eligibility to be licensed
9 under this act.

10 ~~(9) Before submitting an application under this section,~~
11 ~~the individual shall have 2 sets of classifiable fingerprints~~
12 ~~taken by the county sheriff. A sheriff may charge a fee for the~~
13 ~~actual and reasonable costs of taking the fingerprints, but not~~
14 ~~more than \$15.00.~~

15 ~~(10) The county sheriff shall take the fingerprints of an~~
16 ~~individual within the expiration of 5 business days after the~~
17 ~~individual requests his or her fingerprints to be taken under~~
18 ~~subsection (9).~~

19 ~~(11) One set of fingerprints taken under subsection (9)~~
20 ~~shall be taken on a form furnished by the department of state~~
21 ~~police and provided to the applicant under section 5. That set~~
22 ~~of fingerprints shall be forwarded immediately by the county~~
23 ~~sheriff to the department of state police. The department of~~
24 ~~state police shall compare that set of fingerprints with finger-~~
25 ~~prints already on file with the department of state police. The~~
26 ~~other set of fingerprints taken under subsection (9) shall be~~
27 ~~taken on a form furnished by the federal bureau of investigation~~

~~1 and provided to the applicant under section 5. That set of
2 fingerprints shall be forwarded immediately by the county sheriff
3 to the department of state police who shall forward that set of
4 fingerprints to the federal bureau of investigation or an entity
5 designated by the federal bureau of investigation to receive
6 those fingerprints. The request shall state that the department
7 of state police is to be provided with the report of the
8 comparison. The department of state police shall within 10 days
9 after receiving the report provide a copy of both comparisons to
10 the county sheriff who took the fingerprints and to the concealed
11 weapon licensing board of the county in which the applicant
12 resides. The concealed weapon licensing board shall not issue a
13 concealed weapon license under this section to an applicant until
14 the concealed weapon licensing board has received the fingerprint
15 comparison reports required under this subsection. The concealed
16 weapon licensing board is not required to issue a concealed weap-
17 ons license to an applicant if that applicant's fingerprints are
18 determined to be unclassifiable by the federal bureau of
19 investigation.~~

20 (9) AN INDIVIDUAL SUBMITTING AN APPLICATION UNDER THIS SEC-
21 TION SHALL REQUEST AND HAVE CLASSIFIABLE FINGERPRINTS TAKEN BY
22 THE COUNTY SHERIFF. THE COUNTY SHERIFF SHALL TAKE THE FINGER-
23 PRINTS WITHIN 5 BUSINESS DAYS AFTER THE REQUEST.

24 (10) THE FINGERPRINTS SHALL BE TAKEN, UNDER SUBSECTION (9),
25 ON FORMS AND IN A MANNER PRESCRIBED BY THE DEPARTMENT OF STATE
26 POLICE. THE FINGERPRINTS SHALL BE IMMEDIATELY FORWARDED TO THE
27 DEPARTMENT OF STATE POLICE FOR COMPARISON WITH FINGERPRINTS

1 ALREADY ON FILE WITH THE DEPARTMENT OF STATE POLICE. THE
2 DEPARTMENT OF STATE POLICE SHALL FORWARD THE FINGERPRINTS TO THE
3 FEDERAL BUREAU OF INVESTIGATION. WITHIN 10 DAYS AFTER RECEIVING
4 A REPORT OF THE FINGERPRINTS FROM THE FEDERAL BUREAU OF INVESTI-
5 GATION, THE DEPARTMENT OF STATE POLICE SHALL PROVIDE A COPY TO
6 THE SUBMITTING SHERIFF'S DEPARTMENT AND THE CLERK OF THE APPRO-
7 PRIATE CONCEALED WEAPON LICENSING BOARD. THE CONCEALED WEAPON
8 LICENSING BOARD SHALL NOT ISSUE A CONCEALED PISTOLS LICENSE UNTIL
9 IT RECEIVES THE FINGERPRINT COMPARISON REPORT PRESCRIBED IN THIS
10 SUBSECTION. THE CONCEALED WEAPON LICENSING BOARD MAY DENY A
11 LICENSE IF AN INDIVIDUAL'S FINGERPRINTS ARE NOT CLASSIFIABLE BY
12 THE FEDERAL BUREAU OF INVESTIGATION.

13 (11) ~~(12)~~ The concealed weapon licensing board shall deny
14 a license to an applicant to carry a concealed pistol if the
15 applicant is not qualified under subsection (7) to receive that
16 license.

17 (12) ~~(13)~~ A license to carry a concealed pistol that is
18 issued based upon an application that contains a material false
19 statement is void from the date the license is issued.

20 (13) ~~(14)~~ Subject to subsections ~~(11)~~ (10) and (15), the
21 concealed weapon licensing board shall issue or deny issuance of
22 a license within ~~30~~ 45 days after the concealed weapon licens-
23 ing board receives the fingerprint comparison report provided
24 under subsection ~~(11)~~ (10). THE CONCEALED WEAPON LICENSING
25 BOARD SHALL KEEP A VERBATIM RECORD OF THE PROCEEDINGS THAT DENY A
26 LICENSE TO CARRY A CONCEALED PISTOL UNDER THIS ACT. If the
27 concealed weapon licensing board denies issuance of a license to

1 carry a concealed pistol, the concealed weapon licensing board
2 shall within 5 business days do both of the following:

3 (a) Inform the applicant in writing of the reasons for the
4 denial. Information under this subdivision shall include all of
5 the following:

6 (i) A statement of the specific and articulable facts sup-
7 porting the denial.

8 (ii) Copies of any writings, photographs, records, or other
9 documentary evidence upon which the denial is based.

10 (b) Inform the applicant in writing of his or her right to
11 appeal the denial to the circuit court as provided in section
12 5d.

13 (14) ~~(15)~~ If the fingerprint comparison report is not
14 received by the concealed weapon licensing board within ~~30~~ 60
15 days after the fingerprint report is forwarded to the department
16 of state police by the federal bureau of investigation, the con-
17 cealed weapon licensing board shall issue a temporary license to
18 carry a concealed pistol to the applicant if the applicant is
19 otherwise qualified for a license. A temporary license issued
20 under this section is valid for 180 days or until the concealed
21 weapon licensing board receives the fingerprint comparison report
22 provided under subsection ~~(11)~~ (10) and issues or denies issu-
23 ance of a license to carry a concealed pistol as otherwise pro-
24 vided under this act. Upon issuance or the denial of issuance of
25 the license to carry a concealed pistol to an applicant who
26 received a temporary license under this section, the applicant
27 shall immediately surrender the temporary license to the

1 concealed weapon licensing board that issued that temporary
2 license.

3 (15) IF AN INDIVIDUAL LICENSED UNDER THIS ACT TO CARRY A
4 CONCEALED PISTOL MOVES TO A DIFFERENT COUNTY WITHIN THIS STATE,
5 HIS OR HER LICENSE REMAINS VALID UNTIL IT EXPIRES OR IS OTHERWISE
6 SUSPENDED OR REVOKED UNDER THIS ACT. A LICENSE TO CARRY A CON-
7 CEALED PISTOL THAT IS LOST, STOLEN, OR DEFACED MAY BE REPLACED BY
8 THE ISSUING COUNTY CLERK FOR A REPLACEMENT FEE OF \$10.00.

9 (16) As used in this section:

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

16 (b) "Felony" means that term as defined in section 1 of
17 chapter I of the code of criminal procedure, 1927 PA 175,
18 MCL 761.1, or a violation of a law of the United States or
19 another state that is designated as a felony or that is punish-
20 able by death or by imprisonment for more than 1 year.

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

26 (d) "Misdemeanor" means a violation of a penal law of this
27 state or violation of a local ordinance substantially

1 corresponding to a violation of a penal law of this state that is
2 not a felony or a violation of an order, rule, or regulation of a
3 state agency that is punishable by imprisonment or a fine that is
4 not a civil fine, or both.

5 (e) "Treatment" means care or any therapeutic service,
6 including, but not limited to, the administration of a drug, and
7 any other service for the treatment of a mental illness.

8 Sec. 5f. (1) An individual who is licensed under this act
9 to carry a concealed pistol shall have his or her license to
10 carry that pistol in his or her possession at all times he or she
11 is carrying a concealed pistol.

12 (2) An individual who is licensed under this act to carry a
13 concealed pistol shall show both of the following to a peace
14 officer upon request by that peace officer:

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

16 (b) His or her driver license or Michigan personal identifi-
17 cation card.

18 (3) An individual licensed under this act to carry a con-
19 cealed pistol who is stopped by a peace officer shall disclose to
20 the peace officer that he or she is carrying a pistol concealed
21 upon his or her person or in his or her vehicle.

22 (4) An individual who violates subsection (1) or (2) is
23 responsible for a state civil infraction and may be fined not
24 more than \$100.00.

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

1 (a) For a first offense, by a fine of not more than \$500.00
2 or by the individual's license to carry a concealed pistol being
3 suspended for 6 months, or both.

4 (b) For a ~~second or~~ subsequent offense WITHIN 3 YEARS OF A
5 PRIOR OFFENSE, by a fine of not more than \$1,000.00 and by the
6 individual's license to carry a concealed pistol being revoked.

7 (6) If an individual is found responsible for a civil
8 infraction under this section, the court shall notify the depart-
9 ment of state police and the concealed weapon licensing board
10 that issued the license of that determination.

11 (7) A pistol carried in violation of this section is subject
12 to immediate seizure by a peace officer. If a peace officer
13 seizes a pistol under this subsection, the individual has 45 days
14 in which to display his or her license or documentation to an
15 authorized employee of the law enforcement entity that employs
16 the peace officer. If the individual displays his or her license
17 or documentation to an authorized employee of the law enforcement
18 entity that employs the peace officer within the 45-day period,
19 the authorized employee of that law enforcement entity shall
20 return the pistol to the individual unless the individual is pro-
21 hibited by law from possessing a firearm. If the individual does
22 not display his or her license or documentation ~~before the expi-~~
23 ~~ration of~~ WITHIN the 45-day period, the pistol is subject to
24 forfeiture as provided in section 5g. A pistol is not subject to
25 immediate seizure under this subsection if both of the following
26 circumstances exist:

1 (a) The individual has his or her driver license or Michigan
2 personal identification card in his or her possession when the
3 violation occurs.

4 (b) The peace officer verifies through the law enforcement
5 information network that the individual is licensed under this
6 act to carry a concealed pistol.

7 Sec. 5j. (1) A pistol training or safety program described
8 in section ~~5b(7)(n)~~ 5B(7)(C) meets the requirements for knowl-
9 edge or training in the safe use and handling of a pistol only if
10 all of the following conditions are met:

11 (a) The program is certified by this state or a national or
12 state firearms training organization and provides instruction in,
13 but is not limited to providing instruction in, all of the
14 following:

15 (i) The safe storage, use, and handling of a pistol includ-
16 ing, but not limited to, safe storage, use, and handling to pro-
17 tect child safety.

18 (ii) Ammunition knowledge, and the fundamentals of pistol
19 shooting.

20 (iii) Pistol shooting positions.

21 (iv) Firearms and the law, including civil liability issues
22 AND THE USE OF DEADLY FORCE. THIS PORTION SHALL BE TAUGHT BY AN
23 ATTORNEY OR AN INDIVIDUAL TRAINED IN THE USE OF DEADLY FORCE.

24 (v) Avoiding criminal attack and controlling a violent
25 confrontation.

26 (vi) All laws that apply to carrying a concealed pistol in
27 this state.

1 (vii) At least 8 hours of instruction, ~~including~~ THAT
2 INCLUDES AT LEAST 3 hours of firing range time AND FIRING AT
3 LEAST 30 ROUNDS OF AMMUNITION.

4 (b) The program provides a certificate of completion that
5 states the program complies with the requirements of this section
6 and that the individual successfully completed the course, and
7 that is signed by the course instructor.

8 (c) The instructor of the course is certified by this state
9 or a national organization to teach the 8-hour pistol safety
10 training course described in this section.

11 (2) A person shall not do either of the following:

12 (a) Grant a certificate of completion described under sub-
13 section (1)(b) to an individual knowing the individual did not
14 satisfactorily complete the course.

15 (b) Present a certificate of completion described under sub-
16 section (1)(b) to a concealed weapon licensing board knowing that
17 the individual did not satisfactorily complete the course.

18 (3) A person who violates subsection (2) is guilty of a
19 felony punishable by imprisonment for not more than 4 years or a
20 fine of not more than \$2,500.00, or both.

21 Sec. 5/. ~~(1)~~ A license to carry a concealed pistol is
22 valid for ~~3~~ 5 years and may be renewed in the same manner as
23 ~~the~~ AN original license. ~~was received, except as follows:~~

24 ~~(a) The renewal fee is \$35.00. The fee shall be payable to~~
25 ~~the county. The county treasurer shall deposit the fee in the~~
26 ~~general fund of the county.~~

1 ~~(b) For an individual~~ A PEACE OFFICER OR A FORMER PEACE
2 OFFICER who held a general nonrestricted license on July 1, 2001,
3 ~~and who was a peace officer or a former peace officer,~~ the edu-
4 cational requirements of section ~~5b(7)(n)~~ 5B(7)(C) are waived.
5 For an individual ~~licensed~~ WHO RENEWS A CONCEALED PISTOL
6 LICENSE on or after July 1, 2001, the educational requirements of
7 section ~~5b(7)(n)~~ 5B(7)(C) are waived except that the applicant
8 shall present a statement signed by the applicant certifying that
9 he or she has completed not less than 3 hours of review of the
10 training described under section ~~5b(7)(n)~~ 5B(7)(C) since
11 receiving his or her license, and that training included firing
12 range time in the 6 months immediately preceding his or her
13 renewal application. For any other individual licensed before
14 July 1, 2001 applying for the first time under this section to
15 renew his or her license to carry a concealed pistol, the educa-
16 tional requirements of section ~~5b(7)(n)~~ 5B(7)(C) are not
17 waived.

18 ~~(2) An individual licensed to carry a concealed pistol~~
19 ~~under this act on July 1, 2001 is eligible for a renewal license~~
20 ~~at the fee provided for under this section. This subsection~~
21 ~~applies regardless of whether the license was restricted.~~

22 Sec. 5o. (1) An individual licensed under this act to carry
23 a concealed pistol, or who is exempt from licensure under section
24 12a(f) OR (I), shall not carry a concealed pistol on the premises
25 of any of the following:

26 (a) A school or school property except that a parent or
27 legal guardian INCLUDING A CHILD CARE PROVIDER AUTHORIZED BY A

1 PARENT OR LEGAL GUARDIAN, of a student of the school is not
2 precluded from carrying a concealed pistol while in a vehicle on
3 school property, if he or she is dropping the student off at the
4 school or picking up the child from the school. As used in this
5 section, "school" and "school property" mean those terms as
6 defined in section 237a of the Michigan penal code, 1931 PA 328,
7 MCL 750.237a.

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

10 (c) A sports arena or stadium.

11 (d) A ~~dining room, lounge, or bar area of a premises~~ OR
12 TAVERN licensed under the Michigan liquor control code of 1998,
13 1998 PA 58, MCL 436.1101 to 436.2303, WHERE THE PRIMARY SOURCE OF
14 INCOME OF THE BUSINESS IS THE SALE OF ALCOHOLIC LIQUOR BY THE
15 GLASS AND CONSUMED ON THE PREMISES. This subdivision shall not
16 apply to an owner or employee of the ~~premises~~ BUSINESS.

17 (e) Any property or facility owned or operated by a church,
18 synagogue, mosque, temple, or other place of worship, unless the
19 presiding official or officials of the church, synagogue, mosque,
20 temple, or other place of worship permit the carrying of con-
21 cealed pistol on that property or facility.

22 (f) An entertainment facility that the individual knows or
23 should know has a seating capacity of 2,500 or more individuals
24 or that has a sign above each public entrance stating in letters
25 not less than 1-inch high a seating capacity of 2,500 or more
26 individuals.

1 (g) A hospital.

2 (h) A dormitory or classroom of a community college,
3 college, or university.

4 (2) An individual licensed under this act to carry a con-
5 cealed pistol, or who is exempt from licensure under section
6 12a(f), shall not carry a concealed pistol in violation of
7 R 432.1212 or a successor rule of the Michigan administrative
8 code promulgated pursuant to the Michigan gaming control and rev-
9 enue act, the ~~initiated law~~ INITIATED LAW of 1996, MCL 432.201
10 to 432.226.

11 (3) An individual who violates this section is responsible
12 for a civil violation ~~guilty of a crime~~ as follows:

13 (a) Except as provided in ~~subdivisions (b) and (c)~~
14 SUBDIVISION (B), the individual is responsible for a civil viola-
15 tion and may be fined not more than \$500.00. ~~The court shall~~
16 ~~order the individual's license to carry a concealed pistol sus-~~
17 ~~pending for 6 months.~~

18 (b) For a ~~second~~ SUBSEQUENT violation WITHIN 3 YEARS OF A
19 PRIOR VIOLATION, the individual is ~~guilty of~~ RESPONSIBLE FOR a
20 ~~misdemeanor punishable by a fine of~~ CIVIL VIOLATION AND MAY BE
21 FINED not more than \$1,000.00. ~~The court shall order the~~
22 ~~individual's license to carry a concealed pistol revoked.~~

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

1 Sec. 12a. The requirements of this act for obtaining a
2 license to carry a concealed pistol do not apply to any of the
3 following:

4 (a) A peace officer of a duly authorized police agency of
5 the United States or of this state or a political subdivision of
6 this state, who is regularly employed and paid by the United
7 States or this state or a subdivision of this state, except a
8 township constable.

9 (b) A constable who is trained and certified under the com-
10 mission on law enforcement standards act, 1965 PA 203, MCL 28.601
11 to 28.616, while engaged in his or her official duties or going
12 to or coming from his or her official duties, and who is regu-
13 larly employed and paid by a political subdivision of this
14 state.

15 (c) A person regularly employed by the department of correc-
16 tions and authorized in writing by the director of the department
17 of corrections to carry a concealed pistol during the performance
18 of his or her duties or while going to or returning from his or
19 her duties.

20 (d) A member of the United States army, air force, navy, or
21 marine corps while carrying a concealed pistol in the line of
22 duty.

23 (e) A member of the national guard, armed forces reserves,
24 or other duly authorized military organization while on duty or
25 drill or while going to or returning from his or her place of
26 assembly or practice or while carrying a concealed pistol for
27 purposes of that military organization.

1 (f) A resident of another state who is licensed by that
2 state to carry a concealed pistol.

3 (g) The regular and ordinary transportation of a pistol as
4 merchandise by an authorized agent of a person licensed to manu-
5 facture firearms.

6 (h) A person while carrying a pistol unloaded in a wrapper
7 or container in the trunk of his or her vehicle or, if the vehi-
8 cle does not have a trunk, from transporting that pistol unloaded
9 in a locked compartment or container that is separated from the
10 ammunition for that pistol from the place of purchase to his or
11 her home or place of business or to a place of repair or back to
12 his or her home or place of business, or in moving goods from 1
13 place of abode or business to another place of abode or
14 business.

15 (I) ANY OF THE FOLLOWING WHILE ON DUTY AS AUTHORIZED BY
16 LAW:

17 (i) A CORRECTIONS OFFICER OF A COUNTY SHERIFF'S DEPARTMENT.

18 (ii) A MOTOR CARRIER OFFICER OR CAPITOL SECURITY OFFICER OF
19 THE DEPARTMENT OF STATE POLICE.

20 (iii) A MEMBER OF A SHERIFF'S POSSE.

21 (iv) AN AUXILIARY OFFICER OR RESERVE OFFICER OF A POLICE OR
22 SHERIFF'S DEPARTMENT.